

STATE OF IDAHO       )  
                              : ss.               Monday, February 3, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**STAFF MEETING**

Present:               Pamela Eckhardt- County Clerk  
                              Rhonda Wixom- Jury Commissioner  
                              Donavan Harrington- County Assessor  
                              Dusty Whited- Public Works Director  
                              Jimmy Roberts- County Coroner  
                              Scott Reese- Emergency Services/Parks & Recreation  
                              Laraine Pope- Human Resource Director  
                              Jason Marlow- Building Maintenance  
                              Shawn Hill- Probation Department  
                              Cody Lewis- Treatment Court  
                              Jeff Gardner- Sheriff  
                              Jordyn Nebeker- Chief Deputy Sheriff  
                              Tanna Beal- County Treasurer  
                              Matt Galloway- IT Director  
                              Tiffany Olsen- Planning & Development Director  
                              Danette Miller- Elections Office  
                              Ryan Jolley- Prosecuting Attorney  
                              Laura Lora- Payroll/Indigent Services  
                              Julie Buck- Extension Office

Excused:               Sheri Landon- Court Supervisor  
                              Gordon Croft- Blackfoot Chief of Police

The Commissioners met with department heads and Elected Officials for the February 2025 Staff Meeting. Chairman Manwaring conducted the Staff Meeting.

Pledge of Allegiance: Commissioner Jackson conducted.

Approval of Minutes for Staff Meeting held in January 2025: There were no changes to be made. Therefore, the Staff Meeting Minutes for January were approved as written.

Special Presentation: None.

Safety Concerns: None.

Employee Years of Service Recognition: Chairman Manwaring recognized Tiffany Olsen for five (5) years of service to Bingham County and stated that he appreciates all that she does for the county. Tiffany is very detailed in her work and tracks the date, time and content of conversations held in order to reference if needed, which is helpful if there is an issue that occurs. Over the last few years there have been several controversial applications and Planning & Development has put in a lot time on those items.

Tiffany Olsen stated that it is an honor and privilege to work for Bingham County and that five (5) years has gone fast. Ms. Olsen stated she enjoys coming to work, enjoys seeing and working with her staff and is thankful for the support from the county. Prior to working for Bingham County, she worked for Bannock County and the City of Pocatello and although it is stressful and chaotic at times, Bingham County is by far the best job that she has had.

Jordyn Nebeker recognized Mike Johnson for fifteen (15) years of service to Bingham County. Mike Johnson is a Patrol Sergeant and is assigned to North Bingham County. Mike Johnson is a range master, provides firearm training, is a great leader and was one of the first individuals to be promoted to Patrol Corporal position when it was created. Chief Deputy Nebeker stated that he appreciates Mike Johnson and that he is a huge asset to Bingham County.

Clerk Eckhardt recognized Rhonda Wixom for five (5) years of service to Bingham County and stated that Rhonda is the Jury Commissioner. Rhonda works with the courts, pulls all jury members for each trial and maintains a jury pool of 4,500 people all year. Rhonda started one month prior to covid restrictions and when that occurred there were many requirements/restrictions to be followed pertaining to jury trials and Rhonda worked through those requirements. Rhonda also handles recording, marriage licenses, passports and works well with the public. Rhonda is welcoming and professional with the public.

Rhonda Wixom stated that she is grateful for the opportunity to work for Bingham County and that she came from a background of being self-employed. Rhonda stated that her dad worked for Bingham County for over twenty years and always said it was the best choice he made and she couldn't agree more. She thanked Clerk Eckhardt for being a great boss and mentor.

Chairman Manwaring: Stated that there is flooding occurring and that sandbags are available for free at the Central Transfer Station. Anyone going to get sandbags is asked to bring their own shovels.

Chairman Manwaring reminded each department head and elected official to make a list of how many county issued cell phones will be needed for their department, if each individual will be getting a new telephone number or if they would like to transfer their current phone number and provide that list to Lindsey Dalley as she is working with Matt Galloway to create a plan.

Commissioner Jackson: Stated that he attended the Idaho Association of Counties Conference and gave a brief review of the same.

Commissioner Jensen: Stated that he also attended the Idaho Association of Counties Conference, which was informative and he was glad to attend.

Clerk Eckhardt: Had no updates at this time.

Laura Lora: Had no updates at this time.

Donavan Harrington: Stated that he attended the Idaho Association of Counties Conference and it was nice to have the Legislators in attendance as well in order to work through issues and be up to date.

Dusty Whited: Had no updates at this time.

Jimmy Roberts: Stated that he attended the Idaho Association of Counties Coroners Conference and gave an update on the same.

Scott Reese: Reiterated that sandbags are available at the Central Transfer Station.

Jason Marlow: Had no updates at this time.

Laraine Pope: Stated that the County Benefits Fair will be held in Courtroom 3 on February 11, 2025 from 7:30 a.m., to 12:30 p.m. Ms. Pope also stated that the county now has a "Mothers Room" that is located on the second floor of the courthouse by the Veteran/Indigent Services Office.

Tiffany Olsen: Stated that development in Bingham County has not slowed down and 2024 was a record year with 103 new homes permitted, which is 9 more than in 2023. In January 2025, there were 23 permits issued, which is 6 more than January of 2024 and revenue was approximately \$10,000.00 more than in 2024.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated that Felony Drug Court Graduation will be held on February 25<sup>th</sup> and Misdemeanor Drug Court Graduation will be held on February 27<sup>th</sup>, both at 4:00 p.m.

Ryan Jolley: Had no updates at this time.

Jeff Gardner: Had no updates at this time.

Tanna Beal: Had no updates at this time.

Julie Buck: Stated that February will be her last month working for the Extension Office and that she will be retiring on February 28<sup>th</sup>. She stated that it has been an amazing experience and getting to work with everyone has been great.

Matt Galloway: Had no updates for the IT Department but if time is warranted after county updates, he would like to hold a brief discussion in regards to the purchase of a new county telephone system.

Danette Miller: Had no updates at this time.

A brief discussion was held in regards to the purchase of a new county telephone system and the two available options.

Commissioner Jackson stated next Staff Meeting is scheduled for Monday, March 3, 2025 at 8:30 a.m.

Nothing further.

#### DISCUSSION & DECISION IN REGARDS TO REQUEST SUBMITTED BY SHAWN HILL TO SEND 6 PROBATION OFFICERS AND 1 DEPUTY PROSECUTING ATTORNEY TO THE ALL RISE- RISE 25 NATIONAL DRUG COURT CONFERENCE AT THE END OF MAY 2025

Present:           Shawn Hill- Probation Department  
                  Mary Reyes- Probation Department

The Board met to make a decision in regards to the request to send six (6) Probation Officers and one (1) Deputy Prosecuting Attorney to the All Rise- Rise 25 National Drug Court Conference at the end of May 2025 in Kissimmee, Florida.

Mr. Hill explained that he discussed this training with Clerk Eckhardt and was informed that there are OPIOD Abatement Funds available for use and that they could be used to pay for the proposed individuals to attend the training. The total for seven (7) individuals to attend is \$20,740.00, which would include conference fees, flights, travel, lodging and per diem.

Mr. Hill stated that out of all the conferences that he has attended, this conference has been the most beneficial and that it would be a great use of funding.

Mr. Hill stated that if there are rooms available at a discounted rate, they will be booking the reservations and attending but if there are no rooms available at a discounted rate, they would not be attending as the cost for lodging is not feasible.

**Decision: Commissioner Jackson moved to continue this meeting in order to gather additional information from Clerk Eckhardt. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**REQUEST SUBMITTED BY BRANDY KING TO REMOVE BINGHAM COUNTY ORDINANCE 3-1-13 AND 3-1-15, WITH POTENTIAL DECISION**

Present: Kevin Macfee- Pinedale Lanes  
Brandy King- Pinedale Lanes  
Ryan Jolley- Prosecuting Attorney

The Board met to discuss the request submitted by Brandy King to remove Bingham County Ordinance 3-1-13 and 3-1-15, with potential decision.

Ms. King explained that Pinedale Lanes would like the ability to sell beer on Sundays like others can. Mr. Macfee stated currently they have to apply for a Sunday Exempt Permit, which includes a fee, each time they have a bowling tournament or another occasion. Chairman Manwaring referred to Idaho Code 23-1012 and 23-3308 (c), which states that the county can allow except if the occasion falls on Christmas Day.

Mr. Jolley stated that code does not allow for sales on Christmas and as far as operating hours, County Code is set to mirror State Code of Title 23. There are requirements that the county is obligated to have within its code. For example, the hours when beer can be sold is set by State Code, which is in Idaho Code Section 23-1012, which states that it is unlawful and a misdemeanor for any person in any place licensed to serve or sell beer to do so between the hours of 1:00 a.m., and 6:00 a.m., but does allow a county or a city to extend until 2:00 a.m., for selling. Most of what is located within County Code 3-1-13 and 3-1-15 are based upon State Code but there is an option to sell on Sunday which would need to be done by resolution or there could be a voter initiative on modifying code if the request is to sell alcohol on Sunday.

Mr. Jolley stated that he is opposed to extending the hours of selling to 2:00 a.m., due to the amount of DUI cases and fatalities that are related to alcohol.

Chief Deputy Jordyn Nebeker stated that he is in agreeance with Mr. Jolley and is also opposed to extending the hours of selling to 2:00 a.m., due to shift coverage and things changing drastically at the 2:00 a.m.

Chairman Manwaring stated that County Legal Counsel could look into specifics and come up with options for potential amendment.

No decision was made.

**CONTINUANCE OF DISCUSSION & DECISION IN REGARDS TO REQUEST SUBMITTED BY SHAWN HILL TO SEND SIX (6) PROBATION OFFICERS AND ONE (1) DEPUTY PROSECUTING ATTORNEY TO THE ALL RISE- RISE 25 NATIONAL DRUG COURT CONFERENCE AT THE END OF MAY 2025**

Chairman Manwaring confirmed with Clerk Pamela Eckhardt that there is available OPIOD Abatement Funding available for this use.

**Decision: Commissioner Jensen moved to approve the request from Shawn Hill to allow seven (7) individuals to attend the All Rise-Rise 25 National Drug Court Conference at the end of May 2025 in Florida, which will be paid for out of OPIOD Abatement Fund. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE OF HEAT PANELS FOR THE ELECTION DEPARTMENT STORAGE ROOM & BUILDING MAINTENANCE UPDATE

Present: Danette Miller- Election Department  
Jason Marlow- Building Maintenance Supervisor  
Ashley Marlow- Citizen

The Board met to receive updates pertaining to the Building Maintenance Department and the submitted Prior Approval for Major Purchase.

Discussion was held in regards to the submitted Prior Approval for Major Purchase of heat panels for Elections Department Storage room. Mr. Marlow explained that the county contract does not include heat panels for the area within the Election Storage room. The cost proposed by Headwaters Construction to purchase and install the heat panels was \$8,000. The submitted Prior Approval is to purchase the same panels directly from Lewis Co. and county maintenance department would install them on the ceiling. Said cost is in the amount of \$1,889.00 and is proposed to be paid from Fund: 01-10-494-00 (Building Maintenance- Repairs/Maintenance).

Ms. Miller explained that she has been into the storage room several times and it does not seem that the heat panels are actually needed at this time.

Discussion was held in regards to purchasing the heat panels to keep in stock in case they are needed in the future, especially due to the cost savings.

**Decision: Commissioner Jensen moved to approve the Prior Approval for Major Purchase of heat panels for maintenance in the amount of \$1,889.00, to be paid from Fund: 01-10-494-00 (Building Maintenance- Repairs/Maintenance). These panels would be kept in stock in the event they are needed in the future. Commissioner Jackson seconded. All voted in favor. The motion carried.**

DISCUSSION & DECISION REGARDING DELINQUENT TAXES FOR RP2168420- REQUESTED BY DONAVAN HARRINGTON- COUNTY ASSESSOR

Present: Donavan Harrington- County Assessor  
Ryan Jolley- Prosecuting Attorney

The Board met to hold discussion and make a decision in regards to the delinquent taxes for RP2168420.

Mr. Harrington explained that a subdivision was developed and in the process of doing so, the property owner gave the City of Shelley one of the lots and the stipulation was that the City of Shelley would develop this into a park. After several years, the property owner was discouraged with the City of Shelley as the park had not been developed and the City of Shelley deeded the property back to the property owner. The property was picked up on tax rolls based on the fact that the property is now in an individuals name and placed value on it.

Mr. Harrington stated that the property owner developed the park, shelter and a few other items and then deeded the property back to the City of Shelley.

A tax notice was sent to the City of Shelley in the amount of \$589.46, who has refused to pay the amount as the property went back and forth between parties and is now back in their name.

Mr. Harrington stated that he would recommend the cancellation of \$589.46 for RP2168420 for 2024.

The Board had no issues with the recommendation.

**Decision: Commissioner Jackson moved to excused the past due taxes for RP2168420 in the amount of \$589.46. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**REQUEST SUBMITTED BY GEOBITMINE TO DISCUSS EXPIRED LEASE AND POTENTIAL RENEWAL AND REQUEST FOR EXTENSION OF DEADLINE TO REMOVE GEOBITMINE EQUIPMENT OFF OF COUNTY PROPERTY.**

Present: Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor  
Dusty Whited- Public Works Director  
Alicia Atkinson- GeoBitmine  
Ryan Jolley- County Legal Counsel  
Mark Bair- Citizen  
Via Zoom: Bill Punkoney- GeoBitmine  
Aaron Symbolik- GeoBitmine  
Tommy Jorgensen- GeoBitmine  
Teresa McKnight- REDI  
Mercy Manning- In support of GeoBitmine

The Board met to hold discussion in regards to the request submitted by GeoBitmine to discuss the expired lease and potential renewal and request for extension of deadline to remove GeoBitmine equipment off of county property. Chairman Manwaring welcomed all to the meeting and introductions were held.

Jay Jorgensen read a letter to the Board into the record and added that GeoBitmine is passionate about this project and GeoBitmine knows that the county has shown them so much faith and have shown excitement about this project over that past couple of years. Mr. Jorgensen stated that GeoBitmine would like to continue the project and that he and his team have spent the last three (3) months going from city to city meeting with major companies in regards to this project. At this time Mr. Jorgensen stated that he and his team request that the county consider allowing GeoBitmine to move forward with this project.

Chairman Manwaring stated that when this project was proposed he was excited and it has been unfortunate that there have been issues with investors, issues with the floodplain and elevation issues, power, electrical and lastly the misunderstanding in regards to due date in order to have the 90-day extension signed and notarized. Chairman Manwaring referred to the Commission Minutes from December 20, 2024, which states "Chairman Manwaring stated on the 90-day extension of the Lease Agreement, Jay Jorgensen will need to sign the document prior to 5:00 p.m., on December 31, 2024. Jay Jorgensen stated that he will fly in prior to the 1<sup>st</sup> of January, 2025 to sign said document. Commission Clerk, Lindsey Dalley, noted the same and will have the necessary document ready for his signature. Jay Jorgensen again confirmed that he would fly in prior to that date".

Chairman Manwaring stated that deadline was not met and therefore the County Commissioners and County staff held an Executive Session, which ended in the Board rendering a decision to not proceed and end any future dealings with GeoBitmine due to the issues that have occurred. On January 14, 2025, an email was received from Tommy Jorgensen stating, "On behalf of GeoBitmine LLC, and the recent notice to vacate the property and the current lease from Bingham County and the inability to meet the January 1<sup>st</sup> meeting to remove the equipment due to extreme weather conditions and that the equipment is currently froze in place due to below freezing temperatures, making removal both dangerous and potential damage to property. GeoBitmine would kindly request an extension until March 30, 2025, to remove any equipment from County property".

Chairman Manwaring stated this project has gone on for some time and there have been several issues with requirements not being met and that the county team has put a lot of time into this project. Chairman Manwaring stated that he is not sure of the status on investors for the project and project description because the primary use of the property used is Agriculture. Chairman Manwaring asked Mr. Jorgensen if there are investors on board for a data processing center. Mr. Jorgensen stated there is a lot of interest generated from multiple companies and there was one company that came to the table who is extremely

excited to be involved and is the supplier of all chips to most data centers, along with one specific power company who has expressed desire. Mr. Jorgensen stated previously the pilot was bitcoin and now will be recycling waste heat using modular containers but with AI processing chips rather than bitcoin. Mr. Jorgensen stated they are in the final calculations with one particular company and have had several meetings.

Mercy Manning, employee of one of the largest data center companies in America, who has shown a lot of interest in investing into this project and community. Ms. Manning stated that her employer is always looking for ways to advance their sustainability, design and efficiency, which is how they came in contact with Mr. Jorgensen and GeoBitmine. Her employer came to GeoBitmine based on their searching for ways to be more efficient, which would include ways to reuse waste heat into a secondary use.

Chairman Manwaring asked how the infrastructure for the new project is compared to that with what was previously done with bitcoin. Mr. Jorgensen stated that it would be the same amount of power as previously and is still modularized deployment, instead of having separate containers, same footprint and plans. It will be a three (3) acre greenhouse and on that pad will still be a modularized deployment. GeoBitmine has brought on two major partners to be able to complete this project and they will be flying in and hiring locally. These companies are very established in the waste heat recovery and liquid directed chip cooling and they have built data centers for many companies. All partners will work closely with Bingham County.

Further information was held in regards to data centers and if there was information stating that they would interrupt the power grid, to which Mr. Jorgen stated there is a lot of information available as far as how data centers with in tandem with the power companies. Mr. Jorgensen stated because the project is six (6) megawatts, it is relatively small in comparison to what any other data center would be and GeoBitmine has what is called a demand response program set up with Rocky Mountain Power. That means that GeoBitmine is willing to curtail and shut power back during peak demand in the event of hot days or cold days.

Commissioner Jensen asked if this project will still take the same amount of energy similar to 10,000 homes, wherein Mr. Jorgensen stated that a megawatt is about 1,000 homes and therefore the project would be equivalent to 6,000 homes.

Commissioner Jackson stated that he has no questions and that he was very excited about this project originally but over the past two (2) years he has changed his mind on the ability of putting our county citizens at risk. Commissioner Jackson stated that he was relieved when the lease expired and that it was a good thing that the county was able to get away from this project without any further damage. When the lien was placed on county property he was extremely concerned and he was worried about how he would explain that to the citizens of Bingham County. There has been an undue workload put on our county staff to the amount that he does not know how they would continue doing that with so many other large projects and workloads. At this time, he stated that he would not be in favor of proceeding with the project, he would withdraw his support and does not wish to continue with GeoBitmine.

Commissioner Jensen stated that he is in agreeance with Commissioner Jensen and stated that when he became Commissioner in November it was startling to him to become advised of the lien that was placed on county property. When it was approved to give GeoBitmine a 90-day extension, it was crystal clear that the rent amount was to be paid, the 90-day extension document was to be signed and Proof of Liability Insurance was to be provided, which was not completed as promised. Therefore, he is not willing to support this project any further.

Mr. Jorgensen stated that the lien was put on county property due to an error on behalf of their contractors not paying a supplier. GeoBitmine did pay the contractor and that lien was taken care of within 30 days. Mr. Jorgensen stated additionally when GeoBitmine received instructions to get the payment processed and extension document notarized, that was his fault as a company. This was occurring during the holidays, he attempted to get the document notarized but could not because he was in California. Mr. Jorgensen asked if he could pay for the lease amount over the phone or if he could send other staff to pay the amount but was told that he could not until the 90-day Extension was signed and notarized. Mr. Jorgensen stated after

the holidays, on January 2, 2025, he was able to fly into Nevada to get a Professional Notary, to change the documentation of the 90-day Lease Extension from the State of Idaho to the State of Nevada and to have the documentation legally signed. Mr. Jorgensen stated this was extremely important to him and that he was doing everything that he could to get the requirements completed but it could not be done until January 2<sup>nd</sup>. Ms. Atkinson stated that she would like to reiterate that this conversation was one that was held between Jay and a county employee, who she believed was Tiffany Olsen. Mr. Jorgensen stated that was correct and that it was via text message, who informed him that he did not need to fly in but that he just needed the document notarized and emailed. Ms. Olsen confirmed the same.

Commissioner Jensen stated that he believes that there have been so many lose ends that the county team has chased and all were in favor of moving on from the project and not renewing the lease.

Chairman Manwaring referred to input from Commissioner Jackson and Commissioner Jensen where they have stated they are in opposition of continuing with this project, he does feel bad but this has gone on for two years and the project is not where it is supposed to be. Therefore, Chairman Manwaring stated the Board would stand with their previous decision.

Chairman Manwaring stated he feels as though this project is at a crossroad because the main project originally proposed was the bitcoin and greenhouse. Now there has been explanation of other details. Therefore, he stated that he would like input from Commissioner Jackson and Commissioner Jensen, if they would be open to hearing the presentation for a datacenter and greenhouse because he feels as this is a different project.

Commissioner Jackson stated that he would be open to listening to another plan but keep the county limited to what the county should be partners with or invested with. To him this is a great opportunity but it is a Commercial operation and the county should not be involved. He stated that he would be concerned about other companies stating that the county is using tax dollars to compete against others.

Commissioner Jensen stated that he would like clarification on a few things such as what would be the benefit to the county other than collection of lease funds, wherein Chairman Manwaring added that it is a greenhouse making fruits and vegetables to local grocery stores and will provide local jobs which are a few things that stuck out to him.

Mr. Jorgensen gave a brief explanation on how much employees would be paid and how those salaries would be paid. Mr. Jorgensen stated that previously the name for the company would have been GeoFarms but the project would now be something else.

Bill Punkoney, Attorney for GeoBitmine, stated that GeoBitmine could work to mitigate the risk and that they would do anything in their power to not have an issue, such as the lien being placed, again but that is something that comes with development. Mr. Punkoney stated GeoBitmine wants to put the proof of concept for the first time in Bingham County and get it on the tax rolls.

Commissioner Jensen stated if he votes to proceed, he knows that the county team has felt like they have had to do a lot of hand holding on this project and he would like to be reassured that will not be an issue in the future.

Mr. Jorgensen stated that he agrees and that the new project is more funded by a large company and that they would be bringing in the experts to assist with the project. Mr. Jorgensen stated that he is not a qualified general contractor, however, he did work with the budget that he had at the time.

Mark Bair asked Mr. Jorgensen what the total investment amount that will be done on this project that will be placed onto the tax roll. Mr. Jorgensen stated several hundred million. Chairman Manwaring stated that will have to be researched, where the property is county owned property.

Commissioner Jensen stated in light of the new information received, he would like to receive presentation of the new business model.



Chairman Manwaring stated there was a vote by the Board that the county would no longer proceed with the GeoBitmine project but in his mind with the new information received, he believes it is an entirely different project and GeoBitmine has the right to request a meeting before the Board to present.

Chairman Manwaring stated in reference to GeoBitmine currently on the subject property, an extension was requested for March 30, 2025, in order to allow the weather to warm up. Commissioner Jensen and Commissioner Jackson were also in favor of allowing the extension to March 30, 2025.

Ms. Olsen stated that she would like to be sure that all parties are reminded that the structures currently placed are issued under Temporary Building Permits and are only allowed to remain for a time period of six (6) months, wherein the deadline is April 3, 2025. Those structures will need to be moved prior to that date according to Building Code and their temporary permitted status. Chairman Manwaring asked if there is an option to give an extension on a Temporary Building Permit, wherein Ms. Olsen explained that she could review the International Building Code. She believes that this was asked previously to the Building Official and the answer was no there was not option for an extension.

Ms. Olsen would also like to add that the structures do not meet the Flood Plain Standards and that they do not have completed Flood Elevation Certificates and as there have been warmer temperatures, all should be mindful that, according to FEMA's designation, the subject area has a propensity to flood.

Chairman Manwaring stated April 3<sup>rd</sup> is not too far from March 30<sup>th</sup> and therefore he has no issue with approving an extension and in the meantime GeoBitmine will request a separate meeting before the Board to present their new business plan.

Ms. Olsen stated that she would like to remind the Board that the county did not receive the required proof of insurance from GeoBitmine for this period of time. Therefore, the subject property with their assets is not proved to be insured at this time. Mr. Jorgensen stated that document is within his email and that it just needs an electronic signature and could be provided to the county.

Ryan Jolley stated so long as the proof of liability insurance is provided that should suffice for the period of time in which their equipment is being moved. Mr. Jolley voiced his concerns and stated as GeoBitmine is coming back to present the new business plan to the Board of County Commissioners, they should keep in mind that this is zoned Agriculture and the project that description that he has heard during this meeting, would require a rezone to Commercial and a Conditional Use Permit. Mr. Jolley stated that he does not believe that what has been described today would fit under the Agriculture exemption. Mr. Jolley stated that the Board would need to be convinced that the proposed business plan would fit under the Agriculture exemption when the presentation is made and there are code sections which outline the requirements to be met.

Gwen Inskeep, County Surveyor, voiced her concern and stated that the data center seems to be more of the primary use rather than Agriculture, especially where most of the revenue generated will be from the data center. Mr. Jorgensen stated that there would be no revenue generated from the data center, only a source of heat. Until the project has been proven, this project will not be a revenue generating project.

Bill Punkoney stated if GeoBitmine can get a lease for the term of one (1) year, there is permitting that has to occur before GeoBitmine can proceed with project and all of the questions as to if this project will be an agriculture use or not, that can be addressed through the normal land use process but trying to evaluate this now seems premature as the plans are not in front of the Board and county staff right now. Mr. Punkoney stated the preliminary step would be to enter into a lease between GeoBitmine and Bingham County, that will minimize the county's exposure but allows GeoBitmine to have the real estate to proceed with the project. Mr. Punkoney stated the risk to the county at this point is very low.

Mr. Jolley stated the reason why the zoning designation is a concern is that there were so many violations that occurred during the course of the prior lease, where they had the wait and see approach that turned into a lot of unpermitted and unregulated activity taking place that cannot occur. Therefore, that is why the

plans need to be set out in detail because again, there was an unpermitted electrical box placed and other actions taken with building construction and things of that nature. Mr. Jolley stated that he would expect to see a detailed plan prior to any approval being rendered by the Board.

Nothing Further.

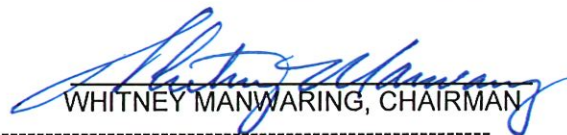
**Decision: Commissioner Jackson moved to approve an extension to the deadline for GeoBitmine to remove any property from Bingham County property, to March 30, 2025. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**Commissioner Jensen moved to require GeoBitmine to provide a Certificate of Insurance by Friday, February 7, 2025 at 4:00 p.m. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY FEBRUARY 4, 2025

  
PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Tuesday, February 4, 2025  
County of Bingham    )

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PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

REQUEST BY HLE, INC., ON BEHALF OF SCOTT CHIDESTER FOR A ONE-TIME EXTENSION OF ONE-YEAR TO RECORD THE FINAL PLAT FOR THE SAND DUNES AND DUCK PONDS SUBDIVISION PURSUANT TO BINGHAM COUNTY CODE SECTION 10-14-5 (e)

Present:               Tiffany Olsen- Planning & Development Director  
                              Spence Ward- HLE Inc

The Board met to discuss the request submitted by HLE, INC., on behalf of Scott Chidester for a one-time extension of one-year to record the Final Plat for the Sane Dunes and Duck Ponds Subdivision pursuant to Bingham County Code Section 10-14-5(e).

Ms. Olsen stated that Bingham County Code Section 10-14-5(e) allows Developers or Applicants to request an extension of one (1) year, from the required two (2) year timeframe, from the time that Preliminary Plat is awarded, which in this case was February 21, 2023, to when the Development should be recorded with a Final Plat, if there is an extenuating circumstance. In this case, there was a request submitted by the Applicant's engineering firm stating that groundwater was discovered during the test hole digging and in order to monitor, they will need to continue through spring when water is flowing.

If approved, the new deadline would be February 21, 2026. In the event the Final Plat is not recorded by that date, the Application is void and would need to be reapplied for.

The Board had no concerns.

**Decision: Commissioner Jackson moved to grant the request submitted by HLE, INC., on behalf of Scott Chidester for a one-time extension of one-year to record the Final Plat for the Sand Dunes and Duck Ponds Subdivision pursuant to Bingham County Code Section 10-14-5 (e). Commissioner Jensen seconded. All voted in favor. The motion carried.**

**APPROVAL OF H&M SUBDIVISION FINAL PLAT**

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve and sign the Final Plat for H&M Subdivision.

**Decision: Commissioner Jensen moved to approve and sign the Final Plat for H&M Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**PLANNING & DEVELOPMENT UPDATE**

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to receive updates within Planning & Development, which include upcoming Planning & Zoning Commission items, update on department meetings held and upcoming meetings.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY FEBRUARY 5, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Wednesday, February 5, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**CASH WARRANTS**

One Cash Warrant was approved in the amount of \$5,100.00.

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims and Administrative Documents for February 5, 2025. Commissioner Jackson seconded. All voted in favor. The motion carried.**

## APPROVAL OF TAX INQUIRY DOCUMENTS SUBMITTED BY THE COUNTY ASSESSOR

The Board met to approve Tax Inquiry Documents submitted by the County Assessor, which were as follows:

MH0545718                      Year 2024              Mobile Home was double assessed

**Decision: Commissioner Jackson moved to approve and sign the Tax Inquiry documents submitted by the County Assessor. Commissioner Jensen seconded. All voted in favor. The motion carried.**

## SHERIFFS OFFICE

Present:              Jeff Gardner- Sheriff  
                 Jordyn Nebeker- Chief Deputy Sheriff  
                 Kris Talbot- Detention Sergeant  
                 Darrell Fellows- Detention Lieutenant  
                 Jason Marlow- Building Maintenance

The Board met to receive updates from the Sheriffs Office and to address the submitted Change Order pertaining to the jail expansion project, specifically for RFI 54 hallway heaters.

**Decision: Commissioner Jensen moved to approve the Change Order for RFI 54 hallway heaters for the jail expansion in the amount of \$6,530.69, which it so be paid from PILT (Fund: 50-00-559-00). Commissioner Jackson seconded. All voted in favor. The motion carried.**

Sheriff Gardner gave an update on inmate population and current legislative items.

## PUBLIC WORKS

Present:              Dusty Whited- Public Works Director  
                 Troy Lenhart- Road & Bridge Supervisor

The Board met to receive updates from the Public Works Department and to address other agenda items.

Discussion was held in regards to the Right-of-Way Contract for the bridge located on 1400 North, wherein Mr. Whited explained this contract is in regards to a bridge project occurring. Mr. Whited stated this is a state funded project and this contract is the last to be signed.

**Decision: Commissioner Jensen moved to sign and approve the Right-of-Way Contract with Dalling Land and Livestock for the bridge located on 1400 North. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the Samara Contract for cameras to be installed inside county trucks and graders. Mr. Whited explained that there was a presentation provided to the Board several weeks ago and there was good discussion held. There will be thirty-nine (39) cameras in dump trucks, light vehicles, eleven (11) cameras in motor graders and the graders are more expensive because they will have two (2) cameras and seven (7) cameras for the walking floor trailers in Solid Waste. These cameras can be accessed and viewed at any time. The proposed contract is a thirty-six (36) month term.

Mr. Whited stated that he did receive quotes and demonstrations from several companies but Samsara was the best option for Bingham County.

This contract was reviewed by Legal Counsel and the only concern that he had was in regards to the retention time period but could be addressed at a later date, as the equipment will not be installed and operational for at lease one (1) month.



**Decision: Commissioner Jackson moved to approve and sign the three (3) year Contract with Samsara in the amount of \$22,272.00 per year, to be paid out of the capital fund and once the budget is opened, funding can come from reserves. Commissioner Jensen seconded. All voted in favor. The motion carried.**

Discussion was held in regards to county surplus items to be sent to auction, specifically one (1) lawn mower and one (1) van that was previously used by the Extension Office. The Board was in favor of both items being sent to auction at Blue Mule since it is located within Bingham County.

**Decision: Commissioner Jensen moved to allow Public Works to take the surplus items, one (1) van and one (1) lawnmower, to Blue Mule as it is located within the county. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, the Board reviewed the Treatment Program Maps for 2025.

**Decision: Commissioner Jackson moved to approve and sign the Treatment Program Maps for 2025. Commissioner Jensen seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the prior approval for major purchase of a crusher liner. Said purchase is in the amount of \$6,763.62 and is to be paid from Fund: 02-46-491-01 (Road & Bridge- Equipment Maintenance).

**Decision: Commissioner Jackson moved to approve the prior approval for major purchase of a crusher liner. Said purchase is in the amount of \$6,763.62 and is to be paid from Fund: 02-46-491-01 (Road & Bridge- Equipment Maintenance). Commissioner Jensen seconded. All voted in favor. The motion carried.**

Discussion was held in regards to the proposed purchase of a two (2) new Kenworth Dump Trucks and two (2) Williamson beds, to be purchased from Public Works reserves. Originally the funding would be paid from the capital fund until the budget is opened in order for funds to be moved to the proper fund. Said purchase is for the total amount of \$484,463.92.

**Decision: Commissioner Jensen moved to approve the Prior Approval for Major Purchase of two (2) Kenworth Dump Trucks and two (2) Williamson beds. Said purchase is in the amount of \$484,463.92, which is to be paid out of the capital fund until the budget is opened to move funds out of the reserves. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the proposed purchase of one (1) used asphalt paver. Mr. Whited explained this purchase would also come from the Reserve fund but in the meantime would come out of the capital fund. Mr. Whited stated that there would be \$56,000 for trade in value.

**Decision: Commissioner Jensen moved to approve the purchase of a 1055 CAT Paver in the amount of \$200,000.00, after inspection by Public Works, also giving Mr. Whited the ability to sign the contract. Said purchase is to be paid for out the heavy equipment line item and once the budget is open funding will be moved from reserves. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### **MEETING WITH TRAIL CREEK PROPERTY MANAGEMENT TO RECEIVE AN UPDATE ON COUNTY OWNED RENTAL HOMES**

Present: Jason Marlow- Building Maintenance  
Karrie- Trail Creek Property Management

The Board met with Karrie from Trail Creek Property Management to receive an update on county owned rental homes.

The rental located at 48 Airport will be vacant on February 10<sup>th</sup>. Once that is done Jason Marlow will look at the house to see what will need to be fixed. The rent for this house is \$1,295.00 per the recollection of Trail Creek Property Management. The Board concurred that the rent could be increased to \$1,300.00.

In regards to the rental home located at 503 North Oak, rent is currently \$1,100.00 and discussion was held in regards to a potential increase in the amount of rent, to which it was proposed to increase \$50.00 now and increase another \$50.00 in 6 months.

A brief discussion was held in regards to increasing the deposit amount if something needs to be fixed, as the cost to repair has increased. The Board was in agreeance to increase the deposit amount and gave Trail Creek Property Management the authority to increase at their discretion.

Nothing Further.

## HUMAN RESOURCES

Present: Laraine Pope- Human Resources

The Board met with Laraine Pope, Human Resources Director, to discuss updates within Human Resources, which included current recruitments, new hires and recent resignations.

## IT DEPARTMENT

Present: Matt Galloway- IT Director

The Board met with Matt Galloway, IT Director, to discuss updates within the IT Department and other agenda items.

Discussion was held in regards to the submitted prior approval for major purchase of a UPS and power system upgrade. Said purchase is in the estimated amount of \$57,000.00 to \$60,000.00, which is to be paid from funds as follows:

Fund: 01-14-680-0002 (IP Phone Upgrade)	\$25,000.00
Fund: 01-14-804-0000 (Capital- Computers)	\$32,000.00

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of UPS and Power System Upgrade in the estimated cost of \$57,000.00 but not to exceed \$60,000.00. Said purchase is to be paid as follows:**

**01-14-0680-0002 (IP Phone Upgrade) \$25,000.00  
01-14-0804-0000 (Capital- Computer) \$32,000.00.**

**Commissioner Jensen seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the submitted prior approval for major purchase of Adobe Annual Renewal. Said purchase is in the amount of \$3,730.00 and is to be paid by each department who utilizes any Adobe Licenses.

**Decision: Commissioner Jackson moved to approve the prior approval for major purchase of Adobe Annual Renewal. Said purchase is in the amount of \$3,730.00 and is to be paid by each department who utilizes any Adobe Licenses. Commissioner Jensen seconded. All voted in favor. The motion carried.**

Next, discussion was held in regards to the submitted prior approval for major purchase of Box.com subscriptions, which will upgrade from 3 basic licenses to 12 enterprise plus licenses, which is for cloud file

share service. Said purchase is in the amount of \$3,845.61, which is to be paid from Fund: 01-14-524-0001 (IT Department- Software Renewals).

**Decision:** Commissioner Jensen moved to approve the prior approval for major purchase of Box.com which will upgrade from 3 basic licenses to 12 enterprise plus licenses, which is for cloud file share service. Said purchase is in the amount of \$3,845.61, which is to be paid from Fund: 01-14-524-0001 (IT Department- Software Renewals). Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 7, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, February 7, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### CLAIMS

Claims were approved in the amount of \$323,546.82.

#### PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

New Employee Status Sheet:	Solid Waste Truck Driver
	Detention Deputy
Salary Increase Form:	Senior Mechanic
	Truck Driver
	Truck Driver
	Detention Deputy
	Patrol Deputy
	Patrol Sergeant
	Detention Deputy
	Drivers License Examiner
	Motor Vehicle Specialist

**Decision:** Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for February 7, 2025. Commissioner Jensen seconded. All voted in favor. The motion carried.

BUILDING MAINTENANCE- PRIOR APPROVAL

Present: Jason Marlow- Building Maintenance Supervisor

The Board met to discuss the submitted prior approval for major purchase of two (2) garage door openers for the Sheriffs Office sally port. Said purchase is in the amount of \$1,410.00 and is to be paid from Fund: 01-10-506-00- (Building Maintenance- Jail Repairs).

**Decision: Commissioner Jensen moved to approve the prior approval for major purchase of two (2) garage door openers for the Sheriffs Office sally port. Said purchase is in the amount of \$1,410.00 and is to be paid from Fund: 01-10-506-00- (Building Maintenance- Jail Repairs). Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY, FEBRUARY 10, 2025

  
PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )

: ss.

Monday, February 10, 2025

County of Bingham )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT: Chairman Manwaring  
Commissioner Jackson  
Commissioner Jensen  
Lindsey Dalley- Commission Clerk

**DISCUSSION & DECISION REGARDING REQUEST FOR USE OF COUNTY CONFERENCE ROOM OR COURTROOM FOR THE REPUBLICAN CENTRAL COMMITTEE MEETINGS**

Present: Jeff Gardner- County Sheriff  
Pamela Eckhardt- County Clerk  
Ryan Jolley- Prosecuting Attorney

The Board met to discuss and make a decision regarding the request for use of county conference room or courtroom for the Republican Central Committee meetings.

Chairman Manwaring stated that the Board met approximately one (1) year ago in regards to this matter and allowing individuals to use rooms or courtrooms for meetings or trainings. The Republican Central Committee members are elected positions and it was decided by the Board that any business would be county related and there was no issue with the request to hold Annual/Quarterly Board Meetings or trainings, within a courtroom or Sheriffs Office Conference Room.

Sheriff Gardner stated that it has been requested to use the Sheriffs Officer Conference/Training Room tomorrow night. There were no issues from the Board.

Ryan Jolley stated there is always concern with being sure that that courthouse will not turn into a public forum area and anytime that a member of the public or a political organization, to hold a meeting in the



courthouse, it may then open the door for other entities to do the same. Where the request is assured to be a meeting of elected positions involving the county, he does not believe there is an issue.

**Decision: Commissioner Jensen moved to allow the Republican Central Committee to hold annual/quarterly meetings within the Courthouse, as they are elected positions. If the Democratic Committee requested to do so, they would be approved as well. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### TREASURERS OFFICE

Present: Tanna Beal- County Treasurer  
Pamela Eckhardt- County Clerk

The Board met with Tanna Beal to discuss updates within the Treasurers Office.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 12, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.       Wednesday, February 12, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### JAIL INSPECTION

The Board of County Commissioners attended the Jail Inspection with Chief Deputy Sheriff Jordyn Nebeker. At the conclusion of said inspection, the Board of County Commissioners approved and signed the Quarterly Jail Inspection Report per Idaho Code Section 20-622.

#### EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 9:05 a.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 9:16 a.m.

**Decision: Commissioner Jackson moved to approve that Human Resources send out the Request for Donated PTO countywide for a Sheriffs Office employee, as she does not qualify for FMLA. Commissioner Jensen seconded. All voted in favor. The motion carried.**

## PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Derrick Going- Solid Waste Supervisor  
Bill Jones- Snake River Sanitation  
Jami Jones- Snake River Sanitation  
Gwen Inskeep- County Surveyor

The Board met with Dusty Whited to discuss updates within Public Works and other agenda items.

Discussion was held in regards to holiday hours of the Central Transfer Station, wherein Bill Jones stated his concern is the day before a holiday the Central Transfer Station closes at Noon, which is challenging for his company drivers, Snake River Sanitation, to dump any garbage after closing occurs, therefore he has trucks that are in his yard full with trash and cannot be dumped which is a fire hazard. Mr. Jones stated that he can dump garbage in any other county the day before for the hours set for that day. Snake River Sanitation trucks are only allowed to enter the Central Transfer Station in Bingham County within one hour of closing and that causes an issue. Mr. Jones reiterated that there is no other county that does this and if he has a truck that burns down due to not having the ability to dump, it is on him. He cannot state that Bingham County Central Transfer Station is not open.

Commissioner Jackson asked Mr. Jones how many days out of the year that the county does this, wherein Mr. Whited explained the Holiday Hours for Bingham County and how it compares to Bannock County, Bonneville County, Madison County, Jefferson County and Franklin County. Mr. Jones again reiterated that his company has no issues with surrounding counties but where they haul to Bingham County every day, they would hope there would be something that could be planned in order to cure the issue.

Mr. Whited stated on the holidays that Bannock County is closed, if they close at 2:00, Bingham County has to close at Noon in order to get garbage loaded into the trailers and hauled to Bannock County prior to their closing.

Derrick Going stated if the Central Transfer Station does not close early those days, they do not have anywhere to haul the garbage. Mr. Going stated they have had to dump bins out to place household waste in because it cannot be left on the floor and eventually the county runs out of places to put the waste. Mr. Whited stated unfortunately to some degree it comes down to who would assume that liability. If the county loads its trailers, it can be disconnected and pulled from a trailer that is on fire and save the truck but the trailer could not be saved and would burn. Ms. Jones stated that they would be willing to have their drivers to dump the waste into a roll off bins and they would have an employee come back and help dump the bin on the floor once the Central Transfer Station is open but they need a place to dump the waste on those days.

Chairman Manwaring asked Derrick Goings if there are bins available for that, to which he stated at times there is but normally not.

Chairman Manwaring stated that Mr. Whited could speak with Bannock County about remaining open when they state they will be open, due to the issues. Ms. Jones stated if needed, they would be happy to speak with them as well.

Commissioner Jackson asked how many roll off bins it would take to accommodate the garbage from Snake River Sanitation, to which Ms. Jones stated maybe two full trucks. Mr. Going stated it would take approximately four (4) roll off bins to accommodate the waste from two (2) full trucks. Mr. Jones stated that he would be willing to bring two (2) of his bins over to the Central Transfer Station on those days to assist. Mr. Whited asked Mr. Jones why he could not just leave bins in his yard and dump into them there, to which Mr. Jones states that he cannot legally dump on his property.

Chairman Manwaring stated that the county could contact Bannock County about the days that they state they are open but close early. Chairman Manwaring suggested potentially one county employee and Mr. Jones could address this matter with Bannock County as it is affecting everyone.

Commissioner Jackson asked if the county were to have four (4) roll off bins, would the county employees still be able to have 2 days off and would there be 1 or 2 people needed to keep the scales open, to which Mr. Whited stated that it would be the Commissioners decision and that there would be more overtime paid. Ms. Jones stated that a full crew should not be needed as it would only be for a few more hours.

Chairman Manwaring confirmed that they could have all trucks to the Central Transfer Station by 4, to which Ms. Jones confirmed.

Mr. Whited asked Mr. Going if the Central Transfer Station were to remain open for a few additional hours on those two days per year, if they would have enough bins. Mr. Going stated that they may have to haul a few bins from Rattle Snake or Aberdeen Landfill or if one should be purchased, they are approximately \$9,000.00. Commissioner Jackson asked if that would be the better route to go and that way the county is in control of the situation rather than worrying about Bannock County remaining open like they should be. Mr. Whited stating that dumping into bins is still going to be a significant amount of work, to which Mr. Jones stated that he would be willing to assist with that if it is for bins that Snake River Sanitation is taking to the Central Transfer Station. Mr. Whited state if that were to occur, there would still need to be Bingham County employees present.

Mr. Jones stated they could continue operating as they are currently but they should not have to and would rather have the ability to work with the county to come up with a solution that will work for both parties. Chairman Manwaring stated there have been a couple of options discussed and he does not have an issue talking to Bannock County about remaining open when they state they will be open. Chairman Manwaring stated that there are a few things to be researched before making a decision because in his mind it would make more sense if on those two days discussed, the county stayed open for the few extra hours for commercial haulers.

Mr. Whited stated that he would put together a plan as to how many employees would be needed and the cost to remain open for a few extra hours on Christmas Eve and New Year's.

Nothing Further.

Next, discussion was held in regards to the county installing fence along county owned property at the end of 700 North, wherein Mr. Whited explained that he received a request from a citizen that has property that adjoins County property. From the end of 700 North, almost to the river, there is a 50-foot-wide strip that was never developed into a road but is county property.

Mr. Whited stated it is not prescriptive easement as there is no road there but the county owns the property. The individual that lives in the south side of the property is requesting that the county fence the property line. The other individual on the north side is fencing the portion, at his own cost.

Mr. Whited stated the portion to be fenced is approximately 350 feet and in pricing posts and fencing, the cost would be approximately \$1,000 for the materials.

Chairman Manwaring stated that he has no issue but would be more inclined to split the cost with the citizen.

Mr. Whited stated that he would like to render a lot of cleanup prior to fence being installed. It could be proposed that the county would provide the cleanup and the citizen could pay to install fencing or pay 50/50.

Commissioner Jensen and Commissioner Jackson concurred.

**Decision: Commissioner Jensen moved to approve and direct Mr. Whited to make arrangements with the landowner of 50/50 or another approach so that cost is fair to both parties. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE THE BISHOP ESTATES SUBDIVISION PRELIMINARY PLAT, WITH CONDITIONS**

Present: Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor  
Dusty Whited- Public Works Director  
Kristine Callister- Citizen  
Randy Gneiting  
Pam Watson  
Tony Watson  
Tanner Stenquist

The Board held a meeting to receive the Planning & Zoning Commissions recommendation to approve the Bishop Estates Subdivision Preliminary Plat, with conditions. Chairman Manwaring welcomed all to the meeting and introductions were held on the record.

Chairman Manwaring declared a conflict and recused himself from any decision making on the Bishop Estates Subdivision Application.

Ms. Olsen presented Staff Report for the record.

The Board reviewed the record from the Planning & Zoning Commission Public Hearing held on September 11, 2024, which is comprised of:

1. Exhibits to the Staff Report:
  - S-1: Planning & Zoning Commission Staff Report
  - A-1: Application for Subdivision Plat
  - A-2: Bishop Estates Concept Plan Narrative- Sunrise Engineering
  - A-3: Plat
  - A-4: Warranty Deed & Quitclaim Deed
  - A-5: Guarantee- Old Republic National Title Insurance Company
  - A-5A: Revised Guarantee- Old Republic National Title Insurance Company
  - A-6: Custom Soil Resource- United States Department of Agriculture
  - A-7: IDWR- Well Information Summary
  - A-8: Stormwater Control Plan
  - A-9: Riverside Canal Company
  - S-2: Aerial Map
  - S-3: Zoning & Subdivision Map
  - S-4: Comprehensive Plan Map
  - S-5: Area of Impact Map
  - S-6: School District Map
  - S-7: Utilities Map
  - S-8: Irrigation Provider Map
  - S-9: GIS Map
  - S-10: Notice of Posting- Addie Jo Jackman
  - S-11: Site Photos
  - S-12: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
  - S-13: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman
  - S-14: Property Owner List & Notice of Mailing- Addie Jo Jackman

S-15: Preliminary Plat- Boots-N-Roses Estates  
 S-16: Planning & Zoning Commission Meeting Minutes- Boots-N-Roses Estates- Held August 14, 2019  
 S-17: Planning & Zoning Commission- Reason & Decision- Boots-N-Roses Estates- Held August 14, 2019  
 S-18: Preliminary Plat- Boots-N-Roses Estates  
 S-19: Board of County Commissioners Meeting Minutes- Held October 22, 2019  
 S-20: Reason & Decision- Board of County Commissioners- Held October 22, 2019  
 S-21: Letter to withdraw application for proposed Boots-N-Roses Subdivision- dated December 30, 2019

2. Planning & Zoning Commission Meeting Exhibits & Minutes from September 11, 2024 and Planning & Zoning Commission sign in sheet for September 11, 2024.
3. All Information and Testimony presented at the Commissions Public Hearing on September 11, 2024.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on October 11, 2024.

The Board reviewed the record from the Planning & Zoning Commission Public Hearing held on December 12, 2024, which is comprised of:

5. Exhibits to the Staff Report:
  - S-1A: Planning & Zoning Commission Staff Report
  - A-2A: Bishop Estates Preliminary Plat Supplemental Narrative- Sunrise Engineering
  - A-3A: Preliminary Plat
  - S-10A: Notice of Posting- Addie Jo Jackman
  - S-12A: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
  - S-13A: Blackfoot/Snake River Government Agency Notice & Notice of Mailing- Addie Jo Jackman
  - S-14A: Property Owner List & Notice of Mailing- Addie Jo Jackman
6. Planning & Zoning Commission Meeting Exhibits & Minutes from December 11, 2024 and Planning & Zoning Commission sign in sheet for December 11, 2024.
7. All Information and Testimony presented at the Commissions Public Hearing on December 11, 2024.
8. Planning & Zoning Commission Reason & Decision, signed by Chairman William Aullman on January 21, 2025.

**A. REQUESTED ACTION:** Uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision. At the September 11, 2024 Planning & Zoning Commission Public Hearing property owners, The Ned & Barbara Gneiting Living Trust, and Developers, Intermountain Development & Construction LLC, requested to create 35-Lot residential subdivision, zoned "R/A" Residential/Agriculture, within the City of Blackfoot Area of Impact, with lots ranging in size from 1.00 to 1.88 acres. The Bingham County Comprehensive Plan Map has this parcel designated as Residential Agriculture which is in conformance with the Application and is subject to comply with Title 10 Chapter 14 *Subdivision Regulations*.

## REASON

Based on the entire record and Staff Report, the Board of County Commissioners finds:

- a. The Board found that the Subdivision Application met the recommendation for Conditions of approval that would minimize adverse conditions; and

- b. The Board found that the Subdivision Application met the reasons for recommending the approval; and
- c. The Board found that the proposed subdivision to be consistent with the Comprehensive Plan; and
- d. The Board found that the availability of public or private services to accommodate the proposed subdivision; and
- e. That the public financial capability of supporting services for the proposed subdivision; and
- f. Any other health, safety, or environmental problems that may be brought to the commission's attention; and
- g. The recommendations of a city of the proposed development is located within a City of Impact Area or within one mile of a city not having a valid impact area; and

Commissioner Jensen asked Tiffany Olsen, Planning & Development Director, if the Application is approved as presented would they hold the right for at a future date to extend water for the city and it is not implemented in the decision.

Ms. Olsen stated the Board would review the Application as presented today and it would be set based upon what that determination is.

Commissioner Jensen asked if in the future, water needs to be extended, would an easement be needed, wherein Ms. Olsen stated that an easement could potentially be needed. Ms. Olsen explained at any time services are rendered to be closer to the development, the Department of Water Resources and the Department of Public Health, have their own regulations on when connections can be encouraged or required, which is outside the county's purview. Ms. Olsen stated for instance if the Application is approved without a sewer connection and three (3) years from now the sewer connection is within 200 feet of a property line in the development, the Department of Public Health may not approve an individual septic system because it is now within that Idaho Code Section that states it needs to require. Based upon the location of current infrastructure today, the request is for individual connections.

Commissioner Jackson asked what the cost would be to add the water line in order to hookup to services now before installing the roads versus after the roads are installed.

Ms. Olsen stated the quote within the Application materials stated the cost of the lot with an individual well, the purporting is \$96,967.77. The total cost to the end user is \$112,791.27. If there was a connection to the water service, the cost is listed as \$127,448.38. If looking at each lot, the cost would be approximately \$14,700.00 per lot more to connect to the water system.

Commissioner Jackson stated that there is a need for affordable housing in the county and the Board is trying to be economically feasible but also uphold safety.

Commissioner Jensen confirmed with Ms. Olsen that it was an increase of approximately \$14,000.00 per lot to connect to the water system and asked if it was a wash between that connection and drilling a well. Ms. Olsen stated the Applicant provided that they felt like the construction of an individual well is approximately \$15,800.00.

Ms. Olsen stated in the event it is determined that connection to the sewer system is not feasible and should not be required, she would recommend and encourage that the Board follow the Department of Environmental Quality's recommendations for the Applicant to perform a level one pathogen evaluation to demonstrate that the combined septic systems from the subdivision will not cause ground water quality standards to exceed the proposed lot density. Ms. Olsen stated that is something that the Applicant's engineer had referred to being completed and that there should not be an issue. Ms. Olsen stated if the Board chooses to uphold the decision as it is currently provided in the recommendation, that would not be necessary.

## DECISION

Commissioner Jensen moved to uphold the decision of the Planning & Zoning Commission to approve the Bishop Estates Subdivision consisting of thirty-five (35) residential lots located North and West of 206 N. 400 W., Blackfoot, Idaho, in a Residential/Agriculture zoning designation, subject to the following condition placed by the Planning & Zoning Commission and one added condition:

1. The subdivision lots connect to Groveland Water and Sewer District's sewer system.

Newly added condition:

1. The subdivision lots connect to Groveland Water and Sewer District's water system, due to the cost of being comparable between drilling a well or connecting to the water system.

Commissioner Jackson seconded. Both voted in favor. The motion carried.

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a Zone Change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

MEETING WITH MARNIE SPENCER, UNIVERSITY OF IDAHO, TO DISCUSS THE EXTENSION EDUCATOR POSITION FOR UNIVERSITY OF IDAHO EXTENSION, WITH POTENTIAL DECISION

Present: Marnie Spencer- University of Idaho  
Laraine Pope- Human Resources Director

The Board met with Marnie Spencer, University of Idaho, to discuss the Extension Educator position for the University of Idaho Extension, with potential decision.

Ms. Spencer explained that Julie Buck would be retiring the end of February and therefore, she is seeking support from the Board to fill the position. Ms. Spencer proposed having Carmen Willmore as the County Chair and proceeding with filling the position that Julie Buck is vacating as far as an extension educator in family consumer science.

Ms. Spencer explained that Carmen Willmore would be the liaison between the Extension Office and the County, would be involved with any hiring, attend Staff Meetings, signing financial claims and approving timesheets.

The Board had no concerns.

**Decision:** Commissioner Jensen moved to approve the proposal of Marnie Spencer, University of Idaho, to appoint Carmen Willmore as the County Chair, with responsibilities of 5% Scholarship, 15% Service and 80% Extension. Commissioner Jackson seconded. All voted in favor. The motion carried.



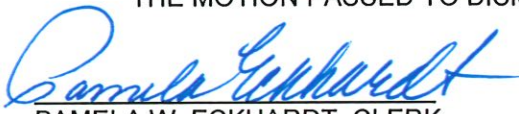
## TAX INQUIRY DOCUMENTS

The Board met to approve Tax Inquiry Documents submitted by the County Assessor, which were as follows:

MH048319A	Year 2024	Homeowners Exemption was not added to the parcel
RP8022900	Year 2024	Mobile home was double assessed
RP7058606	Year 2024	Homeowner signed up for Homeowners Exemption in 2024

**Decision: Commissioner Jensen moved to approve the Tax Inquiry Documents submitted by the County Assessor. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 14, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.       Friday, February 14, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

## CLAIMS

Claims were approved in the amount of \$229,318.22.

## PERSONNEL ACTION FORMS

The Board met to approve Personnel Action Forms, which were as follows:

Salary Increase Form:	Deputy Clerk/Jury Commission/ Recorder Circuit Breaker Clerk Administrative Assistant/Commissioners Patrol Sergeant Circuit Breaker Clerk
New Employee Status Sheet:	Deputy Coroner

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for February 14, 2025. Commissioner Jackson seconded. All voted in favor. The motion carried.**



## APPROVAL OF COMMISSIONER MINUTES JANUARY 21-31, 2025

The Board met to approve and sign Commission Minutes for January 21-31, 2025. Chairman Manwaring confirmed with Commissioner Jackson and Commissioner Jensen that they had reviewed the proposed minutes and had no changes. Both confirmed.

**Decision: Commissioner Jackson moved to approve and sign Commission Minutes for January 21-31, 2025, as written. Commissioner Jensen seconded. All voted in favor. The motion carried.**

## DISCUSSION REGARDING THE JOB DESCRIPTION FOR PARK MANAGER POSITION AND APPROVAL TO ADVERTISE- REQUESTED BY SCOTT REESE- PARKS & RECREATION

Present: Scott Reese- Parks & Recreation  
Laraine Pope- Human Resources Director

The Board met to hold discussion in regards to the job description for the Parks Manager position and the request to advertise the same.

Ms. Pope explained that there were two small additions made, which were to require simple bookkeeping and good record keeping, Customer Service principles and basic computer skills. Other than that, the job description remains the same and is offered at an N2, Step 1 (\$12.62).

**Decision: Commissioner Jensen moved to approve the changes made to the Park Manager job description and proceed with advertising the position at an N2, Step 1 (\$12.62). Commissioner Jackson seconded. All voted in favor. The motion carried.**

## REQUEST SUBMITTED BY CHIEF RANDY ADAMS FOR GRUBBING, HAULING AND GRAVEL FOR THE NEW LOCATION OF THE SHELLEY FIRTH FIRE STATION

Present: Chief Randy Adams- Shelley Firth Fire  
Ryan Jolley- Prosecuting Attorney

The Board met to discuss and make a decision in regards to the submitted request for assistance with grubbing, hauling and gravel for the new location of the Shelley Firth Fire Station.

Chairman Manwaring explained that he pulled the minutes from the last time the county assisted with Shelley Fire Station, wherein it was approved to assist 2700 pit run, 1600 cubic yards of reject, ¾ minus and grubbing.

Chief Adams explained that the building will be close to the same footprint and therefore the request should be similar to what was previously approved for the Shelley Fire Station but does not have the specifics right now. Chief Adams stated that the Engineer is trying to work through the amount that will be needed.

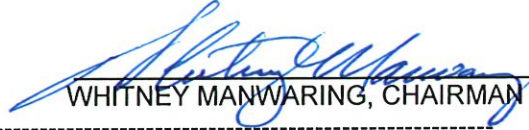
Ryan Jolley stated pursuant to Idaho Code Section 31-808(9), it allows the county to grant or exchange with other taxing districts when in the benefit of the citizens and this is a huge benefit to the citizens. Therefore, he has no concerns.

Decision: Commissioner Jackson moved to preliminary approve to assist the Shelley Firth Fire Station with pit run, reject or ¾ minus and grubbing of the site. Chief Adams will provide the exact amount that will be needed at a later date. Commissioner Jensen seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, FEBRUARY 18, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Tuesday, February 18, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**PUBLIC HEARING TO RECEIVE PUBLIC TESTIMONY REGARDING A NEW ORDINANCE TITLED AGRICULTURE PROTECTION AREA AND COMMISSION, AS BINGHAM COUNTY CODE TITLE 2, "BOARDS AND COMMISSIONS", CHAPTER 2**

Present:

The Board held a Public Hearing to receive public testimony regarding a new ordinance titled Agriculture Protection Area and Commission, as Bingham County Code Title 2, "Boards and Commissions", Chapter 2. Chairman Manwaring welcomed all to the meeting and introductions were held for the record.

Tiffany Olsen presented Staff Report at this time and reviewed a summary of the ordinance, which is to be published upon approval.

There were no questions for county staff and Chairman Manwaring opened public testimony.

Chairman Manwaring called for testimony in favor, which there was none.

Chairman Manwaring called for testimony in neutral, which there was none.

Chairman Manwaring called for testimony in opposition, which there was none.

The meeting was closed to public testimony and the Board held deliberation.

Commissioner Jackson stated that he has no concerns as the proposed ordinance has been discussed previously and he is in favor.

Commissioner Jensen stated that he too is in favor of the proposed ordinance and has no concerns.

Chairman Manwaring confirmed that a summary of the Ordinance will be published in order to save on costs and that the summary met all requirements.

**Decision: Commissioner Jackson moved to approve Bingham County Ordinance 2025-3, an ordinance of Bingham County, a political subdivision of the State of Idaho, to enact new regulations within Bingham County Code Title 2 "Boards and Commissions" Chapter 2 "Agricultural Protection Area and Commission" as required by Idaho Code Title 65 Chapter 97 "Agricultural Protection Area Act", providing that this ordinance shall be in full force and effect as of its passage, approval, and publication according to law. Commissioner Jensen seconded. All voted in favor. The motion carried and said Ordinance was approved as follows:**

Instrument # 768502

BINGHAM COUNTY

2-19-2025 11:58:21 AM No. of Pages: 6

Recorded for : BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy



**BINGHAM COUNTY ORDINANCE 2025-03**

**TITLE 2 "BOARDS AND COMMISSIONS"  
CHAPTER 2 "AGRICULTURAL PROTECTION AREA AND COMMISSION"**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO ENACT NEW REGULATIONS WITHIN BINGHAM COUNTY CODE TITLE 2 "BOARDS AND COMMISSIONS" CHAPTER 2 "AGRICULTURAL PROTECTION AREA AND COMMISSION" AS REQUIRED BY IDAHO CODE TITLE 65 CHAPTER 97 "AGRICULTURAL PROTECTION AREA ACT", PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Board of County Commissioners are tasked with providing for the health, safety, and general welfare of the citizens of Bingham County; and

WHEREAS, one of the primary and essential services provided by Bingham County is the power to enact ordinances; and

WHEREAS, during the 2024 Legislative Session, the Idaho State Legislature enacted House Bill 608, adding a new Chapter 97, Title 67, Idaho Code ("Agricultural Protection Area Act", or the "Act") which establishes a new Agricultural Protection Area ("APA") designation through which farmers, ranchers, and forest landowners may apply to the County to set their lands aside for future agricultural use for terms consisting of twenty (20) years; and

WHEREAS, each county in Idaho is required by the Act to adopt an Agricultural Protection Area ordinance. Additionally, each county is required by the Act to appoint an Agricultural Protection Area Commission to receive, review, and process Agriculture Protection Area applications and provide recommendations to the Bingham County Board of County Commissioners for final action; and

WHEREAS, the Board held a Public Hearing on February 18, 2025 to receive the testimony on the proposed APA Ordinance. At the conclusion of the Public Hearing, the Board found the proposed Ordinance reasonably necessary, in the interest of the public, is in conformance with the new law, and should be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY, BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1: Bingham County Code Title 2 Chapter 2 shall read as follows:

**AGRICULTURAL PROTECTION AREA AND COMMISSION**

**2-2-1: Purpose**

The Agricultural Protection Area (APA) is a designation established to provide a voluntary process through which agriculture and timber producers of Bingham County may make an application to

commit lands actively devoted to agriculture for future agricultural use. An APA designation aims to protect productive farmland, rangeland, and forest land; promote farm viability; support the local agricultural economy; and provide for long-term planning stability. This area encourages proactive planning to support the economic and cultural benefits of working lands while respecting the property rights of landowners.

#### **2-2-2: Definitions**

A. This section identifies and provides the interpretation and meaning of terms and words used in this Chapter.

1. **Agriculture Production:** means activities or conditions conducted on land actively devoted to agriculture as defined in Idaho Code Section 63-604 or on forest land as defined in Idaho Code Section 63-1701.
2. **Agriculture Protection Area (APA):** means specific parcels of land in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.
3. **Agriculture Protection Area Commission:** means the advisory board to the governing body created pursuant to Idaho Code Section 67-9705.
4. **Applicant:** means anyone who owns five (5) acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of Idaho Code Sections 63-604 and 63-1701 and who voluntarily applies for that land to be part of an Agriculture Protection Area.
5. **Area of City Impact (AOI):** area designated by county ordinance where city growth and development are expected to occur.
6. **Hardship:** means a situation or circumstance over which a landowner in an Agriculture Protection Area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.
7. **Proposal:** means written documents submitted to a governing body or Agriculture Protection Area commission from a landowner regarding their property.

#### **2-2-3: APA Commission**

A. The Board of County Commissioners shall appoint at least three (3) and no more than five (5) members to the Agriculture Protection Area Commission to serve for a term of three (3) years. Members shall be actively employed by or supporting production agriculture as further defined in Idaho Code Section 67-9705. Agriculture Protection Area Commission members shall serve in an advisory role and have the following responsibilities:

1. Review and make recommendations on Agriculture Protection Act applications; and
2. Assess and report on the agricultural needs of the County.

B. The Board of County Commissioners may remove members of the Agriculture Protection Area Commission at any time, with or without cause. Agriculture Protection Area Commission members serve in a volunteer capacity without pay, benefits, or other compensation.

#### **2-2-4: Creation and Designation of Agricultural Protection Areas**

An Agriculture Protection Area is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

1. At least five (5) contiguous acres;
2. Actively devoted to an agricultural or forest purpose;
3. Assessed as agriculture or forest land with a current agricultural exemption;
4. Located within a zone that allows for agricultural or forest use;
5. Not within an Area of City Impact;
6. Located outside any areas that have been subdivided as defined in Title 10 Chapter 14 of Bingham County Code.

#### **2-2-5: Content of Application**

A. Landowners wishing to establish an Agriculture Protection Area designation must apply to the Planning and Development Department in a format and content prescribed by the Department Director. If an Application is determined by the Planning and Development Department to not meet the criteria above or is in any other way incomplete, it cannot be accepted by the Department. At a minimum, the application shall include the following:

1. The landowner and applicant's name, phone number, email, and mailing address;
2. Proof of land ownership;
3. The legal description of the parcels, structures, and facilities proposed to be included in the Agriculture Protection Act;
4. A map showing the boundaries of the proposed Agriculture Protection Act;
5. A letter of intent addressing all application criteria including reasons for seeking an Agricultural Protection Act designation, the current contiguous acres of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the Agricultural Protection Area, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;
6. A copy of any easements on the property and a map showing their location;
7. A statement from Bingham County Public Works Department, Forest Service, private owner(s), or Idaho Department of Transportation for any roadway, driveway or easement that crosses the property that approval will not have a negative impact on future transportation plans of their current rights of way or easement; and
8. Soil surveys, water rights, and any other relevant environmental assessments on the property.

**2-2-6: Review Process:**

A. Upon receipt of a completed application, the Planning and Development Director shall schedule a meeting with the Agriculture Protection Area Commission within sixty (60) days of receiving the application. The hearing shall follow the notice and hearing procedures of Idaho Code Section 67-6509.

B. The Application shall be evaluated on the following criteria:

1. The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural or forest production as defined in Idaho Code Sections 63-604 and 63-1701;
2. Proximity to an existing area of city impact;
3. Possible conflict with existing city annexation or development plans or agreements;
4. Proximity to existing public rights of way, planned transportation corridors, improvements, or future public rights of way;
5. Proximity to existing or planned utility locations;
6. Proximity to planned airport expansion or development;
7. Proximity to planned development with existing entitlements;
8. Compatibility and consistency with existing development patterns, Comprehensive Plan designations, zoning designations, or planned development with land use entitlements;
9. Agricultural production capability of the land within the proposed area;
10. Soil classification, water rights and usage, and any effect on provisions of essential services to the requested Agriculture Protection Area land or nearby land; and
11. Other local impacts relevant to the proposed Agriculture Protection Area.

C. Notwithstanding the criteria and review process outlined in this code, the Board of County Commissioners may place additional conditions on lands designated as an Agriculture Protection Area, including, but not limited to, setbacks from existing public rights of way, setbacks from existing public structures, and a review of the land's Agriculture Protection Area designation prior to the expiration of the designation.

D. Once the Agriculture Protection Act Commission makes its recommendation to the Board of County Commissioners, the Board shall hold a public hearing and issue its decision within 60 days. Failure to make a decision shall render the Agriculture Protection Act Commission's recommendation final. The Board of County Commissioner's decision shall include findings and facts supporting its decision.

E. Upon making its decision, the Board of County Commissioners shall:

1. Record the designation of an Agriculture Protection Act, a legal description of the area, and any findings and facts with the County Clerk and Recorder within ten (10) days; and
2. Notify relevant public officials and agencies of the designation.

**2-2-7: Expansion or Modification of an Agriculture Protection Area**

An expansion, modification, or removal of an existing Agriculture Protection Act shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an Agriculture Protection Act shall be contiguous to the Agriculture Protection Act.

**2-2-8: Early Termination for Undue Hardship**

A landowner wishing to terminate an Agriculture Protection Area must request in writing a meeting with the Board of County Commissioners. The meeting request shall include a proof of hardship and be submitted to the Planning and Development Director. Early termination of the Agriculture Protection Act shall only occur upon the proving by the landowner of an undue hardship as defined in this code. The landowner seeking to terminate an Agriculture Protection Act bears the burden of proof in demonstrating the hardship. Early termination of an Agriculture Protection Act is not taken lightly and will be carefully considered.

**2-2-9: Enrollment Duration and Review**

Lands designated as an Agriculture Protection Act will remain so designated for a period of twenty (20) years. If the landowner desires to continue with the Agricultural Protection Area, no action on the part of the landowner is necessary and the Board of County Commissioners shall automatically renew the Agricultural Protection Area for another twenty (20) years. The Clerk of the Board of County Commissioners shall record the renewal of the Agricultural Protection Area pursuant to Idaho Code Section 67-9707. A landowner wishing to end an approved Agriculture Protection Act designation after twenty (20) years must notify the Board of County Commissioners in writing of their desire not to renew the land's Agriculture Protection Act designation.

**2-2-10: Land Use and Regulatory Limitations****A. Protection of Agricultural Use**

1. Continuity of Agricultural Operations: The Board shall not enact local laws, ordinances, or regulations that restrict farm structures or practices within an Agricultural Protection Area designation unless they conflict with recognized farming practices or the current agricultural zoning designation.
2. Zoning Amendments: The Board shall not change the agricultural zoning designation for land within an Agricultural Protection Area designation without the written permission of the landowner.

**B. Exemptions and Limitations**

1. Nuisance Protections: Agricultural activities within an Agricultural Protection Area designation are exempt from local nuisance laws if conducted in accordance with generally recognized farming practices.
2. Eminent Domain: Land within an Agricultural Protection Area designation is protected from condemnation except for the expansion or maintenance of existing highway rights-of-way or as otherwise provided by state law.
3. Unless otherwise approved by the Board, the following land uses are not allowed within an Agricultural Protection Area designation:
  - a. Confined animal feeding operations (CAFO);
  - b. Residential subdivisions;



- c. Industrial or large-scale commercial business not directly related to agriculture;
- d. Solar or wind energy, battery storage and other energy infrastructure not directly supporting agricultural operations;
- e. Mining and/or resource extraction (ex. mining, gravel pits, or other extractive industries);
- f. Landfills/hazardous waste disposal sites; and
- g. Other nonagricultural land uses.

#### 2-2-11: Fees

An application fee shall be required to cover administrative costs, including, but not limited to, reviewing materials, conducting public meetings and hearings, processing and recording documents, and updating county land use maps.

#### 2-2-12: Enforcement

A. Enforcement: Board of County Commissioners or acting Code Enforcement Officer shall be responsible for enforcing the provisions of this ordinance. Any person found to be in violation of this code shall be guilty of a misdemeanor and punishable as provided in Idaho Code Section 18-113.

Section 2: Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions and they shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 18<sup>th</sup> day of January, 2025.

BOARD OF COUNTY COMMISSIONERS  
BINGHAM COUNTY, IDAHO



*Whitney Manwaring*  
Whitney Manwaring, Chairman

*Erick Jackson*  
Erick Jackson, Commissioner

*Drew Jensen*  
Drew Jensen, Commissioner

Attest: *Pamela Eckhardt*  
Pamela W. Eckhardt  
County Clerk

## PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director

The Board met to receive updates within the Planning & Development Division, which included upcoming meetings and the Building Division.

## DISCUSSION & DECISION REGARDING HIRING OF COUNTY CIVIL ATTORNEY

Present: Ryan Jolley- Prosecuting Attorney  
Laraine Pope- Human Resources Director  
Pamela Eckhardt- County Clerk

The Board met to hold discussion and make a potential decision regarding hiring if a County Civil Attorney.

Ryan Jolley explained that he has received an application from the previous Prosecuting Attorney who has been employed with the INL until recently. This individual has the highest security clearance and therefore, he would like to request the Board to approve waiving the background check for this employee.

Mr. Jolley stated if this individual is hired he would like to leave the posting for Criminal/Civil Deputy Prosecutor. Mr. Jolley stated that he has also received another application from an individual that resides back east but has not had the time to review the application.

Discussion was held in regards to salary to be offered and the potential compaction with current Deputy Prosecuting Attorneys.

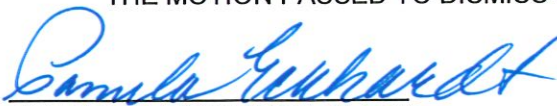
The Board was in favor of waiving the background check for the individual that submitted an application, leave the Criminal/Civil Deputy Prosecutor position posted, give Ryan Jolley the latitude to offer an N32, Step 4 (\$94,587.85) and the other two Deputy Prosecuting Attorney's to be increase to an N32, Step 4 (\$94,587.85) and the newest Deputy Prosecuting Attorney to be increased to N31, Step 1 (\$86,561.28). The salary of the Chief Deputy Prosecuting Attorney would be addressed during budget planning.

Chairman Manwaring confirmed with Laraine Pope, Human Resources Director, that she had no concerns in regards the proposal.

Chairman Manwaring stated the he spoke with Clerk Eckhardt in regards to funding this proposal and there is the appropriate funding.

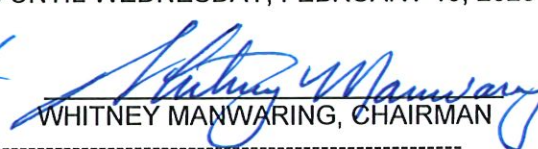
**Decision: Commissioner Jensen moved to approve waiving the background check for the individual that submitted an application, due to the security clearance this individual has from his previous job, leave the Criminal/Civil Deputy Prosecutor position posted, give Ryan Jolley the latitude to offer an N32, Step 4 (\$94,587.85) and the other two Deputy Prosecuting Attorney's to be increase to an N32, Step 4 (\$94,587.85) and the newest Deputy Prosecuting Attorney to be increased to N32, Step 2 (\$89,158.12). The salary of the Chief Deputy Prosecuting Attorney will be addressed during budget planning. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 19, 2025



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Wednesday, February 19, 2025  
County of Bingham     )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**APPROVAL OF TAX INQUIRY DOCUMENTS SUBMITTED BY THE COUNTY ASSESSOR**

The Board met to approve and sign Tax Inquiry documents submitted by the County Assessor, which were as follows:

RP1106500               Year 2024           This parcel was missed and should have been tax exempt

**Decision: Commissioner Jackson moved to approve the Tax Inquiry documents submitted by the County Assessor. Commissioner Jensen seconded.**

**APPROVAL OF BINGHAM COUNTY RESOLUTION 2025-07- A RESOLUTION REGARDING THE DESTRUCTION OF ELECTION RECORDS MAINTAINED BY THE CLERK'S OFFICE**

The Board met to approve and sign Bingham County Resolution 2025-07, a resolution regarding the destruction of Election records maintained by the Clerk's Office.

**Decision: Commissioner Jensen moved to approve and sign Bingham County Resolution 2025-07. Commissioner Jackson seconded. All voted in favor. The motion carried and said resolution was signed as follows:**

BINGHAM COUNTY RESOLUTION 2025-7

RESOLUTION REGARDING THE DESTRUCTION OF ELECTION RECORDS  
MAINTAINED BY THE CLERK'S OFFICE

WHEREAS the Bingham County Clerk has requested permission to destroy certain election records; and,

WHEREAS Idaho Code §31-871 empowers the Board of County Commissioners with the responsibility for classifying records for purposes of retention and destruction; and

WHEREAS Idaho Code §34-217 specifically addresses election records; and

WHEREAS the Bingham County Clerk has represented that the records for which destruction is sought pertain to matters which have been concluded for the designated period of time allowed in the above-referenced sections of the Idaho Code; and

WHEREAS none of the records for which destruction is requested are required to be kept by the County permanently and indefinitely pursuant to Idaho Code §31-709.

THEREFORE, it is hereby resolved:

That the following records may be disposed of pursuant to Idaho Code §34-217(1) (a-g) as being at least five years, from the date the records were created:

**March 12, 2019 and November 5, 2019 Combination Election Record and Poll Books; Correspondence relating to an elector's voter registration**

That the following years of Voter Registration Cards (2018 and 2019) may be disposed of pursuant to Idaho Code §34-217(1) (a-g) as being at least five years, from the date the records were created:

**Cancelled or Purged Voter Registration Cards**

That the following November 8, 2022 General Election and Creation of the North End Recreation District Election records may be disposed of pursuant to Idaho Code §34-217(2) (a-g) as being at least two years, from the date the records were created:

**Completed absentee ballot request forms; tally books; voted ballots; any ballots that were required to be duplicated before being counted; certified lists of candidates or declaration of candidacy forms from special districts used for ballot preparation; certified ballot language from special districts for any question placed on the ballot; absentee ballot affidavit envelopes, including the indication of the signature's acceptance or rejection; ballot stubs; correspondence relating to an elector's voter registration; logic and accuracy test ballot decks; write-in packets; test ballots; oaths; and transport carrier logs.**

That the following August 29, 2023 Shelley Joint School District Levy Election and Bonneville Joint School District Special General Obligation Bond Election records may be disposed of pursuant to Idaho Code §34-217(3) (a-f) as being one year from the date the records were created:

**Notice of election; personal identification affidavits; ballot tracking logs; automated tabulation election logs; receipt of supplies; copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; record of the number of ballots printed and furnished to each polling place; and oath of challenge forms.**

That the following November 7, 2023 General Consolidated Election records may be disposed of pursuant to Idaho Code §34-217(3) (a-f) as being one year from the date the records were created:

**Notice of election; personal identification affidavits; ballot tracking logs; automated tabulation election logs; receipt of supplies; copy of the election definition and program used in tabulating ballots electronically and in the ballot marking device; record of the number of ballots printed and furnished to each polling place; and oath of challenge forms.**

That the following May 21, 2024 Primary Election records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

**Correspondence relating to an elector's unused ballots, spoiled ballots, stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, voter lists, duplicate poll books and test ballots.**

That the following November 5, 2024 General Presidential Election records may be disposed of pursuant to Idaho Code §34-217(4) as being at least sixty (60) days from the date the records were created:

**Correspondence relating to an elector's unused ballots, spoiled ballots, stamps, voter sequence charts, absentee voted ballot envelopes, supply envelopes, locks, voter lists, duplicate poll books and test ballots.**



Furthermore, such records may be destroyed after February 19, 2025.

Signed and dated this 19<sup>th</sup> day of February, 2025.


ATTEST:


  
Pamela W. Eckhardt, Clerk



BINGHAM COUNTY COMMISSIONERS

  
WHITNEY MANWARING, Chairman

  
ERIC JACKSON, Commissioner

  
DREW JENSEN, Commissioner

APPROVAL OF BINGHAM COUNTY RESOLUTION 2025-08, A RESOLUTION REGARDING THE DESTRUCTION OF RECORDS FOR THE HUMAN RESOURCES DEPARTMENT

The Board moved to approve Bingham County Resolution 2025-08, a resolution regarding the destruction of records for the Human Resources Department.

**Decision:** Commissioner Jackson moved to approve Bingham County Resolution 2025-08. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY  
RESOLUTION 2025-08**

**RESOLUTION REGARDING THE DESTRUCTION OF RECORDS  
FOR THE HUMAN RESOURCES DEPARTMENT**

**WHEREAS** the Bingham County Human Resources Office has requested permission to destroy certain records; and

**WHEREAS** the Idaho Code §31-871 empowers the Board of County Commissioners with the responsibility for classifying records for purposes of retention and destruction; and

**WHEREAS** the Human Resources Office has represented that all records for which destruction is sought pertain to matters which have been concluded for the designated period of time allowed in sections of Idaho Code; and

**WHEREAS** none of the records for which destruction is requested are those required to be kept by the County permanently and indefinitely pursuant to I.C. §31-709;

**Human Resources**

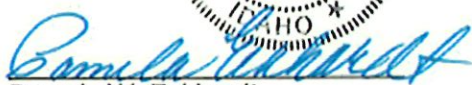
2021-2024                      I-9 Records

**THEREFORE**, it is hereby resolved that: The Human Resources Office files are hereby classified as "temporary," as defined in I.C. §31-871(1)(d). Furthermore, such records may now be destroyed.

**Dated this 19<sup>th</sup> day of February 2025.**


**BINGHAM COUNTY COMMISSION**


**ATTEST:**

  
Pamela W. Eckhardt  
Bingham County Clerk



  
Whitney Manwaring, Chairman

  
Eric Jackson, Commissioner

  
Drew Jensen, Commissioner

## SHERIFFS OFFICE

Present: Jeff Gardner- Sheriff  
Jordyn Nebeker- Chief Deputy Sheriff

The Board met with Sheriff Gardner to discuss updates within the Sheriffs Office, which included jail population and an update on the jail expansion project.

## HUMAN RESOURCES

Present: Laraine Pope- Human Resources

The Board met with Laraine Pope to discuss updates within the Human Resources, which included current vacancies, new hires and recent resignations.

## REVIEW & DECISION REGARDING TAX EXEMPTION APPLICATIONS PURSUANT TO IDAHO CODE SECTION 63-602

Present: Pamela Eckhardt- County Clerk  
Donavan Harrington- County Assessor  
Debbie Cunningham- County Chief Deputy Assessor  
Audrey Barzee- Assessors Office  
Tiffany Olsen- Planning & Development Director  
Addie Jo Jackman- Assistant Planning & Development Director

The Board met to review and make a decision regarding submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602.

Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602B, Religious Limited Liability Companies, Corporations or Societies, which were as follows:

### **Methodist Church / Jason Lee Memorial United**

RP1237000                      190 Benton, Blackfoot  
House is used for housing for the pastor.

### **Jason Lee Memorial**

RP1025100                      136 S University (grass lot)  
RP1025200                      Church

### **Faith Baptist Church**

c/o Joe & Lela Copley DBA

RP7004500                      Fort Hall

Joe Copley

RP7004600                      Fort Hall

2 Lots are together with church

### **First Street Meeting Room**

RP3082201                      652 S 2nd W, Aberdeen

### **Calvary Chapel of Aberdeen, Inc.**



RP3079500                      552 S 2nd W, Aberdeen

**Protestant Episcopal Church**

RP1002200                      72 N Shilling, Blackfoot

**Church of Christ**

RP1000100                      370 N Shilling, Blackfoot

**First Baptist Church**

RP1182500                      2650 Rose St., Blackfoot

**International Church of the Foursquare Gospel**

RP0324703                      Groveland

**Jehovah's Witnessess Blackfoot Congregation**

RP1322001                      1535 Highland, Blackfoot

**Bethel Lutheran  
Church**

RP4004100                      413 N Main St, Firth

**International Church of the Foursquare Gospel**

RP1051402                      40 S Spruce, Blackfoot

**First Mennonite Church**

RP3056700                      318 E Washington, Aberdeen

**Methodist Church**

RP3056600                      119 S 3rd W, Aberdeen

**Lutheran Church**

RP1315601                      1110 Parkway Dr. Blackfoot

**Calvary of Blackfoot,  
Inc**

RP1160000                      689 S Fisher Ave, Blackfoot

RP1262402                      adjacent  
lot

**Roman Catholic  
Diocese of Boise**

RP0139401	Church in Pingree
	Building
	next to
	church
RP1051801	leased
RP1052300	St Bernard's Church and education center campus
RP1052700	Parrish office and meeting rooms
	Parrish
	pavillion
	and
RP1066104	grounds to SEICCA at \$1,000/month.
RP1066106	grounds behind church
RP3080000	Church grounds in Aberdeen
RP3082100	Church in Aberdeen
RP7001500	Church in Fort Hall

**Decision: Commissioner Jensen moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602B, Religious Limited Liability Companies, Corporations or Societies, as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602C, Fraternal, Benevolent or Charitable, which were as follows:

**Dawn Enterprises, Inc.**

RP1319100 420 Cedar, Blackfoot  
 RP1089300

**American Legion Post No 59 -  
 Aberdeen**

RP3055500 180 S Main St. Aberdeen

**Community Council of Idaho**

RP1418700 Community Clinic at 1491 Parkway Drive, Blackfoot  
 The Community Family Clinic is a Federally Qualified Health Center  
 which provides basic medical care for Blackfoot and the surrounding area.

**Health  
 West, Inc.**

RP3019805 330 N Main, Aberdeen  
 RP3019804 330 N Main, Aberdeen  
 Health West is a Federally Qualified Health Center  
 that provides only outpatient medical, dental, and behavioral  
 health services. Services are on a sliding scale based on patients  
 in comparison to federal poverty guidelines.

**Eastern Idaho Community Action Partnership, Inc.**

RP1016800

Head Start Building Across from Southeastern Idaho Public Health

**Stewart Hoover Post No 23 American Legion**

RP1286000 Blackfoot American Legion building

RP1285712 Adjacent Land

**Decision: Commissioner Jackson moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602C, Fraternal, Benevolent or Charitable, as presented. Commissioner Jensen seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602E, Property used for schools or educational purposes including charter schools, which were as follows:

**Idaho Science & Technology Charter School**

RP8266780 21 N 550 W Blackfoot

RP8266790 21 N 550 W Blackfoot

RP8266800 21 N 550 W Blackfoot

**Idaho Plumbers-Pipefitters**

RP1272700 Wilson St. Blackfoot

**Idaho Stem Academy**

RP0336003 9 N 550 W, Blackfoot

**Blackfoot Charter Community Learning Center**

RP0344804 92 N 415 W Blackfoot

**Community Council of Idaho, Inc (formerly Idaho Migrant Council)**

RP3091200 Head Start School, 55S 4th E, Aberdeen

**Decision: Commissioner Jensen moved to approve the submitted Tax Exemption Applications pursuant to Idaho Code Section 63-602E, property used for school or educational purposes including charter schools, as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Lastly, Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602GG, Low-income housing owned by nonprofit organizations, which were as follows:

**Fairview Family Estates**

RP3078900 Aberdeen

RP3083400 Aberdeen

**Community Council of Idaho (formerly Idaho Migrant Council)**

RP1274802            Colonia Cesar Chavez Apartments at  
RP1274901            761 W Center St, Blackfoot  
RP1274902

**Eastern Idaho Special Services Agency Inc.**

RP1082000            1560 Camas  
RP1139802            1420 Camas

**Decision: Commissioner Jackson moved to approve the Tax Exemption Applications pursuant to Idaho Code Section 63-602GG, Low-income housing owned by nonprofit organizations, as presented. Commissioner Jensen seconded. All voted in favor. The motion carried.**

A brief discussion was held in regards to Tax Exemption Application pursuant to Idaho Code 63-602W, Business Inventory Exempt from Taxation- Business Inventory that is a component of real property that is a single-family dwelling. Ms. Olsen stated that the Assessors Office had created a form for this code, wherein developers could request exemption but was uncertain as to when this form is provided to the developer.

Mr. Harrington stated this form has not been processed previously and the Assessors office has automatically granted exemption at 75% until building occurs. According to Idaho Code, those developers are to apply for the exemption, which is when this form was created. Ms. Cunningham stated that she would collect the applications and they should be submitted prior to April 15<sup>th</sup>.

Nothing Further.

**PUBLIC WORKS**

Present:            Troy Lenhart- Road & Bridge Supervisor  
                      Derrick Going- Solid Waste Supervisor

The Board met to receive updates from Public Works and to address other agenda items.

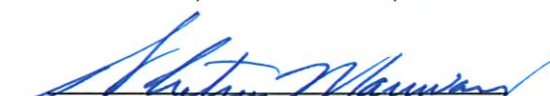
Discussion was held in regards to the submitted prior approval for major purchase of light fixtures and electrical panels.

Derrick Going explained this prior approval is for the transfer station and to get an indoor electrical panel, that is getting exposed to water, replaced along with three (3) light fixtures. Mr. Going stated that he reached out to three (3) vendors but only received a quote from Agri-elect. Said purchase is in the amount of \$3,650.00, which is to be paid for from Fund: 23-70-445-06.

**Decision: Commissioner Jensen moved to approve the prior approval for major purchase of replacement of light fixtures and an electrical panel at the Central Transfer Station. Said purchase is in the amount of \$3,650.00 and is to be paid from Fund: 23-70-445-06 (Solid Waste- General-Building Property Maintenance). Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 21, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN  
-----

STATE OF IDAHO       )  
                              : ss.               Friday, February 21, 2025  
County of Bingham    )

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

CASH WARRANTS

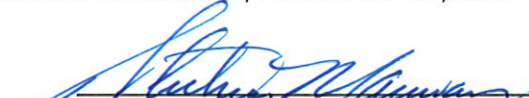
Two (2) Cash Warrants were approved in the amount of \$1,500.00 and \$8,138.00, for a total of \$9,638.00.

CLAIMS

Claims were approved in the amount of \$184,308.95.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, FEBRUARY 24, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN  
-----

STATE OF IDAHO       )  
                              : ss.               Monday, February 24, 2025  
County of Bingham    )

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

DISCUSSION & DECISION REGARDING DEPUTY PROSECUTING ATTORNEY POSITIONS

Present:               Ryan Jolley- Prosecuting Attorney  
                              Pamela Eckhardt- County Clerk

The Board met to hold discussion and make a decision regarding Deputy Prosecuting Attorney positions.

Mr. Jolley stated that he has proposed Contract for Legal Services with Paul Rogers, for him to assist with Civil matters for the county. Mr. Jolley stated that he has salary savings to cover this cost but Mr. Rogers will need a laptop and monthly remote access, which the IT Department will take care of, along with a Westlaw License for research.

The Board had no issues.

**Decision: Commissioner Jackson moved to approve the Contract for Legal Services with N. Paul Rogers LLC Attorney, for \$6,700 per month. Commissioner Jensen seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, FEBRUARY 25, 2025

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Tuesday, February 25, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

**MEETING TO SIGN THE DEVELOPMENT AGREEMENT AND FINAL PLAT FOR FREEDOM ESTATES SUBDIVISION**

Present:               Paul Rogers- County Civil Counsel  
                              Tiffany Olsen- Planning & Development Director

The Board met to sign the Development Agreement and Final Plat for Freedom Estates Subdivision.

**Decision: Commissioner Jackson moved to approve the Development Agreement and Final Plat for Freedom Estates Subdivision. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO APPROVE, WITH ONE CONDITION, THE ZONING MODIFICATION FROM RESIDENTIAL "R" TO HEAVY COMMERCIAL "C2", SUBMITTED BY GREGORY AND AIMEE AUSTIN**

Present:               Tiffany Olsen- Planning & Development Director  
                              Paul Rogers- County Civil Attorney  
                              Troy Lenhart- Road & Bridge Supervisor  
                              Gregory Austin- Applicant  
                              Aimee Austin- Applicant  
                              Chris Freeburne- Citizen  
                              Lorna Anderson- Citizen  
                              Farrell Wray- Citizen  
                              Dale Shelley- Citizen

Sandra Shelley- Citizen  
Tami Wray- Citizen  
Janeil Albertson- Citizen  
Dennis Winaus- Citizen  
Vicky Winaus- Citizen  
Bryce Horrocks- Citizen  
Emily Horrocks- Citizen  
Kathleen Brown- Citizen  
Tamara Tew Laird- Citizen  
Devin Austin- Applicants son  
Boyd Cornelison- Citizen  
Tammy Cornelison- Citizen  
Dean Brown- Citizen

The Board held a Public Hearing to receive the Planning & Zoning Commissions recommendation to approve, with one condition, the zoning modification from Residential "R" to Heavy Commercial "C2", submitted by Gregory and Aimee Austin. Chairman Manwaring welcomed all to the meeting and introductions were held for the record.

The record provided to the Board is comprised of the following:

9. Exhibits to the Board Public Hearing Staff Report:
  - CC-1: Staff Report- Board of County Commissioners
  - CC-2: Proof of Publication- Bingham News Chronicle- Board of County Commissioners
  - CC-3: Shelley Government Agency Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-4: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-5: Notice of Posting- Tiffany G. Olsen, Planning & Development Director
  - CC-6: Oath of Affirmation: Gregory Austin
  - CC-7: Oath of Affirmation: Aimee Austin
  - CC-8: Oath of Affirmation: Christopher Freeburne
  - CC-9: Oath of Affirmation: Dennis Winans
  - CC-10: Oath of Affirmation: Dale Shelley
  - CC-11: Oath of Affirmation: Lorna Anderson
  - CC-12: Oath of Affirmation: Kathleen Brown
  - CC-13: Oath of Affirmation: Tammy Tew Laird
  - CC-14: Oath of Affirmation: Dean Brown
10. Exhibits to the Planning & Zoning Commission Staff Report:
  - S-1: Staff Report- Planning & Zoning Commission
  - A-1: Application for Zone Change
  - A-2:10-15-3- Contents of Application
  - A-3: Warranty Deed dated July 24, 2024
  - A-3A: Warranty Deed dated November 27, 2024
  - A-4: Construction Plans
  - A-5: Application & Permit to use Bingham County Right of Way for Approaches, Mailboxes and Addressing
  - S-2: Aerial Map
  - S-3: Zoning Map
  - S-4: Comprehensive Plan Map
  - S-5: Subdivision Map
  - S-6: ½ Mile Proximity by Size Map
  - S-7: Project Site Map
  - S-8: Notice of Posting: Addie Jo Harris
  - S-9: Site Photographs



S-10: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission Public Hearing Notice  
S-11: Blackfoot/Snake River Government Agency Notice List & Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner  
S-12: Property Owners List and Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner

As to procedural items, the Board of County Commissioners finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
  - a. Sent to Government Agencies on January 29, 2025 (CC-3 List of Blackfoot/Snake River Government Agencies and Notice)
  - b. Published in the Bingham News Chronicle on February 1, 2025 (CC-2- Affidavit of Publication)
  - c. Sent to 20 property owners within 300' of this property on January 29, 2025. (CC-4 Property Owners Mailing List and Notice)
  - d. Site was posted on February 8, 2025 (CC-5 Notice of Posting Affidavit and pictures)

There was no testimony received prior to the Boards Public Hearing.

At the Public Hearing, the Staff Report was presented by Tiffany Olsen, Planning & Development Director.

With no questions from the Board, testimony was presented by Gregory Austin, Applicant (CC-6), 662 W. 15 S., Blackfoot, Idaho. Mr. Austin stated that he would like to thank the Board for the opportunity to speak in regards to the proposed Zoning Amendment from Residential to Heavy Commercial. In 2016 he and his wife, Aimee Austin, looked at renting an RV for a trip they were planning. Buying an RV seemed impractical due to the cost, maintenance and storage. Mr. Austin stated they looked online and called several places and all rentals were rented out, which brought them to the idea of purchasing RVs and renting them out. They started with one trailer, added another in 2017 and next thing they knew they had six (6) RVs. The business grew fast for a company that was ran out of their driveway and they have been on the lookout for commercial property for approximately five (5) years. Most of the commercial property is selling for \$300,000.00 plus, just for one acre of land, and anything with a shop is selling for \$750,000.00 plus. If a property was located, it was usually far away from the highway and town, which made no sense and renting made no sense as there would be no investment with money being thrown away that could be put into the business.

Mr. Austin stated in 2024, they came upon the subject property being 2.55 acres right along Highway 39, for a reasonable price. They did some research and found that it was zoned Residential, however, the County Comprehensive Plan showed that the subject property was located in a Multi-Use area. Mr. Austin stated that he knew it would be a challenge to rezone but were up for the challenge. Mr. Austin and his wife were able to purchase the property in July of 2024. After that he spoke with Planning & Development and what would be required in order to amend the zoning designation. Ms. Olsen verified that the subject property was a Multi-Use area and would meet requirements of the rezone. Mr. Austin stated he was informed that Road and Bridge would need to approve the approaches.

Mr. Austin stated the Zoning Amendment Application was submitted in October, 2024, contacted Road and Bridge and received permits for the two (2) approaches. Mr. Austin stated the plan is to build an 80' x 40' shop on the East side of the property with a gravel parking lot, with designated parking. The building will be

hooked up to power, gas and sewer with a culinary well drilled for water. The building will house offices, a small custom area to sell RV parts and two large heated bays to perform maintenance and repairs. Behind the shop there would be ½ acre where they plan to place a privacy fence for a compound to hold RVs that are being worked on but are not inside of the shop. Mr. Austin stated they will have operational RVs on the South side of the property that will be rented out but do not plan on storing RVs besides their own outside of the fenced compound area.

Mr. Austin stated there will be three (3) employees and potentially adding two (2) or three (3) employees in the future. Daily business hours will be 9:00 a.m., to 5:00 p.m., Monday through Friday. Again, there will be two (2) bays and therefore, they would only be taking in one (1) or two (2) RVs per day. The only traffic would be to drop off or pick up an RV and potentially a couple of parts customers. Mr. Austin stated they are a local Veteran owned small business, a member of the Idaho Veteran Chamber of Commerce, his family is born and raised in Blackfoot and currently live down the street from the subject property. Mr. Austin stated that he is a United States Marine, has been a Police Officer for twenty-seven (27) years and serves to keep his community safe and clean.

Commissioner Jackson asked Mr. Austin if the ditch needs to be moved or what the plan would be. Mr. Austin stated originally, he contacted the Idaho Transportation Department in regards to placing an entrance on Highway 39 but there is not a wide enough frontage to do so and that would have required a bridge. Since that was denied, there would not be modifications made to the canal.

Commissioner Jensen stated there was mention of water leaking and asked Mr. Austin how that would be cured, to which Mr. Austin stated that currently water leaks into the center and creates a small area of water, which will be addressed in the Spring before water is released.

With no further questions for Mr. Austin, the Chairman called for testimony from the public.

Testimony in support was received as follows:

Aimee Austin (CC-7), 662 W 15 S., Blackfoot, stated that she has been a part of the community her entire life and her husband has served in the community not only as a Marine but as Police Officer for twenty-seven (27) years. Ms. Austin stated that her husband will be retiring and this RV business is his transition plan and her son, who graduated from the RV Technology School in Texas, will also be working for the business. Ms. Austin stated that her son has been busy with calls since he returned from school and there have been jobs that have been turned down because a shop is needed to complete the jobs.

Chris Freeburne (CC-8), 16 South 600 West, Blackfoot, stated that he is a lifelong resident of Bingham County, grew up in Aberdeen and has lived at his current residence for two (2) years. Mr. Freeburne stated that he did testify in support of the Application at the Planning & Zoning Commission Public Hearing but would like to revisit a few items. One is pertaining to compatibility with existing uses, wherein there are several businesses within a short distance of the subject property. A few of those are Riverside Boot and Saddle, Countryside Auto, Independent Drilling, a Gas Station, Allstate Distributing, Camp Hippo, Restore Rite and Powell's but there is one business Double M Ag and Irrigation that is South of Highway 39. If the proposal was to have a large RV dealership and hundreds of RVs or another high-density business, he would not be in favor of the Application. The proposal being made by Mr. and Mrs. Austin, with the business hours and model, could potentially add traffic but no more than if they built a large house and had multiple drivers living in the home. Therefore, he believes the proposed Zone Change is compatible.

Mr. Freeburne stated directly across the street there is a home with a shop connected and another bay that is a five (5) car garage. Again, the reality is that the Austin's could build something similar to this within the area with no restrictions. The subject property is currently a pasture and has not been maintained but does believe with being under ownership of the Austin's, the property will improve.

Mr. Freeburne stated in regards to the traffic concern, as it has already been mentioned, there is a large housing development on 600 West that injected approximately seventy (70) homes and the amount of traffic

generated from the proposed business would not be comparable to traffic added from the subdivision. Therefore, Mr. Freeburne asked the Board to support the Application.

Testimony in neutral was received as follows:

Dennis Winaus (CC-9), 583 West 40 South, Blackfoot, stated the amount of traffic that flows in the area is a concern. The intersection of 600 West and Highway 39 has people driving on and off that road all of the time and a business located on that corner would be the main concern is public safety in order to access the business. Mr. Winaus stated any traffic coming off of Highway 39 into the business, along with the intersection, would be a risk. If access was exclusively off of 600 West and making sure there was proper signage placed to let individuals know that they are approaching an intersection, that would be beneficial. An access to the property from Highway 39 would be an increased risk. Mr. Winaus stated that a traffic impact study would be beneficial to be completed prior to any major decision being rendered.

Paul Rogers, County Civil Attorney, asked Mr. Winaus for clarification on the record and that during the Planning & Zoning Commission Public Hearing held on December 11, 2024, he testified in opposition of the Zone Change. Mr. Winaus stated that he is now in a neutral position depending on concerns related to access to the property/business.

Commissioner Jensen asked Mr. Winaus if he believes it would be more detrimental than having farm equipment going up and down 600 West because they are slow moving and wider. Mr. Winaus stated that he does not believe so because that does occur and if there was appropriate signage stating that drivers are approaching an intersection, that would be helpful but the increase of congestion at the intersection is still concerning.

Dale Shelley (CC-10), 602 W. Highway 39, stated that his main concern is traffic, the speed of traffic and the amount of traffic. Mr. Shelley stated that he does not believe that Mr. Austin could make a living by only having a few RV trailers on the property at a time. Mr. Shelley stated that he does not feel that the voices of the concerned citizens were heard at the Planning & Zoning Commission Public Hearing.

Commissioner Jackson stated that he understands the concern in regards to traffic in the area as he lives a couple of miles down Highway 39 and he too has to enter onto Highway 39 every morning. Commissioner Jackson stated that he tries to avoid Highway 39 at certain times due to the amount of traffic but he was glad to see that they have installed turning lanes for some areas to help alleviate some congestion.

Testimony in opposition was received as follows:

Lorna Anderson (CC-11), 4 S. 635 W., Blackfoot, stated one of her main concerns is the conditions that are placed on the Application and what would happen if those conditions were not upheld. There is a specific business in the area who has not followed conditions put in place and it is frustrating that complaints are not heard nor is anything done to enforce those conditions. Ms. Anderson stated she has lived at her current residence for fifty (50) years and she has known of two fatal accidents on the intersection of 600 W and Highway 39. The housing development nearby has brought a lot of traffic and there is also a lot of agriculture traffic. Ms. Anderson stated that she feels that the Zone Change is not appropriate for the area and does not believe that the Planning & Zoning Commission heard her concerns.

Kathleen Brown (CC-12), 6 S. 600 W., Blackfoot, stated that she lives directly across the road from the subject property and has lived in the area for her entire life. Her biggest concern is justifying that this Residential lot should be changed to Heavy Commercial. Ms. Brown stated that she knows the parcel is located within the Multi Use area and designated for businesses but it is also located in the middle of and surrounded by Residential. The businesses that have been mentioned are nearby but are not directly adjacent to this property. Ms. Brown stated to her it seems that the area is Residential and the Comprehensive Plan states that it needs to be considered what the area has been used for historically and traditionally. If the surrounding area is all Residential, this parcel should remain Residential. Ms. Brown

stated if the parcel was changed to C2, what will occur next and what could the zone be changed to in the future. Ms. Brown stated that she is concerned that the value of the homes surrounding the subject property would increase if a business is located on the parcel. Ms. Brown stated that she turned in a petition showing over 160 names of individuals that are in opposition of this Application. Lastly, Ms. Brown stated if this Application is approved, she would like to be sure that the condition placed by Planning & Zoning Commission remain in place and that the only use of the property be for the use as proposed in the Application.

Chairman Manwaring stated if there are complaints when a property is not in compliance of code, those complaints are handled by Planning & Development, who visits the property to proceed with having that property put back into compliance, if not that business could be shut down.

Tammy Tew Laird (CC-13), 585 W. 30 S., Blackfoot, stated that when she moved into the area she wanted to live in a Residential area, not a busy area. The additional traffic is a concern and a traffic study should be conducted to make the area safer. If this Application for Zone Change is approved, it will increase the probability of an accident occurring.

Dean Brown (CC-14), 6S. 600 W., Blackfoot, Idaho, stated that he is in opposition of the Application as there are no guarantees that the trailer will be rented to someone with experience in pulling a trailer. Mr. Brown stated if an individual with no experience rents an RV, there could be damage done to property due to lack of experience. Mr. Brown reiterated his largest concern is safety in the area.

With no further testimony from the public, Mr. Austin gave a rebuttal statement and stated that during public testimony there were a lot of assumptions on how it is perceived that traffic will be and those are valid concerns. Mr. Austin stated approximately 95% of rentals are himself, his son or other employees delivering the trailers. A majority of the trailers rented are delivered to Island Park and Yellowstone for the renters. Mr. Austin stated that there is no one that is more concerned about traffic than he is. The amount of fatalities that he has dealt with while in the capacity of a police officer is the foremost concern in his mind. He would like to be able to label the most southern entrance in order to make sure that traffic is all the way off of the highway before entering into the business. The business hours will be from 9:00 a.m., to 5:00 p.m., Monday through Friday, which are in between the commuter hours, which will help with traffic. The only overlap that may occur would be lunchtime traffic for Snake River School District.

Mr. Austin stated if a business is not on the highway, where most of the traffic is with the easiest access, where would the business go? If he was to build the business on 100 South on 600 W, he would be adding even more traffic to 600 W. Mr. Austin stated the traffic will be going right onto the highway and not through a neighborhood or adding to the number of cars that are going to be going through the subdivision. Mr. Austin stated that he would like an entrance directly onto the highway but knows that would not be safe given the amount of space that he has with that intersection.

Chairman Manwaring asked Mr. Austin what percentage of trailers that are rented, have to be delivered to the parks, to which Mr. Austin stated that he already has a mix of stationary that is already located in Island Park and do not come and go but the trailers that are rented out of this area, approximately 90-95% are delivered.

Chairman Manwaring asked if there is a safety check list followed prior to an individual renting a trailer, to which Mr. Austin stated yes there is a safety check list to be sure that the renter has the appropriate vehicle to haul the trailer, safety chains are hooked and other safety items.

Chairman Manwaring referred to testimony from Ryan Cross (T-12) who stated that he had concerns in regards to the ditch access, maintenance, overflowing and leaking. Chairman Manwaring then referred to Idaho Code Section 42-1102, it states establish the right of way with accessing ditches, canals and other conduits described which allows owners to enter the land, remove debris and maintain the ditches.

Chairman Manwaring stated he is on a canal board and in the past there has been individuals that call upset because someone came into their property to access the ditch but individuals have to allow, whoever has right on that ditch, to access the property to clean the ditch properly. Mr. Austin stated yes, he is aware of allowing the ditch riders in to maintain the ditches.

Chairman Manwaring asked Mr. Austin if the business were to be developed, does he foresee more repair business, to which Mr. Austin stated that he foresees most of the business being individuals bringing in trailers to be repaired or picking them up after repairs are completed. Mr. Austin stated they will have RV parts on site and there may be a small amount of traffic pertaining to that. Mr. Austin reiterated that there will only be two (2) bays and therefore the number of RVs that will actually being worked on will be limited. If there are RVs that are not operable and waiting to be worked on, they will be kept in the fenced off privacy fenced area.

### REASON

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board hereby finds:

Bingham County Code Section 10-4-2 (F), which states that the purpose of the "C2" Heavy Commercial Zone in that parcel meets the following criteria:

1. Adequate service by major roadways;
  - a. The Board had no concerns. Chairman Manwaring stated the subject property is along Highway 39.
2. Location that minimizes potential traffic problems;
  - a. The Board had no concerns. Chairman Manwaring stated the subject property is next to Highway 39 and not halfway down the road, that eliminates his concern.
3. Compatibility with existing uses;
  - a. Chairman Manwaring stated the subject property is within the Multi Use Corridor and there is Multi Uses down Highway 39.
  - b. Commissioner Jackson stated he does not believe the Application is compatible with existing use as the area is mostly Residential.
  - c. Commissioner Jensen stated the Multi Use Corridor was put in place and therefore, the Application is compatible with existing uses.
4. Protection from encroachment of residential uses;
  - a. The Board had no concerns.
5. Accessibility to adequate utilities;
  - a. The Board had no concerns.

Commissioner Jackson stated the main concern he has is having a commercial business in the middle of a Residential area. Commissioner Jackson stated he is not sure what the percentage of new businesses that fail after opening but that concerns him is what would occur if this business is not sustainable.

Chairman Manwaring stated that he understands the Commissioners Jacksons concern and stated in 2018 the Board of County Commissioners changed Highway 39 and Highway 26 into a Multi-Use Corridor for reasons such as this because there were applications that would be proposed and approved but it would take up to one year to address the Comprehensive Plan to complete the application. Therefore, it was determined that the best way to proceed was to create the Multi-Use Corridor.

Commissioner Jensen stated that having served previously on the Planning & Zoning Commission he knows that the Commission weighs all options on each application and therefore knows that this Application was discussed thoroughly. Commissioner Jensen stated that it appears that the Application meets all legal requirements for approval and would like to state that the Board has no control over what may occur in the future and each property owner has property rights. Commissioner Jensen stated it is the responsibility of the Board to look at laws and ordinances put in place to follow.

Discussion was held in regards to safety concerns, wherein Chairman Manwaring stated that Highway 39 has the turn lanes to assist with safety, second in looking at this proposed business being at the end of the road and where traffic is slowing as they are approaching Highway 39, it would be safer compared to if this project were proposed to be at the end of Thomas Road and Highway 39. Commissioner Jackson stated that he also believes the turn lanes on Highway 39 help but as traffic increases the highway will need widened or more lanes will be needed. Commissioner Jackson stated that he does not feel that the proposed Application will increase traffic by much but wonders if this would be better placed in an industrial area rather than Residential.

Discussion was held in regards to the concerns pertaining to speed limits, wherein Chairman Manwaring stated that a traffic impact study could be completed.

Chairman Manwaring stated if the proposed Application is approved, Mr. Austin stated that there will be a fenced area for the RVs that are not being worked on, along with the potential for extra signage to be placed and that these items could be placed as a condition. Tiffany Olsen, Planning & Development Director, stated within County Code, there are specific use regulations and any repair of the RVs would need to be conducted within the shop, where it abuts a Residential Zone. Ms. Olsen stated if the application is approved, pertaining to fencing, County Code requires for any inoperable or dismantled vehicles to be fenced, which would need to be an additional condition as well.

Paul Rogers, County Civil Attorney, stated that the Application before the Board is for zoning amendment to "C2" Heavy Commercial and reviewed the requirements of said zoning designation. Mr. Rogers stated there was testimony in regards to traffic and stated in Bingham County Resolution 2024-18, it states that the Public Works Director may require a traffic impact study if specific instances occur, such as sensitivity of adjacent neighborhoods or high traffic volumes on adjacent roadways that may affect movement into and out of the proposed development.

Secondly, Mr. Rogers referred to County Code 10-3-6, which outlines the procedure that should occur during the Public Hearing and allows for approval, denial or conditional approval. Mr. Rogers stated what it does not allow for is a remand for additional evidence but in County Code 10-10-4, it does allow the Board to remand the Application back to the Planning & Zoning Commission for additional information.

Chairman Manwaring stated in the past there would be a resident who would contact the county and request a speed limit reduction and that time a traffic impact study would be completed to see if the speed limit reduction is warranted.

There was no further discussion and Chairman Manwaring requested a motion at this time.

### **DECISION**

**Decision: Commissioner Jensen moved to approve the Zoning Amendment from "R" Residential to "C2" Heavy Commercial, for Gregory and Aimee Austin pursuant to Bingham County Code 10-2-4(F), with the following conditions:**

- 1) The property be used solely as indicated for the purposes stated by the Applicant**
- 2) That there be a fence placed to hold any RVs that are waiting to be repaired.**

Chairman Manwaring asked for preference pertaining to height of the fence.



Ms. Olsen stated in County Code there is reference to fences but not specific to height in this section. In other areas there are sight obscuring fences at eight feet tall. The difference is that any fence over seven feet requires a permit.

**AMENDMENT 1: Commissioner Jensen amended his motion to add that the fence be required to be seven feet with slating to protect from view.**

Chairman Manwaring mentioned a potential condition as to how many RVs are allowed on the property at one time. Commissioner Jensen stated with the property being 2 ½ acres with a shop, that should limit how many RVs would fit on the property. Chairman Manwaring stated that he would recommend ten (10) RVs maximum to be allowed on the property.

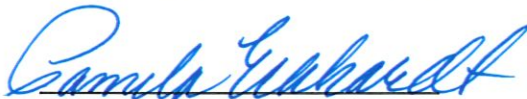
**AMENDMENT 2: Commissioner Jensen amended his motion to add that there be no more than ten (10) RVs allowed on the property at one time and that repairs are to be completed within the shop.**

**Chairman Manwaring seconded the motion and amendments. All in favor- Chairman Manwaring and Commissioner Jensen. All opposed- Commissioner Jackson.**

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, FEBRUARY 26, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                                  : ss.       Wednesday, February 26, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                             Commissioner Jackson  
                             Commissioner Jensen  
                             Lindsey Dalley- Commission Clerk

#### INDIGENT MATTERS

The Board approved and signed a Release of Financial Assistance Lien, which was recorded as Bingham County Instrument Number: 768708.

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, and Administrative Documents. Commissioner Jensen seconded. All voted in favor. The motion carried.**



## APPROVAL OF REASON & DECISION FOR BISHOP ESTATES SUBDIVISION

The Board met to approve and sign the Reason & Decision for Bishop Estates Subdivision.

**Decision: Commissioner Jensen moved to approve and sign the Reason & Decision for Bishop Estates Subdivision. Commissioner Jackson seconded. Chairman Manwaring did not vote and he recused himself due to conflict. Both voted in favor. The motion carried.**

## SHERIFFS OFFICE

Present: Jordyn Nebeker- Chief Deputy Sheriff  
Darrell Fellows- Detention Lieutenant

The Board met with Sheriff Gardner to receive updates within the Sheriffs Office.

## PRIOR APPROVAL FOR MAJOR PURCHASE- ROAD & BRIDGE

Present: Troy Lenhart- Road & Bridge Supervisor

The Board met to hold discussion and make a decision regarding the submitted prior approval for major purchase of cutting edges. Said purchase is in the amount of \$20,450.40, for 120 cutting edges to be purchased from Western States CAT and paid for from Fund: 02-47-499-01 (Road & Bridge- Shop- Wear Edges).

**Decision: Commissioner Jackson moved to approve the prior approval for major purchase of cutting edges. Said purchase is in the amount of \$20,450.40, for 120 cutting edges to be purchased from Western States CAT and paid for from Fund: 02-47-499-01 (Road & Bridge- Shop- Wear Edges). Commissioner Jensen seconded. All voted in favor. The motion carried.**

## DISCUSSION & POTENTIAL DECISION REGARDING REPAIRS NEEDED FOR COUNTY OWNED RENTAL PROPERTY LOCATED AT 48 AIRPORT, BLACKFOOT

Present: Jason Marlow- Building Maintenance  
Paul Rogers- County Civil Attorney  
Pamela Eckhardt- County Clerk

The Board conducted a walkthrough of the county owned rental property located at 48 Airport.

Chairman Manwaring stated that the Board conducted a walkthrough of the home and there are many issues that would need to be fixed prior to renting which included leaking from the ceiling into several of the rooms, the dishwasher has leaked into the floors, the roof needs replaced, along with several other items, which come to over \$25,000.00. With the cost that it would be to remodel the issues that need to be fixed, the Board concurred that it would not be worth the cost to remodel and proposed that Jason Marlow look into what the cost would be to tear down the house and check for asbestos.

**Decision: Commissioner Jackson moved to direct Jason Marlow, Building Maintenance, to look into the cost of tearing down the county owned home located at 48 Airport, including the cost to check for asbestos and any permits that would be needed through the City of Blackfoot. Commissioner Jensen seconded. All voted in favor. The motion carried.**

## EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jensen moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jackson seconded. Both in favor. The Board moved into Executive Session at 10:02 a.m. Commissioner

Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 10:11 a.m.

**Decision: Commissioner Jackson moved to approve Indigent Cremation 2025-1. Commissioner Jensen seconded. All voted in favor. The motion carried.**

**PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSIONS RECOMMENDATION TO  
CONDITIONALLY APPROVE THE NORTH RIVER ESTATES SUBDIVISION**

Present: Tiffany Olsen- Planning & Development Director  
Paul Rogers- County Civil Attorney  
Gwen Inskeep- County Surveyor  
Troy Lenhart- Road & Bridge Supervisor  
Dusty Whited- Public Works Director  
Chris Nielsen- Developer of Cedar Estates Subdivision  
Paul Worlton- Citizen  
Tyler Nelson- Citizen  
Neel Humphreys- Eagle Rock Engineering  
Nate Clark- Rockwell Homes

The Board held a Public Hearing to receive the Planning & Zoning Commissions recommendation to conditionally approve the North River Estates Subdivision. Chairman Manwaring welcomed all to the meeting and introductions were held.

Chairman Manwaring recused himself from the decision in regards to the Application due to conflict.

Temporary Chairman: Commissioner Drew Jensen.

Ms. Olsen presented Staff Report for the record at this time.

The record provided to the Board is comprised of the following:

1. Exhibits to the Board Public Hearing Staff Report:
  - CC-1: Staff Report- Board of County Commissioners
  - CC-2: Proof of Publication- Bingham News Chronicle- Board of County Commissioners
  - CC-3: Shelley Government Agency Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-4: Property Owners Notice List & Notice- Lindsey Dalley, Commission Clerk
  - CC-5: Notice of Posting- Addie Jo Jackman, Assistant Planning & Development Director/ Lead Planner
  - CC-6: Oath of Affirmation: Dusty Whited
  - CC-7: Oath of Affirmation: Niel Humphreys
  - CC-8: Oath of Affirmation: Chris Nelson
  - CC-9: Oath of Affirmation: Paul Worlton
  - CC-10: Oath of Affirmation: Nate Clark
2. Exhibits to the Planning & Zoning Commission Staff Report:
  - S-1: Staff Report- Planning & Zoning Commission
  - A-1: Application for Subdivision Plat
  - A-2: Letter from Eagle Rock Engineering
  - A-3: North River Estates Preliminary Plat
  - A-4: Quit Claim Deed
  - A-5: Custom Soil Resource Report- United States Department of Agriculture
  - A-6: Guarantee- Old Republic National Title Insurance Company
  - A-7: Well Construction Search- Idaho Department of Water Resources

A-8: Email Correspondence with Eastern Idaho Regional Sewer District regarding Commitment to Serve Letter  
A-9: Email regarding Eastern Snake Plain Aquifer  
A-10: Email with Woodville Canal President regarding Water Rights  
S-11: Site Photographs  
S-12: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission Public Hearing Notice  
S-13: Shelley Government Agency Notice List & Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner  
S-14: Property Owners List and Notice of Mailing- Addie Jo Jackman, Assistant Director/Lead Planner

As to procedural items, the Board of County Commissioners finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.
2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
  - a. Sent to Government Agencies on January 28, 2025 (CC-3 List of Shelley Government Agencies and Notice)
  - b. Published in the Bingham News Chronicle on February 1, 2025 (CC-2- Affidavit of Publication)
  - c. Sent to 91 property owners within 300' of this property on January 28, 2025. (CC-4 Property Owners Mailing List and Notice)
  - d. Site was posted on February 7, 2025 (CC-5 Notice of Posting Affidavit and pictures)

There was no testimony received prior to the Boards Public Hearing.

At the Public Hearing, the Staff Report was presented by Tiffany Olsen, Planning & Development Director.

Commissioner Jackson asked for confirmation that the easement road would not be paved and that it would be gravel. Ms. Olsen confirmed and stated that the easement will be maintained by Developers and not paved. The only portions that will be paved, as recommended by the Bingham County Public Works Director, are Lots 9, 6, 5 and 10, will all have a gravel easement on the borders of their property. Commissioner Jackson asked Ms. Olsen in regards to the individuals that will use that road to get to their property, what is on the other side and if it was farm ground. Ms. Olsen stated there is one lot that is a private gravel pit, according to testimony there is some truck traffic. Commissioner Jackson asked if there were stipulations for having to apply something to keep the dust down, to which Ms. Olsen stated that would be a question for Public Works Director.

Dusty Whited, Bingham County Public Works Director (CC-6), stated that Magnesium Chloride is what would be placed in order to keep the dust down but there was no testimony in regards to this matter. Commissioner Jensen stated it would be beneficial to having a condition stating that Magnesium Chloride should be placed and asked Mr. Whited what the cost would be for application. Mr. Whited stated that the cost for material would be minimal but finding an individual to apply it would be hard as there are not many private entities that do so.

Commissioner Jackson stated it was mentioned that there is a well on the property for irrigation and asked if there was a way that well could be used to supply water to the homes. Ms. Olsen stated that water rights for that use are for irrigation only and are seasonal from April to October.

With no further questions from the Board, testimony was presented by Niel Humphreys, Applicants Representative (CC-7), 1331 Fremont Avenue, Idaho Falls, Idaho, reiterated that the Application is for thirty-six (36), one (1) acre single family residential homes. The sewer will be provided through Easter Idaho Regional Sewer District (EIRSD), culinary water would be provided with wells on each individual lot and the irrigation water will be assessed through the Woodville Canal Company delivered by pressurized irrigation system. Mr. Humphreys stated in relation to the irrigation is that the existing farm ground is being serviced through existing infrastructure on the east side with an agriculture pump and to service the pressurized irrigation on this development, the pump would be upgraded and pulling water from the same location to provide water to the property.

Commissioner Jensen asked if it was a deep well, to which Mr. Humphreys stated that it is canal water.

Mr. Humphreys added that the cisterns discussed will be fed through the pressurized irrigation system to the two locations. Currently there are six (6) inch lines shown that may require further analysis to size lines appropriately for the subdivision itself but the capacity of those tanks will be kept topped off all of the time and ready for access in the case of fire emergency.

Commissioner Jackson asked Mr. Humphreys if he has put cisterns in any other subdivisions that he has constructed. Mr. Humphreys stated that he has not done so previously but does know that Caden Fuhrman, Eagle Rock Engineering, has been working with Chief Randy Adams pertaining to the location and sizes, to be completed and preapproved prior to submitting final improvement drawings.

Ms. Olsen stated there is an existing wet well on the property that is going to be used for fire suppression services not for irrigation.

With no further questions for Mr. Humphreys, the Chairman called for testimony from the public.

There was no testimony in support of the Application.

Testimony in neutral was received as follows:

Chris Nelson (CC-8), 1585 N. 775 E., Shelley, stated that he is the Manager of Deer Meadows Development and run the HOA for Cedar Estates Subdivision, which is next to the proposed development. Mr. Nelson stated that he is familiar with the irrigation system and would like to clarify that there is a concrete structure, which is approximately 14 x 20, which has two pumps in it on each side and the property line goes through the middle. Mr. Nelson stated that has been shared responsibility for that but they are both surface water and stated that he does not believe that there is a wet well anywhere near the property. Mr. Nelson stated that he would also like to clarify that Woodville Canal Company does supply the surface water but they will issue a bill directly to the HOA, so the HOA will need to be organized to cover that bill.

Ms. Olsen stated that code requires when there is a shared system that the county see an Operating Agreement or a Shared Water Users Agreement between two HOA's and to be sure that each has easement access to what may be on the others property, which would be done prior to Final Plat.

Commissioner Jackson asked Mr. Nelson if he has experience with cisterns, to which Mr. Nelson stated that previous to his occupation now he sold tanks and pipe, which is the only experience but there have not been cisterns in any of his developments.

Commissioner Jensen asked if there was a man door in case there is sand to be cleaned out, to which Mr. Nelson stated there is a maintenance door.

Paul Worltin (CC-9) 1537 N. 800 E., Shelley, stated that his home borders the southwest corner of the subject property and his main concern is the 37-inch culverts that are being put in the ditch. Mr. Worltin stated there is a tremendous amount of sand and the ditch needs cleaned once or twice per year. Since the pond was put in, Cedar Estates does not get any of the sand but it comes down the ditch by Mr. Worltins home. Mr. Worltin has been on the ditch for fifty (50) years and there has been a sand problem for the

entirety of that time. If the ditch needs to be cleaned, he would like to be sure there is access to the ditch, a 15- or 20-foot access on both sides of the ditch. The private road will serve as one but when the ditch is cleaned the sand it put out to the south side and Mr. Worltin stated that he is not sure where the property lines will be but it is necessary. Mr. Worltin stated they cannot get a backhoe or trackhoe and a truck down the road if the sand needs to be hauled off.

Mr. Worltin stated that he also would like to address since the Gem Lake Dam was put in, he is notified by Idaho Falls, that if the dam were to fail he would be in the dam flood zone, which also was not addressed. Mr. Worltin stated the ditch is supplied from April 15<sup>th</sup> through October 15<sup>th</sup>, unless it is a low water year, which is monitored by the Idaho Department of Water Resources. Mr. Worltin stated since the dam was put in, he is not on the actual canal anymore but there is a 24-inch siphon tube out of Gem Lake which works well until moss grows then it is plugged. With everyone watering at night he will see an influx of water. Mr. Worltin stated that he would like to know if the fire suppression is going to get first dibs on the water and how the culverts will be cleaned out when they are placed.

Commissioner Jensen asked Mr. Worltin if the culverts are placed higher in the ditch, they would wash themselves out or would that put too much stress on each side of the ditch. Mr. Worltin stated that it washes bad and it may help but the sand is still going to be there. Commissioner Jensen asked Mr. Worltin if a 36-inch culvert is adequate to supply water that is needed, to which Mr. Worltin stated that would be adequate to supply the water. Mr. Worltin stated when the pivots are on it and running, they would run for 4-5 days then would shut the water down. There is a gate that is opened and closed to get the siphon tube going and can trail water that way. If it is shut too tight then the siphon is lost. If it is open too far, then flooding will occur.

Mr. Worltin stated the gravel pit referred to is a private gravel pit and is owned by Five Brothers out of St. Anthony. The gravel pit itself is mined out but it is currently being filled with fill dirt and he is not sure if the 8-foot approach would be enough to protect the roadway.

There was no testimony in opposition.

With no further testimony from the public, Mr. Humphreys gave a rebuttal statement stating that he is happy to work with the downstream users to be sure they have access and feel comfortable with easement sizes. Mr. Humphreys stated he will work with the canal company and downstream users to ensure that any culverts are sized appropriately, cleaning methods and other instances are all done appropriately to be sure they are not affected.

Commissioner Jensen asked Mr. Humphreys if there would be an issue with giving the canal company and downstream users an easement to the South of the ditch. Mr. Humphreys stated the existing easement is 16 ½ feet wide and he believes that is more than likely what has been used in the past. Mr. Worltin stated that the South side of the ditch is used and do not use the roadway. Mr. Worltin stated if a trackhoe is needed and should be loaded onto a truck, both South and North sides are used. Commissioner Jensen again asked Mr. Humphreys if there would be an issue, to which Mr. Humphreys stated that would be a determination of the property owners, Rockwell Homes, but he is sure they would be happy to have such conversations to assure access and cleanability.

Commissioner Jensen stated most canals, whether they are in a subdivision or not, have 20-foot easements on each side of the bank, which is something that could be considered to place as a condition in order to be sure the easement is there to maintain the canal.

Commissioner Jackson stated it is important to have an easement along the canals for maintenance.

Commissioner Jackson moved to re-open the Public Hearing for testimony in order to answer specific questions. Commissioner Jensen seconded. Both voted in favor. The motion carried.

Testimony in favor was received as follows:

Nate Clark (CC-10), 5615 Cottontree Lane, Ammon, stated that he is with Rockwell Homes and the entire private road is the ditch easement and in order to access the two culverts, any individual could drive down the road and conduct maintenance from the private road, which is a 16-foot easement. Mr. Clark stated the he understands having an easement on both sides for a canal but as a small private ditch, he finds it is sufficient to have a 16-foot easement on one side that is accessible with a maintained road in order to get a mini excavator or whatever equipment may be needed, in order to clean the culvert.

Mr. Clark stated in regards to the cisterns, they are each approximately 5,000 gallons and as soon as they are installed they will be filled with water and will not be drained unless there is a fire. There is a manhole cleanout that will be on top with a 36-inch riser to bury the cisterns below the frost line and above there will be a cleanout and a hydrant that comes up in order for the fire station to connect directly to the hydrant. There will be an automatic float as well so that when the water is pulled out, it will trigger the pump station in the wet well in the canal to pull the water in order to fill it back up.

Commissioner Jackson asked for clarification and that the cistern is filled with canal water, to which Mr. Clark stated that is correct. Commissioner Jackson stated the canal is only full from spring until fall and asked Mr. Clark if there was a fire, how would it be refilled. Mr. Clark stated that it would have to be filled with either a private truck or find another option.

Ms. Olsen referred to testimony presented by Fire Chief Randy Adam(A-13), which indicates the locations of the cisterns look great and to inform him when Rockwell has the other information on tank sizes and configuration. Therefore, that information is something that will be ensured to be mutually agreed upon by both the Developer and the Fire District prior to construction.

Commissioner Jensen asked Mr. Clark in regards to the easement for cleaning of the ditch, is sometimes room is needed to have a trackhoe on one side and a truck on the other in order to dump sand. Mr. Clark stated that he understood but it is such a small ditch he would assume it would be cleaned out quicker which would be less sand, wherein there should be plenty of room to back a truck up to clean directly out of the ditch. Commissioner Jensen asked if the ditch is sized where a trackhoe could straddle the ditch, to which Mr. Clark stated that he does not think the ditch is any larger than five or six feet wide.

Testimony in neutral was received as follows:

Paul Worltin (CC-9) 1537 N. 800 E., Shelley, explained that the ditch comes towards the West and turns South. Therefore, there is 200-300 more feet of it and it is an "L" shaped ditch that also needs access. Chris Nelson stated that Mr. Worltin is a member of the Woodville Canal Board and services the ditch, which gives him the knowledge of what is needed.

No rebuttal statement was given.

## REASON

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board hereby finds:

- a. The Board found that the Subdivision Application met the recommendation for conditions of approval that would minimize adverse conditions; and
- b. The Board found that the Subdivision Application met the reasons for recommending the approval; and
- c. The Board found that the proposed subdivision to be consistent with the Comprehensive Plan; and



- d. The Board found that the availability of public or private services to accommodate the proposed subdivision; and
- e. That the public financial capability of supporting services for the proposed subdivision; and
- f. Any other health, safety, or environmental problems that may be brought to the commission's attention; and
- g. The recommendations of a city of the proposed development is located within a City of Impact Area or within one mile of a city not having a valid impact area; and

Commissioner Jackson confirmed that conditions 1 and 2 put in place by the Planning and Zoning Commission have been met. Ms. Olsen confirmed and stated that condition number 2 pertaining to the stop sign required by the Public Works Director would be done within the construction plans.

Commissioner Jackson stated that his concern with the egress easement road would be that homes would be next to the gravel road and that potentially there could be a condition placed to have Magnesium Chloride applied yearly. Commissioner Jackson stated that it doesn't seem that it would be a major cost but it could be challenging to find someone to apply. Commissioner Jensen stated where it is not a county road and would have slower speeds, he does not believe a condition such as this would not be justified. Mr. Whited stated another option would be to pave the private easement within the boundaries of the subdivision, which would eliminate any annual maintenance or dust issues. Commissioner Jackson stated if that were required, it could be costly to the Developer and he would not be in favor.

Discussion was held in regards to maintenance of the canal, wherein Commissioner Jensen stated that he feels that a trackhoe could straddle the ditch for maintenance as the ditch is part of the 16-foot easement, per Mr. Clark. Commissioner Jensen asked Mr. Whited if he felt that an 8-foot apron would be sufficient to take the turn on the ditch and protect the roads, wherein Mr. Whited stated that 99% of the traffic on the easement will be going straight through and primarily it is just the very edge of the asphalt. Therefore, he believes that paving the private easement by eight (8) feet on each side from the county road.

### **DECISION**

**Decision:** Commissioner Jackson moved to uphold the recommendation of the Planning & Zoning Commission to approve the North River Estates Subdivision with the following condition:

- 1) To have an 8-foot apron on the private road pavement for each side from the county road.
- 2) To approve the easement for the private road within the subdivision.

**Commissioner Jensen seconded. Both Commissioners voted in favor. The motion carried.**

**Request for Reconsideration/Judicial Review:** Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

**Regulatory Takings:** Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, FEBRUARY 28, 2025



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO       )  
                              : ss.               Friday, February 28, 2025  
County of Bingham    )

**THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:**

PRESENT:               Chairman Manwaring  
                              Commissioner Jackson  
                              Commissioner Jensen  
                              Lindsey Dalley- Commission Clerk

#### CASH WARRANTS

Five (5) Cash Warrants were approved in the amounts of \$520,149.77, \$215,730.32, \$103,367.09, 325,968.54 and \$1,250.00, for a total of \$1,166,465.72.

#### CLAIMS

Claims were approved in the amount of \$418,573.69.

#### PAYROLL

Payroll was approved in the amount of \$879,257.78.

#### PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

Employee Status Sheet:       Drivers License Examiner to Part-Time 4H Program Secretary  
New Employee Status Sheet:   Deputy Court Clerk

#### COLLEGE OF EASTERN IDAHO

The Board approved a Certificate of Residency, which was sent to the College of Eastern Idaho, for the following Bingham County student: Lesli Y. Benitez.

**Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms, for February 28, 2025. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### DECISION TO ASSIST WITH FUEL AND MAINTENANCE COST FOR THE HENRYS CREEK RANGELAND FIRE PROTECTION ASSOCIATION

The Board met to make a decision in regards to a donation to the Henrys Creek Rangeland Fire Protection Association for fuel and maintenance costs. Chairman Manwaring stated for the past several years the county has donated \$1,250.00.

The Board had no concerns.

**Decision: Commissioner Jackson moved to approve a donation to the Henrys Creek Rangeland Fire Protection Association in the amount of \$1,250.00. Commissioner Jensen seconded. All voted in favor. The motion carried.**

DISCUSSION & DECISION REGARDING THE REQUEST TO INSTALL A 20' GATE SYSTEM TO BE INSTALLED AND USED AS A SECURED STORAGE AREA FOR THE COUNTY MOBILE MORGUE- REQUESTED BY JIMMY ROBERTS- COUNTY CORONER

Present: Jimmy Roberts- County Coroner  
Jordyn Nebeker- Chief Deputy Sheriff  
Paul Rogers- County Civil Counsel

The Board met to hold discussion and to make a decision regarding the request to install a 20' gate system to be installed and used as a secured storage area for the county mobile morgue unit.

Mr. Roberts stated that this item has been discussed previously and the Board had asked him to gather quotes for what it would cost to fence the area in which the mobile morgue unit would be stored in order to have it secured.

Mr. Roberts received two quotes which were as follows:

Protech Fence Co: \$4,120.00  
Haddon's Fencing Inc: \$1,986.27

The Board was in favor of having Haddon's Fencing complete the project. Chairman Manwaring asked Mr. Roberts to obtain an actual invoice in order for the claim to be paid to Haddon's.

**Decision: Commissioner Jensen moved to approve to place two 10-foot gates for the storage of mobile morgue unit, to be completed by Haddon's fencing in the approximate amount of \$1,986.27, to be paid from Fund: 50-00-559-00 (PILT). Commissioner Jackson seconded. All voted in favor. The motion carried.**

REQUEST SUBMITTED BY LYLE BARNEY PERTAINING TO FUNDING FOR SHELLEY FIRTH AMBULANCE SERVICE, WITH POTENTIAL DECISION

Present: Lyle Barney- Shelley Firth Ambulance  
Randy Adams- Shelly Firth Fire Chief  
Pamela Eckhardt- County Clerk  
Paul Rogers- County Civil Counsel

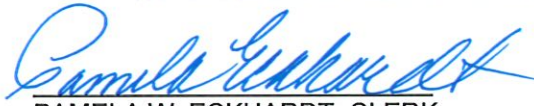
The Board met to discuss the request submitted by Lyle Barney pertaining to funding for the Shelley Firth Ambulance Service, with potential Decision.

Discussion was held in regards to finances and the cooperation between the Shelley Firth Fire District and the Shelley Firth Ambulance.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

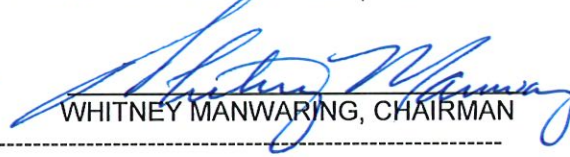
Current Expenses .....	\$593,435.88	Weeds .....	\$6,279.05
Road & Bridge .....	\$294,917.20	Emergency Communication.....	\$63,005.58
Airport.....	\$31.68	Waterways.....	\$87.68
Justice Fund .....	\$758,322.76	Opioid Abatement.....	\$555.39
District Court.....	\$92,412.65	Treatment Court Fund.....	\$4,315.12
Preventative Health.....	\$189,027.50	Junior College Fund.....	\$7,650.00
Historical Society & Museum....	\$11,250.00	Consolidated Elections.....	\$11,082.69
Parks & Recreation.....	\$8,148.99		
Revaluation.....	\$40,415.39		
Solid Waste .....	\$181,868.17		
Veterans Memorial.....	\$140.85		
Tort.....	\$15,047.00		

THE MOTION PASSED TO DISMISS UNTIL MONDAY MARCH 3, 2025



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN