

STATE OF IDAHO)
 : ss.
County of Bingham)

Monday, August 3, 2026

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

PRESENT:

Commissioner Jensen
Commissioner Jackson
Lindsey Gluch- Commission Clerk
Chairman Manwaring

EXCUSED:

TEMPORARY CHAIRMAN

Decision: Commissioner Jensen moved to appoint Commissioner Jackson as Temporary Chairman due to the absence of Chairman Manwaring. Commissioner Jackson seconded. Both voted in favor. The motion carried.

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 3, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 3, 2026, as posted. Commissioner Jackson seconded. Both voted in favor. The motion carried.

STAFF MEETING

Present:

Pamela Eckhardt- County Clerk
Laura Lora- Chief Deputy Clerk/Payroll
Donavan Harrington- County Assessor
Debbie Cunningham- Chief Deputy Assessor
Dusty Whited- Public Works Director
Jimmy Roberts- County Coroner
Scott Tweedy- Coroner Elect
Scott Reese- Emergency Services/Parks & Recreation
Laraine Pope- Human Resources Director
Sheri Landon- Magistrate/District Court
Jason Marlow- Building Maintenance
Tiffany Olsen- Planning & Development Director
Shawn Hill- Probation Department Director
Derrick Going- Solid Waste Director
Jeff Gardner- Sheriff
Jordyn Nebeker- Chief Deputy Sheriff
Barbara Marlatt- Treasurers Office
Matt Galloway- IT Director
Kelli Robbins- Elections Office

Excused:

Ryan Jolley- Prosecutor
Tanna Beal- Treasurer
Carmen Willmore- Extension Office
Megan Kearsley- Elections Director
Wes Wheatley- Blackfoot Chief of Police

The Commissioners met with department heads and Elected Officials for the August 2026 Staff Meeting. Commissioner Jackson conducted the Staff Meeting.

Pledge of Allegiance: Commissioner Jackson conducted.

Approval of Minutes for Staff Meeting held in July 2026: There were no changes to be made and the minutes for Staff Meeting held in July 2026 were approved as written.

Special Presentation: None at this time.

Safety Concerns: No safety concerns at this time.

Employee Years of Service Recognition: Derrick Going recognized Justin Ward for five (5) years of service to Bingham County and stated that Justin is one of the Solid Waste Leads, has his CDL, works with the equipment, can cover for others when needed, works great with the public and training new employees. Jason Marlow recognized Commissioner Jackson for ten (10) years of service to Bingham County and stated that he has known Commissioner Jackson for several years outside of working for the County. Jason stated that Commissioner Jackson is always pleasant to be around, is a hard worker, is always smiling and the County is lucky to have him.

Commissioner Jackson stated that it has been an honor to be employed with Bingham County and now to serve the county as Commissioner. It has been an eye opening experience to see how the County runs from a different point of view and to work with all of the employees to serve the county.

Clerk Eckhardt recognized Kelli Robbins for five (5) years of service to Bingham County and stated that Kelli works in the Elections Department and prior to that assisted at the polling locations during election time for many years. Clerk Eckhardt read a statement provided by Megan Kearsley, Election Director, which read as follows:

"Kelli has become an invaluable part of the Elections Office. Her attention to detail and love for organization has changed the way that we do so many things. Because of her ideas and ability to create efficient systems, our office runs smoother than ever before. The improvements that she has helped to implement have made an impact to our office and the service provided to Bingham County. Her knowledge of the election process is incredible, and I know that I can always count on her no matter what comes our way. A great example was last year when she confidently ran the office while Danette Miller has retired and I was out on maternity leave. Knowing the office was in capable hands gave me peace of mind and it is a testament to her professionalism and commitment to our office and to Bingham County. Beyond her knowledge and work ethic, she also has a gift working with people. Whether helping a voter and answering questions or somehow knowing exactly who to call when we need someone to accomplish a task, she is always a reliable resource. Her willingness to help and positive attitude makes everyone around her feel appreciated.

On a personal note, I am so grateful that over these past years we have become great friends. Our office is filled with laughter because of her, and she makes even the busiest election days more enjoyable. Of course, we cannot forget one of the best perks of having her in our office is the delicious food and goodies that she is always willing to share. We have definitely been well fed over the years.

Thank you, Kelli, for everything you do. Your dedication, your friendship, knowledge and generosity, which make our office a better place. Congratulations on five (5) wonderful years with Bingham County and here is to a few more".

Kelli Robbins stated that Bingham County is a great place to work, and she enjoys working with the citizens and other employees.

Chief Deputy Sheriff Jordyn Nebeker recognized Donna Pilkington for twenty five (25) years of service to Bingham County and stated that it is hard to sum up the twenty five (25) years of experience that Donna

has. Donna has played various roles for the Sheriffs Office but one thing that truly shines about Donna is that she is a leader who sets a good example in taking care of your employees. She thinks of everyone as family and they call her the "mother hen", as she is always organizing and making sure that things are taken care of. Donna is a good example when it comes to true resilience, and she has been dealt some difficult hands in her life, and she has found a way to leave those things at bay and focus on work. Donna has an ability to be strong and that really does shine and the Sheriffs Office is grateful for her.

Chief Deputy Sheriff Jordyn Nebeker stated that he would also like to thank Commissioner Jackson for his years of service to the county and that he has a lot of respect for him. Jordyn stated that Commissioner Jackson sits in a difficult chair and his ability to maintain a positive mindset and temperament is amazing.

Commissioner Jensen stated that he has enjoyed getting to know all of the employees and that he appreciates the employees and everything they do to serve the county.

Commissioner Jackson read a statement for the record, which as follows: "The most valuable skill you can develop is the ability to reset fast. Bad conversation, move on. Bad day, start fresh tomorrow. Missed workout, get back at it the next day. Poor decision, learn from it and adjust. You cannot control what happens to you, but you can control how long you let it affect you. The faster you reset, the faster you grow".

Pamela Eckhardt: Referred to the quarterly newsletter for the Bingham County Historical Society and explained that there are interesting items in this version that she would like to highlight. Clerk Eckhardt stated that this year was the City of Blackfoot's 125 anniversary of its founding and there is an article in regard to the founding. One thing that was interesting is that the City of Blackfoot was home to Idaho's first US Senator following statehood, Fred Dubois and the Blackfoot City Council was the first chapter in Congressman Mike Simpsons remarkable career as a public servant. This newsletter also mentions the history of the City of Blackfoot, an article in regard to the new HVAC system at the museum and the upcoming America 250 events.

Clerk Eckhardt stated that the fiscal year 2027 budget has been published and a Public Hearing will be held on August 26, 2026, at 11:00 a.m. The final budget total that was published is \$46,674,000.00, which includes a 2% cost of living.

Laura Lora: Had no updates at this time.

Donavan Harrington: Had no updates at this time.

Dusty Whited: Stated that Commissioner Jackson has been great to work with over the years and thanked him for ten (10) years of service to Bingham County. Mr. Whited stated that Road & Bridge is through a bulk of maintenance, chip sealing is complete, micro-seal is complete and will be doing grading and paving currently.

Commissioner Jackson stated that he would like to thank Dusty Whited for his work on the Tilden Bridge project, as he has worked tirelessly through the issues and work on the bridge will be done at night in order to keep the bridge open during the day.

Jimmy Roberts: Stated that he would like to mirror what has been said about Commissioner Jackson and that he has been a pleasure to work with, willing to listen and always asks good questions pertaining to the Coroners Office. Jimmy introduced Coroner Elect, Scott Tweedy, and stated that he will be resigning as Coroner as of September 20, 2026.

Scott Reese: Stated that he appreciates Commissioner Jackson and his service to Bingham County and thanked Jason Marlow for his work on the parking lot and sidewalk projects.

Sheriff Jeff Gardner: Stated that he would like to thank Commissioner Jackson for his service to Bingham County and that he appreciates his patience during tough meetings.

Sheriff Jeff Gardner also stated that he would like everyone to be cautious as it is fire season and to be cautious with the upcoming Eastern Idaho State Fair.

Laraine Pope: Had no updates at this time.

Jason Marlow: Stated that he appreciates everyone and their patience with the parking lot/sidewalk project and that it is not quite finished. There are still two side jobs to be done before the project is complete.

Tiffany Olsen: Had no updates at this time.

Shawn Hill: Had no updates at this time.

Derrick Going: Had no updates at this time.

Barbara Marlatt: Had no updates at this time.

Commissioner Jensen stated next Staff Meeting is scheduled for Monday, September 14, 2026, at 8:30 a.m.

Nothing further.

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 voted in favor. The Board moved into Executive Session at 9:01 a.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 9:11 a.m.

Decision: Commissioner Jensen moved to approve hiring the individual discussed within Executive Session for the Probation Department, after discussion with Human Resources and Legal Counsel. Commissioner Jackson seconded. Both voted in favor. The motion carried.

PROBATION DEPARTMENT

Present: Shawn Hill- Probation Services

The Board met with Shawn Hill to receive updates from within the Probation Department.

BUILDING MAINTENANCE

Present: Jason Marlow- Facilities Manager
Via Phone: Commissioner Manwaring

The Board met with Jason Marlow to receive updates from within the Building Maintenance Department, along with other agenda items.

Discussion was held in regard to the submitted prior approval for major purchase for repair of the old jail roof. Mr. Marlow stated that the roof section and drain above the J 1& 2 slider doors leaks and the drain sits about an inch lower than the roof. This area pools water and leaks into the hall in between said slider doors. This repair would be to build up the slope to the drain level. Said purchase is in the amount of \$12,356.00, which is to be paid from Fund: 01-10-506-0000.

Decision: Commissioner Jensen moved to approve the prior approval for major purchase for repair of the old jail roof. Mr. Marlow stated that the roof section and drain above the J 1& 2 slider doors

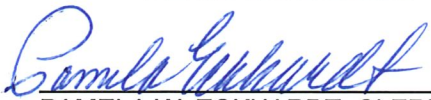
leaks and the drain sits about an inch lower than the roof. This area pools water and leaks into the hall in between said slider doors. This repair would be to build up the slope to the drain level. Said purchase is in the amount of \$12, 356.00, which is to be paid from Fund: 01-10-506-0000. Commissioner Jackson seconded. Both voted in favor. The motion carried.

ASSESSORS OFFICE

Present: Donovan Harrington- County Assessor
Debbie Cunningham- Chief Deputy Assessor

The Board met with Donovan Harrington to receive updates from within the Assessors Office.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY AUGUST 4, 2026


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, August 4, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 4, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 4, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

MEETING IN REGARD TO THE REQUEST FOR RECONSIDERATION OF FINAL DECISION FOR THE CEDAR ARCH DAIRIES CUP, FILED BY ATTORNEYS FOR CEDAR ARCH DAIRIES LLC, WITH DECISION

Present: Tiffany Olsen- Planning & Development Director
 Paul Rogers- County Legal Counsel
Zoom: Theodore Larsen- Attorney for Cedar Arch Dairies LLC

At the onset of the meeting, Commissioner Jensen declared conflict as he resides close to the subject property and therefore is unable to act as an impartial decision-maker. Chairman Manwaring and Commissioner Jensen were in favor and Commissioner Jensen was recused from decision making on this matter.

Chairman Manwaring stated that the Board will focus on two main issues put forth within the filed Motion for Reconsideration, wherein discussion was held as follows:

Chairman Manwaring referred to Remand Issue 2 and whether the prior decision improperly required the Applicant to provide timelines for compliance with conditions that were, in fact, intended to be set by the Planning & Zoning Commission. Chairman Manwaring stated it is confusing and could be amended to add clarification within the decision. Commissioner Jackson asked for clarification in what the condition actually was, wherein Chairman Manwaring referred to page 3 of the Motion for Reconsideration, specifically CC Reason 1 concerns Remand Issue 2, which states "Time limits be placed on the conditions to aid with enforcement." The 2026 CC (County Commissioner) decision states that Cedar Arch "did not provide a response to" Remand Issue 2. Commissioner Jackson stated that he recalls holding discussion in regard to figuring out the best way for enforcement and to his recollection, that was one of the reasons put in place. Chairman Manwaring stated the time limit conditions were intended to come from the Planning & Zoning Commission, wherein the Planning & Zoning Commission asked that the Applicant how long it would take to take care of the issues and cure the issue. Chairman Manwaring stated in his mind, nothing was set in stone on that matter, and he believes that a cure could have been put in place within 6 months, but he personally would put a limit on for 8-10 months to be sure that curing of the issue is complete. Chairman Manwaring stated he believes that was a misunderstanding and that the Board could justify that this was prejudiced and the substantial rights were affected on this particular matter.

Commissioner Jackson asked if there is a time limit placed, wherein Mr. Rogers stated that the Applicant is talking about in the decision on page 5 at the top, there is a portion that states that the Applicant did not provide timelines. Mr. Rogers stated the timeline was to be placed by Planning & Zoning and not for the Applicant to place the timelines. Mr. Rogers stated that the Board should decide whether misallocation of responsibility prejudiced against the substantial rights of the Applicant and constituted an abuse of discretion or was unsupported by substantial evidence.

Commissioner Jackson stated that he does believe that the substantial rights of the Applicants are prejudiced because the burden was placed onto them that was meant to be that Planning & Zoning Commission placed the timeline. Mr. Rogers stated there was no substantial evidence that showed this requirement was required by the Applicant to put those timelines in place. Therefore, Mr. Rogers stated, legally, because of the language of the decision, it seems as though the County opened the door in Bingham County Code 10-10-3, so that allows the Board to modify its decision and correct that issue, if the Board decides.

Commissioner Jackson stated that he was confused as well and therefore, he believes that clarification should be made. Chairman Manwaring stated that he concurred and the decision should be modified as it did affect the substantial rights of the Applicant.

Commissioner Jackson stated that based on Bingham County Code 10-10-3, in regard to Requirement #2, the substantial rights of the Applicant were prejudiced, and it was an abuse of discretion to place the timeline burden accidentally on the Applicant rather than the Planning & Zoning Commission, which may result in modification of the previous decision. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Commissioner Jackson moved to amend the decision made on July 1, 2026, to remove the language that the Applicant was required to provide timelines under #2 and instead place verbiage stating that the Planning & Zoning Commission did not provide timelines or conditions based on the lack of information received from the Applicant. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Next, discussion was held in regard to Remand Issue 6 and 7, pertaining to flies, odor and dust, wherein Chairman Manwaring stated on remand, the Applicant provided information concerning the possible use of a digester and its economic feasibility, referencing to cost estimates in the millions of dollars, the Applicant's bankruptcy and limited funds. Chairman Manwaring stated that he would rather have several quotes from different companies pertaining to the specific property and onsite bids or provide other options, which was not provided. Commissioner Jackson stated it appeared that the information provided was general in nature and that a dairy of this size would not be economically feasible. Commissioner Jackson stated that he does not believe that there was information specific to Cedar Arch Dairies or a potential other solution.

Chairman Manwaring stated it was mentioned that due to the cost of services and feasibility, it was mentioned that Cedar Arch Dairies is within the process of bankruptcy, which makes funds limited but that is not pertinent with the application. Chairman Manwaring stated whether funds are available or not, that is not the Boards decision but as to whether or not the issue will be cured and how. Chairman Manwaring stated that there was not sufficient information and other options provided to cure the issue.

Chairman Manwaring mentioned issues with flies and stated that a potential tree barrier was brought up within the Planning & Zoning Commission meeting stated that there have been other CAFO's and he has conducted research, wherein there are studies in regard to tree barriers assisting with odors and reduce smell from the wind blowing but the Applicant did not provide sufficient options, alternatives, or site-specific proposals addressing these issues. Both Commissioners agreed that a tree barrier would not assist with fly mitigation but are more of dust and odor mitigation.

Chairman Manwaring stated that it would have been beneficial to have a Conditional Use Permit in place but that this was originally an Ag Exempt Permit and until there were issues with the lagoon and increase in animal units, a Conditional Use Permit was not required. Chairman Manwaring stated he understands that the State Department of Agriculture treats the two dairies as one with the Nutrient Plan, but the County recognizes these as two separate CAFOs. The home dairy is grandfathered as an agricultural use and is not presently required to obtain a CAFO Conditional Use Permit unless its numbers change beyond grandfathered thresholds.

Chairman Manwaring stated that the Applicant mentioned that due to the timing if the application being in October, there was no flies or dust. Chairman Manwaring stated that the Application should be for the entire year and just because they could apply during the winter when there are no flies or smell is irrelevant because the application is for the entire year and that will affect conditions that may occur throughout the year for dust control, fly control and odor control, which is why the Application was remanded back to the Planning & Zoning Commission for further information. After which, Planning & Zoning Commission did not feel that they received sufficient information and denied it. Chairman Manwaring reiterated that due to the denial and lack of information provided, the Board of County Commissioners could not change its decision.

DECISION

Commissioner Jackson moved to affirm the original decision dated July 1, 2026, for denial based on clarification language now added via motion, which is with regard to Remand Issue No. 2 and pursuant to Bingham County Code 10-10-3. Chairman Manwaring seconded. Both voted in favor. The motion carried.

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 AUGUST 5, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, August 5, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 5, 2026, as posted.

Decision: Commissioner Jackson moved to approve the Commission Meeting Notice & Agenda for August 5, 2026, as posted. Commissioner Jensen seconded. All voted in favor. The motion carried.

COLLEGE OF EASTERN IDAHO

The Board met to approve four (4) Certificate of Residency documents, which were sent to the College of Eastern Idaho, for the following Bingham County student's: Tanner J. Thayne, Emily E. Monk, Payette L. Tyger and Rylie S. Cammack.

COLLEGE OF SOUTHERN IDAHO

The Board met to approve two (2) Certificate of Residency documents, which were sent to the College of Southern Idaho, for the following Bingham County student's: Kanani J. Bolinder and Preston J. Breshears.

Decision: Commissioner Jensen moved to approve Administrative Documents for August 5, 2026. Commissioner Jackson seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION FOR EMERGENCY USE OF COUNTY VEHICLE BY FACILITIES MANAGER

Present: Jason Marlow- Facilities Manager
 Paul Rogers- County Legal Counsel

The Board met to hold discussion and make a decision in regard to emergency use of a county vehicle by the Facilities Manager.

Discussion was held with regard to the Facilities Manager, or on-call employee within the Building Maintenance department, driving a county vehicle home due to the frequent calls at night and on the weekends, mostly from the jail. The Board was in favor and had no concerns.

Decision: Commissioner Jackson moved to approve emergency use of county vehicle by the Facilities Manager, or whichever Building Maintenance employee may be on call at the time use is needed. Commissioner Jensen seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Paul Rogers- County Legal Counsel

The Board met with Dusty Whited to discuss updates within the Public Works Department.

HUMAN RESOURCES

Present: Laraine Pope- Human Resource Director
Paul Rogers- County Legal Counsel

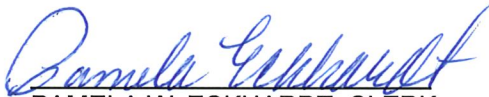
The Board met with Laraine Pope to receive updates from within the Human Resource Department.

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 voted 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 10:30 a.m.

Decision: No decision was made.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY AUGUST 7, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, August 7, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve Commission Meeting Notice & Agenda for August 7, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 7, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

CASH WARRANTS

The Board approved Cash Warrants in the amount of \$93.26.

CLAIMS

The Board approved Claims in the amount of \$331,873.04.

PERSONNEL ACTION FORMS

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

Employee Status Sheet:	Detention Deputy to Patrol Deputy
New Employee Status Sheet:	Patrol Deputy
	Detention Deputy
	Deputy Prosecutor
	Truck Driver Road & Bridge
	Deputy Court Clerk
Salary Increase Form:	Truck Driver
	Mechanic
	Truck Driver
	System Support Specialist
	SW Lead Operator
	Deputy Court Clerk
	Deputy Court Clerk

COLLEGE OF EASTERN IDAHO

The Board approved four (4) Certificate of Residency documents, which were sent to the College of Eastern Idaho for the following Bingham County student's: Tanner J. Thayne, Emily E. Monk, Payette L. Tyger and Rylie S. Cammack.

COLLEGE OF SOUTHERN IDAHO

The Board approved one (1) Certificate of Residency document, which was sent to the College of Southern Idaho for the following Bingham County student: Harlee J. Weaver.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for August 7, 2026. Commissioner Jensen seconded. All voted in favor. The motion carried.

BINGHAM COUNTY RESOLUTION 2026-48

The Board met to approve and sign Bingham County Resolution 2026-48, destruction of records for the Sheriffs Office.

Decision: Commissioner Jensen moved to approve and sign Bingham County Resolution 2026-48, destruction of records for the Sheriffs Office. Commissioner Jackson seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION 2026-48**

**RESOLUTION REGARDING THE DESTRUCTION OF RECORDS
FOR THE SHERIFFS OFFICE**

WHEREAS the Bingham County Sheriffs 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 Sheriffs 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

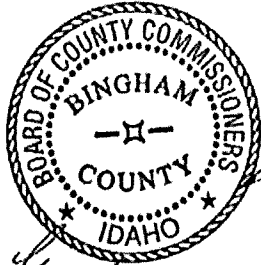
WHEREAS none of the records for which destruction is requested are those required to be kept by the County permanently and indefinitely pursuant to I.C. §31-709;

SHERIFFS OFFICE

See Attached "Exhibit A"

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

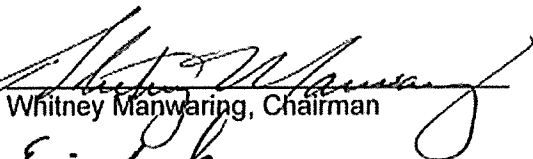
Dated this 7th day of August 2026.



ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner



BINGHAM COUNTY

SHERIFF JEFF GARDNER

(208) 786-4440
501 N. MAPLE ST. #405
BLACKFOOT, ID 83221

County Records Destruction list

August 03, 2026

Bingham County Sheriff's Office Records is requesting approval for destruction of the following Items:

**Box 1: Jail Jackets #2701 - 2843
Box 2: Jail Jackets #2405 - 2571
Box 3: Jail Jackets #2651 - 2811
Box 4: Jail Jackets #2705 - 2992
Box 5: Jail Jackets #2993 - 3063
Box 6: Jail Jackets #3064 - 3302
Box 7: Jail Jackets #3226 - 3283
Box 8: Jail Jackets #3288 - 3312
Box 9: Jail Jackets #3311 - 3582
Box 10: Jail Jackets #3583 - 3703**

**Kaitlin Smith
Records Clerk**

**KimberLee Arms
Office Manager**

DISCUSSION & DECISION REGARDING AGREEMENTS BETWEEN BINGHAM COUNTY AND THE EASTERN IDAHO STATE FAIR- REQUESTED BY PAUL ROGERS- COUNTY LEGAL COUNSEL

Present: Paul Rogers- County Legal Counsel

The Board met to hold discussion and make a decision in regard to agreements between Bingham County and the Eastern Idaho State Fair.

The Board and Mr. Rogers reviewed the draft lease, which would combine the existing Ridge Street Lease and the county lot north of the jail expansion used for the carnival, into one agreement. Under the proposed rent section, the county and the fair would meet on or before June 30th each year, the county will report its employee count and the fair would give ticket prices and pay that amount in cash as rent. The county would then use that funding to purchase fair tickets for employees. The new lease would start in 2027 for a five (5) year term.

Mr. Rogers will provide the draft agreement to Brandon Bird, Eastern Idaho State Fair, for review and this item will be added for final approval next week.

DISCUSSION & DECISION REGARDING PURCHASE OF NORTH BINGHAM COUNTY PARK
SPRINKLER UPGRADE- REQUESTED BY SCOTT REESE- PARKS & RECREATION DIRECTOR

Present: Scott Reese- Parks & Recreation Director
Danny Truman- Precision Landscaping

The Board met to hold discussion and make a decision regarding the purchase of a sprinkler system upgrade for North Bingham County Park.

Mr. Reese explained the proposal is to remove all old valve boxes, install new 2 wire system throughout the property and install new valve boxes. Said purchase is in the amount of \$21,000.00 (\$10,500.00 in materials and \$10,500.00 for equipment and labor to complete), which is proposed to be paid from Fund: 18-00-499-00.

Decision: Commissioner Jackson moved to approve the prior approval for purchase of a sprinkler system upgrade for North Bingham County Park. Said purchase is in the amount of \$21,000.00, which is to be paid from Fund: 18-00-499-00. Commissioner Jensen seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING CYBERSECURITY TECHNICIAN JOB DESCRIPTION AND
PAYGRADE

Present: Laraine Pope- Human Resource Director

The Board met to hold discussion and make a decision in regard to the Cyber-Security Technician job description and paygrade.

Mr. Galloway requested that the position start at Grade N26, Step 6, wherein Ms. Pope stated that she was in agreeance with the grade but did not believe that the position should start in the middle of the grade but recommended posting from entry level, with pay based on experience and qualifications.

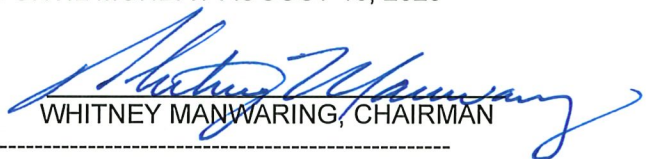
The Board was in favor of advertising the position at N26 Step 1 through N26, Step 6.

Decision: Commissioner Jensen moved to approve the job description for Cybersecurity Technician and advertise at N26, Step 1 through N26, Step 6. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL MONDAY AUGUST 10, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, August 10, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION NOTICE & AGENDA

The Board met to approve the Commission Notice & Agenda for August 10, 2026, as posted.

Decision: Commissioner Jackson moved to approve the Commission Notice & Agenda for August 10, 2026, as posted. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF QUIT CLAIM DEED FROM BINGHAM COUNTY TO JOSE JUAN & MARIA DEJESUS ALBA AND ALICIA ALBA

The Board met to approve and sign of Quit Claim Deed documents from Bingham County to Jose Juan & Maris Dejesus Alba and Alicia Alba.

Lindsey Gluch, Commission Clerk, confirmed that the GIS Manager had reviewed the legal descriptions within each deed to be sure there was no error and stated this process is occurring to fix a right-of-way issue.

Decision: Commissioner Jensen moved to approve and sign the proposed Quit Claim Deed documents from Bingham County to Jose Juan & Maria Dejesus Alba and Alicia Alba. Commissioner Jackson seconded. All voted in favor. The motion carried.

MEETING TO APPROVE & SIGN THE FINAL PLAT FOR BEEHIVE SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
 Amanda Willard- Permit Technician & Planner Assistant
 Adam Thayer- Dioptra

The Board met to approve and sign the Final Plat for Beehive Subdivision.

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

DISCUSSION REGARDING THE SURVEYOR POSITION & RECORDED PLATS, WITH POTENTIAL DECISION

Present: Tiffany Olsen- Planning & Development Director
 Kraig Edwards- Weed Department Supervisor
 Amanda Willard- Permit Technician & Planner Assistant
 Adam Thayer- Dioptra
 Donavan Harrington- County Assessor
 Debbie Cunningham- Chief Deputy Assessor
 Wendy Mecham- GIS Manager
 Laraine Pope- Human Resource Director

The Board met to hold discussion with regard to the Surveyor position and recorded plats, with potential decision.

Chairman Manwaring recognized the difficulty of recruiting a Surveyor, the two contracts entered into since, and the proposal to remove the position from the budget. Mr. Harrington reported that the county holds contracts with Cornerstone and Dioptra, that total out-of-pocket expense stands at just over \$18,000 year to date including HLE's work for Road and Bridge, and that no department's surveying needs are going unmet. Spending roughly \$100,000 plus benefits on an in-house surveyor, he said, could not be justified when contracting delivers the same work for less, which is the reason behind the Board's earlier decision to remove the position.

Ms. Olsen confirmed that surveying demands can be met by contract and expressed no interest in taking the position in the Planning & Development budget. Public Works requires a surveyor per state code, and Road and Bridge, speaking through Kraig Edwards, reported no shortfall beyond wanting someone available for questions. The Assessor's Office needs consultation rather than staffing, mostly on legal descriptions and GIS section work. Ms. Olsen cautioned against resolving such questions by guesswork or AI given the liability. Ms. Pope confirmed the county has received only two unqualified verbal inquiries, not genuine applications, and that recruitment prospects are roughly eight years out. Mr. Thayer, a partner at one of the contracted firms, added that a seasoned surveyor at market rates near \$150,000 would likely be the county's highest-paid employee, and endorsed the contracting model as it operates in Bannock County.

The Board agreed to designate one firm as primary surveyor for day-to-day questions and routine reviews, retain the second for conflicts, and amend both contracts to replace the existing rotating project assignment structure. Cornerstone was suggested as the secondary conflict surveyor on timeliness grounds. The Chairman further directed that each department pay for its own surveyor usage from its own budget line rather than through the Assessor's office, with Commissioners Jackson and Jensen concurring.

Ms. Olsen stated that she would notify Legal Counsel to revise the surveyor contracts to name one primary surveyor, retain the other for conflicts, and remove the rotating assignment structure; return the updated contracts and budget allocations to the Board.

The discussion regarding recorded plats will be continued until all parties can be present for the discussion.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY AUGUST 12, 2026


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, August 12, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve and sign the Commission Notice & Agenda for August 12, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Notice & Agenda for August 12, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

JAIL INSPECTION

The Board attended Jail Inspection with Sheriff Gardner, Chief Deputy Sheriff Jordyn Nebeker, Lieutenant Kris Talbot and Commission Clerk Lindsey Gluch.

CASH WARRANTS

The Board met to approve Cash Warrants in the amount of \$14,050.06.

COLLEGE OF SOUTHERN IDAHO

The Board met to approve two (2) Certificate of Residency documents, which were sent to the College of Southern Idaho for the following Bingham County student's: Taryn C. Fisher and Jaime I. Lora.

COLLEGE OF EASTERN IDAHO

The Board met to approve sixteen (16) Certificate of Residency documents, which were sent to the College of Eastern Idaho for the following Bingham County student's: Lilyan M. Hansen, David D. Coleman, Karina V. Aguirre, Berkley A. Stewart Burch, Lilya J. Jones, Violet E. Jones, Peyton E. Grenfell, Gracie J. Hill-Scherbinske, Luna B. Hayes, Steven C. Nawrocki, Ryder G. Ogden, Henri S. Zanotti, Kristian M. Aguirre, Haylie R. Dotson, Isabelle M. Carrell, and Kaylie A. Ehcenberg.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for August 12, 2026. Commissioner Jensen seconded. All voted in favor. The motion carried.

BINGHAM COUNTY RESOLUTION 2026-49

The Board met to approve and sign Bingham County Resolution 2026-49, destruction of records for Assessors Office.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2026-49, for the destruction of records for the Assessors Office. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION 2026-49**

**RESOLUTION REGARDING THE DESTRUCTION OF RECORDS
FOR THE ASSESSORS OFFICE/DEPARTMENT OF MOTOR VEHICLES**

WHEREAS the Bingham County Assessors Office/Department of Motor Vehicles 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 Assessors 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;

Assessors Office

July 2025

Title and Title Applications

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

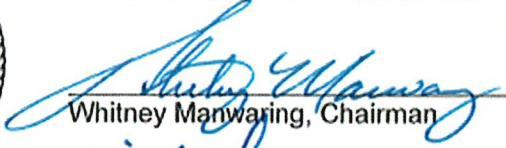
Dated this 12th day of August 2026.



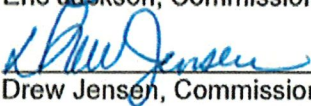
ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

APPROVAL OF JUNE 2026 COMMISSION MINUTES

The Board met to approve June 2026 Commission Minutes. Chairman Manwaring confirmed with both Commissioner Jackson and Commissioner Jensen that they had reviewed the proposed minutes and had no changes to be made.

Decision: Commissioner Jensen moved to approve June 2026 Commission Minutes, as written. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE MOTION FOR RECONSIDERATION ON CEDAR ARCH DAIRIES CUP FILED BY THE FIRTH/BASALT CONCERNED CITIZENS

The Board met to approve the Reason & Decision for the Motion for Reconsideration on Cedar Arch Dairies CUP filed by the Firth/Basalt Concerned Citizens. Chairman Manwaring confirmed with Commissioner Jackson that he had reviewed the proposed Reason & Decision document and had no changes to be made.

Decision: Commissioner Jackson moved to approve the Reason & Decision for the Motion for Reconsideration on Cedar Arch Dairies CUP filed by Firth/Basalt Concerned Citizens. Chairman Manwaring seconded. Both voted in favor. The motion carried.

SHERIFFS OFFICE

Present: Jeff Gardner- Sheriff
Matt Galloway- IT Director

The Board met with Sheriff Gardner to receive updates from within the Sheriffs Office, along with other agenda items.

Discussion was held with regard to the purchase of 911 center monitor reconfiguration project, which include heavy duty knuckles, mounting posts and mounts (\$17,933.02) and 14 Dell Monitors from Dell (\$14,804.86). This is necessary equipment and labor to add monitors necessary to accommodate all ECO programs and have an operational fifth station. Said total cost is in the amount of \$32,737.88, which is to be paid from Fund: 0028-01-0559-00.

Decision: Commissioner Jensen moved to approve the prior approval for purchase of 911 center monitor reconfiguration project, which include heavy duty knuckles, mounting posts and mounts (\$17,933.02) and 14 Dell Monitors from Dell (\$14,804.86). This is necessary equipment and labor to add monitors necessary to accommodate all ECO programs and have an operational fifth station. Said total cost is in the amount of \$32,737.88, which is to be paid from Fund: 0028-01-0559-00). Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Kraig Edwards- Weed Department Supervisor
Paul Rogers- County Legal Counsel

The Board met with Dusty Whited to received updates from within the Public Works Department, along with other agenda items.

Discussion was held in regard to the proposed Resolution 2026-50 for surplus property for the Public Works Department.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2026-50, surplus property for the Public Works Department as proposed. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2026-50**

A FORMAL RESOLUTION DECLARING CERTAIN BINGHAM COUNTY PROPERTY
NOT NECESSARY FOR USE IN BINGHAM COUNTY, IDAHO

WHEREAS, The Bingham County Commissioners have the authority to manage county property, (Idaho Code §31-807);

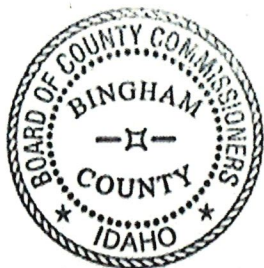
WHEREAS, The Bingham County Commissioners have the authority to sell or offer for sale personal property exceeding two hundred fifty dollars (\$250) in value at private sale, (Idaho Code §31-808);

THEREFORE BE IT HEREBY RESOLVED, by the Board of County Commissioners, Bingham County, Idaho, that the following items may be sold as excess property:

Bingham County Public Works Department

"See attached Exhibit A"

DATED this 12th day of August, 2026.



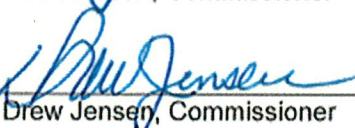
ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

Auction Items

3 Metal fuel tanks and one stand

1 oil pump trailer

John deer tractor unit 0111 and mower

4 Tiger mowers serial numbers 3250,2816,2203,1470

1 leor camper

35 parking blocks

20 foot overhead door and railing

3 pickup head ache racks

3 pickup tool boxes

semi head ache rack

2 lift axes

One broce broom unit 0410

miscellaneous cutting edges and v shoes

3 plastic chemical tanks

20 electrical boxes

2 three point massy tractor hltches

truck dolly

dump truck bed

1 v plow 1 40' hydrualic ram

1 challanger rubber track .

1 tire dolly

8 roll pack tires and rims

2 snow plows

2 solar traffic signals

320 cat rock guards

2 air cooled pumps with motors for parts

Next, discussion was held in regard to the Noxious Weed Advisory Technician job description and pay scale. Mr. Whited stated that the job description was built from the Planning & Development Code Enforcement Officer description. The Board was in favor of approving the job description with an hourly starting wage of \$20.00 per hour, with a yearly cost-of-living as an incentive for the individual to come back each season. The Board was in favor of advertising this position starting January 1, 2027.

Decision: Commissioner Jensen moved to approve the part time Noxious Weed Advisory Technician job description with pay at \$20.00 per hour with opportunity to receive cost of living. This position is to be advertised January 1, 2027. Commissioner Jackson seconded. All voted in favor. The motion carried.

Lastly, discussion was held in regard to the proposed agreement for concrete bridge decks to be epoxied. Mr. Whited proposed epoxy-coating on six concrete bridge decks to keep water from rusting the rebar. This was compared to saving up to replace the weight-restricted Wolverine Bridge, estimated at \$1.5-\$2 million. At the current \$150,000 per year, that would take 10 years or more and the Board was in favor of preventative maintenance.

Decision: Commissioner Jensen moved to approve the agreement for concrete bridge decks to be epoxied, six (6) bridges in the amount of \$104,785.00 to be paid from Special Projects Fund. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING AMENDMENT FROM "A" AGRICULTURE TO "C2" HEAVY COMMERCIAL, FOR APPROXIMATELY 0.0876 ACRES OF LAND LOCATED AT 704 N. HIGHWAY 91, FIRTH, IDAHO, ON BEHALF OF MHD DEVELOPMENT, LLC

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

The Board held a public hearing to receive the Planning & Zoning Commission's recommendation to approve a Zoning Amendment from "A" Agriculture to "C2" Heavy Commercial, for approximately 0.0876 acres of land located at 704 N. Highway 91, Firth, Idaho, on behalf of MHD Development, LLC. Chairman Manwaring welcomed all to the hearing and introductions were held for county staff.

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Applicant, MHD Development LLC., along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board finds the following:

1. 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 July 16, 2026 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on July 18, 2026 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on July 16, 2026. (CC-4 & Property Owners Mailing List and Notice)
 - d. Site was posted on July 22, 2026 (CC-5 Affidavit of Posting) and photographs of the site were taken on May 12, 2026. (Exhibits S-8)
2. The Planning & Development Department and Commission Clerk received no additional testimony prior to the Board's Public Hearing.

After presentation of the Staff Report and confirmation that there were no additional questions for county staff, the Public Hearing was opened and testimony was presented at the Public Hearing, which was as follows:

(CC-6) Barry Bame, Krossroads Engineering, 112 South Main St., Suite D, Firth, Idaho, stated that a portion of the property is zoned "A" Agriculture and the request is to rezone to "C2" Heavy Commercial, to align with the remainder of the parcel's zoning designation. Mr. Bame stated that he is currently working to do a lot line adjustment to be able to get the Residential property on its own and the Commercial on its own also.

There were no questions for the Applicants Representative.

Chairman Manwaring opened the Public Hearing for testimony in favor, neutral or in opposition, to which there was none, and the Public Hearing was closed.

REASON

The Board held deliberation and based on the entire record; the Board finds the following:

1. The Application met the requirements in Bingham County Code Section 10-15-3, as the Application was submitted by the Property Owner and included all required contents of a complete Application; and
2. The Application met the purpose of the "C2" Heavy Commercial Zone, which is to provide for the development of businesses and service establishments which are incompatible in community shopping areas. This zone requires relatively large size lots and easy highway access and should be removed from residential areas with:
 - a. Adequate service by major roadways. The Board found that the property has two existing access points from Highway 91 that will remain in place. In addition, one access from 700 N is planned at the time of development, which also provides direct access to the highway. This future access will be subject to an approach permit with potential traffic problems.
 - b. Location that minimizes potential traffic problems. The Board found that the property has convenient and direct access to Highway 91 and did not express concerns with potential traffic problems.
 - c. Compatibility with existing uses. The Board found in the Staff Report that the surrounding area consists of a mix of residential, pasture, and commercial uses. The proposed rezone would be consistent with existing commercial uses already established on portions of this property.

- d. Protection from encroachment of residential uses. Staff provided information to the Board that commercial use has already been established on the bulk of the property. The nearby homes are located 150 to 250 feet from the proposed rezone area and are currently adjacent to land zoned C2, with two of the homes being located within the C2 Zoning District.
 - e. Accessibility to adequate utilities. The Board found that the property currently has an existing well and septic system, with five (5) water shares from the Blackfoot Irrigation Company
- 3. The Bingham County Comprehensive Plan Map identifies the subject parcel as Multi-Use, which supports the Zoning Amendment request; and
 - 4. The Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

Chairman Manwaring had no concerns and stated the request falls in line with the multi-use corridor that was implemented along the main highways throughout the County.

Commissioner Jackson had no concerns.

Commissioner Jensen had no concerns.

DECISION REGARDING ZONING AMENDMENT

Based on the record, Commissioner Jensen moved to uphold the Planning & Zoning Commission's recommendation to approve the Zoning Amendment of 0.0876 acres of a 2.35- acre parcel located at approx. 704 N. Highway 91, Firth, ID, from Agricultural to Heavy Commercial for future commercial development as proposed by MHD Development, LLC. Commissioner Jackson seconded. All 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.

APPROVAL & SIGNING OF EASTERN IDAHO STATE FAIR WEEK TRANSFER STATION AGREEMENT WITH PSI- REQUESTED BY DERRICK GOING, SOLID WASTE DIRECTOR

Present: Derrick Going- Solid Waste Director
 Casey McDaniel- PSI

The Board met to approve and sign the Eastern Idaho State Fair Week Transfer Station Agreement with PSI.

Mr. Going explained that there were no changes made to the agreement, other than the date included. Within the agreement, it states that the county agrees to keep the transfer station open from 7:00 a.m. to 12:00 p.m., on September 6, 2026, to allow PSI to dump garbage gathered under their contract with the Eastern Idaho State Fair. PSI agrees to pay the County the sum of \$630.00 to cover salary of the three (3) employees.

Chairman Manwaring confirmed that Legal Counsel had reviewed the document with no concerns.

Decision: Commissioner Jackson moved to approve and sign the Idaho State Fair Week Transfer Station Agreement with PSI, as presented. 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 voted in favor. The Board moved into Executive Session at 11:00 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 11:22 a.m.

Decision: Commissioner Jensen moved to approve the prior approval for purchase of a fiber trunk 1st floor to 2nd floor (extra fiber for servers). Said purchase is in the amount of \$8,250.88, which is to be paid from Fund: 01-14-804-0000. Commissioner Jackson seconded. All voted in favor. The motion carried.

Commissioner Jackson moved to approve the prior approval for purchase of a server in the amount of \$49,155.75, which is to be paid from Fund: 01-14-804-0000. Commissioner Jensen seconded. All voted in favor. The motion carried.

Commissioner Jensen moved to approve the prior approval for purchase of 2nd floor access control addition to the current project. Said purchase is in the amount of \$17,900.43, which is to be paid from Fund: 50-00-559-00 (PILT FY 2027). Commissioner Jackson seconded. All voted in favor. The motion carried.

Commissioner Jackson moved to approve and sign the Agreement between Bingham County and the City of Aberdeen for IT Services. 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)(a)&(b), to consider personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen seconded. Both voted in favor. The Board moved into Executive Session at 2:12 p.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 2:35 p.m.

Decision: Commissioner Jensen moved to proceed with the contract with Paul Rogers for legal services and allow Mr. Rogers to rescind his resignation. Commissioner Jackson seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION IN REGARD TO ROAD BASE AND GRAVEL FOR THE SHELLEY/FIRTH FIRE DEPARTMENT STATION IN FIRTH

Present: Paul Rogers- County Legal Counsel
Via Phone: Randy Adams- Shelley/Firth Fire Chief

The Board met to hold discussion and make a decision in regard to road base and gravel for the Shelley/Firth Fire Department station in Firth.

Mr. Adams stated that the county had assisted with materials previously for this project, but an additional 1,800 yards of pit run in order to complete the project.

The Board was in favor of assisting with the project and has no issues.

Decision: Commissioner Jensen moved to approve that the county assist with gravel supply to the Shelley-Firth Fire Department in the amount of 1,800 yards in pit run and the county will deliver to the site but will not spread the material. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY AUGUST 14, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)

: ss.

Friday, August 14, 2026

County of Bingham)

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

PRESENT: Chairman Manwaring
Commissioner Jensen
Commissioner Jackson

CLAIMS

Claims were approved in the amount of \$212,846.79.

PERSONNEL ACTION FORMS

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

Salary Increase Form:

Certified Appraiser
Certified Appraiser
Motor Vehicle Specialist
Asst. Director/Lead Planner
Permit Tech/Assistant Planner
Building Inspector
Detention Sergeant
Patrol Deputy
Patrol Deputy
Civil Office Technician
Detention Deputy
Detention Deputy
Jail Secretary
Detective
Detention Sergeant
Patrol Deputy
Detective Sergeant
Drug Testing Technician
Equipment Operator to Senior Equipment Operator

New Employee Status Sheet:

Employee Status Sheet:

COLLEGE OF EASTERN IDAHO

The Board met to approve nine (9) Certificate of Residency documents, which were sent to the College of Eastern Idaho for the following Bingham County student's: Tori W. Lambert-Bench, Hailey M. Dahle, Angelina R. Lockhart, Austin L. Adams, Alli E. Lish, Samuel A. Kudla, Dallin H. Adams, Melody G. Hansen and Jac H. Pitta.

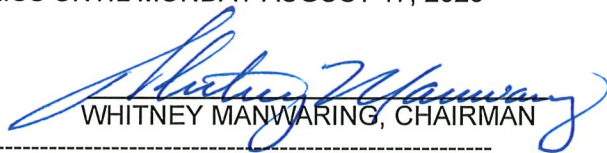
COLLEGE OF SOUTHERN IDAHO

The Board met to approve four (4) Certificate of Residency documents, which were sent to the College of Southern Idaho for the following Bingham County student's: Devenn L. Weigle Bailey, Anya L. Mecham, Cambrie F. Waterhouse, and Jasmine Llamas.

THE MOTION PASSED TO DISMISS UNTIL MONDAY AUGUST 17, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, August 17, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION NOTICE & AGENDA

The Board met to approve the Commission Notice and Agenda for August 17, 2026, as posted.

Decision: Commissioner Jackson moved to approve the Commission Notice and Agenda for August 17, 2026, as posted. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF MINIMUM BIDS & SIGNING OF NOTICE OF AUCTION, IN REGARD TO TAX DEED PROPERTY TO BE SOLD AT AUCTION

The Board met to approve minimum bids and sign the notice of auction in regard to tax deed property to be sold at auction.

Lindsey Gluch, Commission Clerk, explained that the minimum bid proposed is \$589.70, which includes the following:

Balance due for past taxes & interest:	\$336.10
Pre-pay for 2026:	\$3.60
Mailing Cost for Notice:	\$100.00
Publication of Notice:	\$100.00
Recording Fee:	\$50.00

The Board was in favor of the proposed minimum bid.

Decision: Commissioner Jensen moved to approve the minimum bids and sign the Notice of Auction, in regard to one tax deed property to be sold at auction. Commissioner Jackson seconded. All voted in favor. The motion carried.

CONTINUED MEETING FROM AUGUST 10, 2026, IN REGARD TO RECORDED PLATS, WITH POTENTIAL DECISION

Present: Dusty Whited- Public Works Director
Laraine Pope- Human Resource Director
Tiffany Olsen- Planning & Development Director
Amanda Willard- Permit Technician & Planner Assistant
Donavan Harrington- County Assessor
Debbie Cunningham- Chief Deputy Assessor
Wendy Mecham- GIS Manager

The Board met to continue the meeting from August 10, 2026, in regard to recorded plats, with a potential decision.

Chairman Manwaring asked departments to settle disputes among themselves, or bring everyone involved into the room, before raising complaints with the Board. Commissioner Jackson added that citizens shouldn't get sent from one department to the next without help.

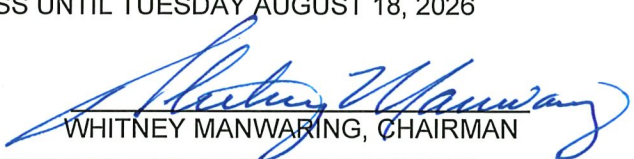
The main topic was Bracken Abrams's Whispering Grove subdivision and that Building permits are stuck because the Assessor's Office cannot enter parcel splits into Computer Arts until the State Tax Commission certifies values, so OpenGov doesn't recognize the new parcel numbers. This year certification has taken months instead of the usual couple of weeks, partly because urban renewal and new taxing district entries had to be cleaned up. The A-2 form was resubmitted the morning of the meeting. As a workaround, Planning and Development is trying latitude/longitude coordinates in OpenGov, but whether that works won't be known until Mr. Abrams submits his permit.

Ms. Olsen asked the Assessor to give advance notice of when splits are restricted (anything recorded after April 15, until certification after the last Monday in June).

Nothing Further.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY AUGUST 18, 2026


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, August 18, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 18, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 18, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

MOTION FOR RECONSIDERATION FILED BY ALAN STANDER REGARDING THE LONG LANE SUBDIVISION, WITH DECISION

Present: Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel
Luke Jolley- HLE
Alan Stander- filed Motion for Reconsideration

The Board met to hold a meeting in regard to the Motion for Reconsideration filed by Alan Stander regarding the Long Lane Subdivision, with decision. Chairman Manwaring welcomed all to the meeting and introductions were held for county staff.

Chairman Manwaring stated this Application was originally heard on June 24, 2026, wherein both he and Commissioner Jensen voted in favor of the Application and Commissioner Jackson voted in opposition as he did not feel that the Application is consistent with the surrounding areas and 5 acre lots versus 2 acre lots.

Tiffany Olsen, Planning & Development Director, reviewed the Reason & Decision approved by the Board in regard to its June 24, 2026, decision granting preliminary plat entitlement. Ms. Olsen stated the Board found that the subdivision by majority vote was appropriate for the area, commensurate with the surroundings, fit within the zoning designation for subdivision lot sizes because it is in a Residential/Agriculture zone. Ms. Olsen stated there were conditions added to the approval, which were specific to the irrigation system and that the Applicant, at his expense, hires a professional engineer to design the water system so that the pump and piping will be adequate to provide for all affected properties, which would include adequate water pressure.

Chairman Manwaring stated the main concern was the water system and Commissioner Jackson asked if on the average size house lot, that will take up approximately ½ an acre for the parking and the house that sits on the property. Commissioner Jackson stated the property owner will be able to irrigate ½ an acre from the individual well and asked for clarification. Ms. Olsen explained that the proposal is for individual culinary wells and septic systems. The Department of Water Resources issued a clarification memorandum earlier this year and indicated that all new subdivisions are not able to irrigate using their culinary well underneath the current order regardless of the size of home or the size of property. Therefore, the culinary well will only be used for domestic purposes and any irrigation would be from an irrigation well or surface water source, inside of a subdivision. Chairman Manwaring clarified that outside of a subdivision, half of an acre could be watered using culinary well.

Chairman Manwaring stated that he would agree with Mr. Stander to an extent, in regard to his concern as to not knowing if the water system will be sufficient. Chairman Manwaring stated that within Mr. Stander's Motion for Reconsideration, he noted that he has experience in working with several pumps, but every area is probably different. Chairman Manwaring stated there are areas within the county where the wells have gone dry and they had to drill down to the next level, which results in additions being required for the system. Chairman Manwaring stated with the subject property may need the same. Chairman Manwaring reiterated that he understands the concern in regard to water pressure to cover all affected properties and therefore, he believes when there are covenants, the county does not have control over those covenants but it would be in fact a civil matter and the property owners could work out a schedule so that each lot has the pressure that they need to water.

Chairman Manwaring stated that it was a condition for the Applicant to hire a professional engineer but that two could be hired in order to receive two different opinions in order to be sure that the pump and piping will be adequate. Chairman Manwaring stated if there are five homes that are using the system at the same time, it is common knowledge that there will not be as much pressure as if two homes are using the system at the same time.

Commissioner Jensen stated that he would concur with Chairman Manwaring and that as he studied through the documentation, as long as the main line is big enough to force the water to the end and the system is designed properly, the footage should not matter and there should be no pressure lost until it is tapped out. Commissioner Jensen stated that he agrees with Commissioner Jackson and that ground will be taken away that will not need to be irrigated versus the entire property being irrigated. Commissioner Jensen agreed and that an agreement should be made as to how the water should be used so that all properties can benefit. Commissioner Jensen stated that he believes that the Board protected the landowners when it conditioned that the water system should be designed by a professional engineer and at the Applicants cost.

The Board reiterated that the subdivision uses a private road and is subject to private covenants. Any prior representations, such as "no other houses would be built", and enforcement of covenants are civil issues among private parties. The county does not control or enforce private subdivision covenants and does not base its land use decisions on private covenant disputes.

Paul Rogers, County Legal Counsel, stated under Bingham County Code 10-10-3(c), the Board may affirm, reverse or modify the underlying decision if the following requirements are met:

- 1) The Board finds that the substantial rights of the Appellant or affected party has/have been prejudiced;
- 2) The underlying decision is in violation or excess of constitutional or statutory authority; made upon unlawful procedure; not supported by substantial evidence; or arbitrary, capricious, or an abuse of discretion.

Further, Mr. Rogers stated if those requirements have been met, the Board may modify its decision. If both requirements are not met, the Board lacks authority under Bingham County Code 10-10-3 (c) to modify its previous decision.

Chairman Manwaring stated that he does not feel that the substantial rights of the Appellant were prejudiced as the Board made the decision based on information received.

Commissioner Jackson stated that he does not feel that the substantial rights of the Appellant were prejudiced.

Commissioner Jensen stated that he does not feel that the substantial rights of the Appellant were prejudiced and that the Board discussed the application thoroughly and in looking at all sides, which was the reason that the condition was placed requiring the Applicant to hire and pay for a professional engineer to design the system to be sure that it could serve all parties.

Legal Counsel confirmed that the Board finds the substantial rights of the affected party were not prejudiced and the underlying decision is supported by substantial evidence. The Board cannot check either of the required boxes in favor of the moving party under Bingham County Code 10-10-3(c). Therefore, the Board lacks authority under the code to amend, reverse, or otherwise modify its prior decision.

DECISION

Commissioner Jensen moved to affirm the Boards decision previously made on June 24, 2026, based on the conversation held in regard to the Motion for Reconsideration according to Bingham County Code 10-10-3, the substantial rights of the Appellant were not prejudiced. Commissioner Jackson seconded. All voted in favor. The motion carried.

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.

MOTION FOR RECONSIDERATION FILED BY CAMERON & LORI CRONQUIST AND KAIZER & JENSEN SIMPER REGARDING THE LONG LANE SUBDIVISION, WITH DECISION

Present: Cameron Cronquist- filed Motion for Reconsideration
 Alan Stander- Concerned Citizen
 Tiffany Olsen- Planning & Development Director
 Luke Jolley- HLE
 Paul Rogers- County Legal Counsel

The Board met to hold discussion in regard to the Motion for Reconsideration filed by Cameron & Lori Cronquist and Kaizer & Jensen Simper regarding the Long Lane Subdivision, with decision. Chairman Manwaring welcomed all to the meeting and introductions were held for county staff.

Chairman Manwaring stated this Application was originally heard on June 24, 2026, wherein both he and Commissioner Jensen voted in favor of the Application, with an added condition and Commission Jackson voted in opposition as he did not feel that the Application is consistent with the surrounding areas and 5 acre lots versus 2 acre lots.

Tiffany Olsen, Planning & Development Director, reviewed the Reason & Decision approved by the Board in regard to its June 24, 2026, decision granting preliminary plat entitlement. Ms. Olsen stated the Board found that the subdivision by majority vote was appropriate for the area, commensurate with the surroundings, fit within the zoning designation for subdivision lot sizes because it is in a Residential/Agriculture zone. Ms. Olsen stated there were conditions added to the approval, which were specific to the irrigation system and that the Applicants, David & Sylvia Long, at their expense, hired a professional engineer to design the water system so that the pump and piping will be adequate to provide for all affected properties, which would include adequate water pressure.

Chairman Manwaring stated there are three concerns for the Board to reconsider and referred to the first concern (Reason 3, consistent with surrounding lands), which is in regard to the property being consistent with surrounding lands and spot zoning. Chairman Manwaring referred to the Comprehensive Map (Exhibit S-4- Planning & Zoning Commission Staff Report), which shows the subject property as designated Residential/Agriculture. Chairman Manwaring stated there is a multi-use corridor along the main highways throughout the county that allows for different zoning designations, wherein 900 as a corridor that was designated Residential/Agriculture and originally when this application was submitted requesting 16 lots, it was approved because the property was located along the corridor and was adjacent to Residential/Agriculture zones. Chairman Manwaring stated that he does not feel that the concern is applicable as the property was already zoned Residential/Agriculture.

Commissioner Jackson stated that he voted in opposition due to the fact that the immediate area has 5-acre or 6-acre lots and to him the request does not fit within the surrounding area. Commissioner Jackson stated that the Board should not consider the covenants as that is a civil matter, but where there are three other lots that are 5-acres or 6-acres, this does not fit within the surrounding area.

Commissioner Jensen stated the subject property is in a Residential/Agriculture zone and within that designation, 2-acre lots are allowed. Commissioner Jensen stated that he recalls that this property was originally approved for 16-lots and therefore he does not believe this application, if approved, would be spot zoning due to the zoning designation.

Chairman Manwaring stated that he believes after it was decided not to proceed with the 16-lots, there was a moratorium on water put in place and that they could not put in the community well, which was originally what was approved.

Chairman Manwaring referred to issue number two (Reason 5, easement egress/ingress), wherein in Bingham County Code in regard to easements states that recorded authorization by a property owner for the use of any designation part of their property but for a specified purpose. Chairman Manwaring stated under Bingham County Code 10-6-8 (b), the 25 feet was mentioned and some encroachment, but this is a private lane in a private subdivision, that under county code, the construction use for private roads and easements for residential or commercial access shall be adequate for safety vehicles as per Fire Code. Chairman Manwaring stated as long as access is unobstructed, and an ambulance or fire truck could get by per code; there is not an issue. Chairman Manwaring stated in his mind if someone feels that there is equipment parked in the area and the individual does not feel that an ambulance could get by, that is when the individual could contact law enforcement to have the issue looked at to see if it is in fact a safety issue.

Commissioner Jackson stated one complaint is that part of the easement is being used to park equipment on. Commissioner Jensen stated he had questions in regard to the same issue and that there was alfalfa grown and he would guess that they would farm the edge of the boundary to the edge of the easement. Therefore, he did not think there would be anything parked there if they were farming. Commissioner Jackson stated to him its like Longs are encroaching out upon the easement, wherein Ms. Olsen stated that the Longs have easement access for ingress/egress and code requires a 50 foot easement in width but there is only 25 feet of it that is roadway. Ms. Olsen stated in the event that this private road is converted to a county road there is sufficient right of way because county roads are 50 feet. Ms. Olsen stated that Fire Code allows certain distances of width depending on the number of homes that the road is accessing. Ms. Olsen stated the road is for ingress and egress, not for parking and there is no permission to park vehicles within an easement.

Ms. Olsen stated the point in the reconsideration is who owns the land, which has been discussed as an easement so there is a landowner and the Cronquist's own the portion of the land subject to their reconsideration. If there is access to use the easement through a deed, it is just for ingress and egress only, not for parking and storage.

Cameron Cronquist spoke up and asked if there is a width that is required, wherein Ms. Olsen stated the width of an easement is dictated by the Fire Code and the Fire Marshall. If there is a certain distance that is in question, Ms. Olsen stated she would encourage anyone with questions to reach out to the Snake River Fire Marshall to determine what that required width is for access. Ms. Olsen stated each time a building permit application is received that is utilizing a private road or easement, Planning & Development requests that the Applicant or Developer provides written documentation that the Fire Marshall has gone to the property and looked at the access to be sure that the access is sufficient to meet Fire Code. Therefore, the county will have that information for the newer homes that are built using the access.

Commissioner Jensen stated that he does not recall obstruction of the easement being discussed previously and asked if this would be considered new evidence. Ms. Olsen stated within the testimony submitted by Mr. Cronquist at the Planning & Zoning Commission Public Hearing (Exhibit T-6), he described that the easement is for ingress and egress only and questioned the use, ownership and un-obstruction or agricultural purposes. Commissioner Jensen stated that he does not recall the Board having conversation in regard to equipment or other items being parked on the road. Ms. Olsen stated that from a quick review, she cannot see allegations of parking or storage but does discuss obstructed access. Mr. Rogers stated that the Board is not able to receive any new information for this meeting.

Ms. Olsen stated there was testimony provided by Mr. Cronquist within (Exhibit T-6) that states "They (the Long's) should not be able to lay down a couple of hundred feet of gravel and state claim to my property or use it as storage area for their stuff".

Commissioner Jackson asked if a property line adjustment could be done if the Long's wanted to have that access, they could trade with the Cronquist's and adjust the property line, which would be a civil matter but

could be done. Ms. Olsen stated that a replat of a subdivision is eligible opportunity for any landowners that agree to adjust their boundary lines. Ms. Olsen stated that the access is for ingress and egress, not for storage and parking.

Chairman Manwaring referred to issue number three (Reason 6, Irrigation System) and stated that he agrees that the condition placed on the approval will address this issue thorough review by someone that understands irrigation systems. Chairman Manwaring stated there was conversation held in regards to the irrigation system and within the Motion made by Commissioner Jensen, he amended the motion to require that the Applicant, at his expense, hire a professional engineer to design the water system so that the pump and piping will be adequate to provide for all affected parties.

Commissioner Jackson stated that he agreed with Chairman Manwaring and the key to solving the issue is to have a system that is designed by a professional engineer, per the motion made by Commissioner Jensen.

Commissioner Jensen stated if there were two more homes, it would lessen the amount of acreage that would need to be irrigated for the farm ground. Commissioner Jensen stated that he feels that the Board tried to protect the landowners by requiring that the system be designed by a professional engineer to be sure there is no decrease in delivery to all parties.

Paul Rogers, County Legal Counsel, stated under Bingham County Code 10-10-3(c), the Board may affirm, reverse or modify the underlying decision if the following requirements are met:

- 1) The Board finds that the substantial rights of the Appellant or affected party has/have been prejudiced;
- 2) The underlying decision is in violation or excess of constitutional or statutory authority; made upon unlawful procedure; not supported by substantial evidence; or arbitrary, capricious, or an abuse of discretion.

Further, Mr. Rogers stated if those requirements have been met, the Board may modify its decision. If both requirements are not met, the Board lacks authority under Bingham County Code 10-10-3 (c) to modify its previous decision.

Chairman Manwaring stated that he does not feel that the substantial rights of the Appellant were prejudiced as the Board made the decision based on information received.

Commissioner Jackson stated that he does not feel that the substantial rights of the Appellant were prejudiced.

Commissioner Jensen stated that he does not feel that the substantial rights of the Appellant were prejudiced and that the Board discussed the application thoroughly and in looking at all sides, which was the reason that the condition was placed requiring the Applicant to hire and pay for a professional engineer to design the system to be sure that it could serve all parties.

Legal Counsel confirmed that the Board finds the substantial rights of the affected party were not prejudiced and the underlying decision is supported by substantial evidence. The Board cannot check either of the required boxes in favor of the moving party under Bingham County Code 10-10-3(c). Therefore, the Board lacks authority under the code to amend, reverse, or otherwise modify its prior decision.

DECISION

Commissioner Jensen moved to affirm the Boards decision previously made on June 24, 2026, based on the conversation held in regard to the Motion for Reconsideration according to Bingham County Code 10-10-3, and the Board does not have the ability to amend its previous decision. Commissioner Jackson seconded.

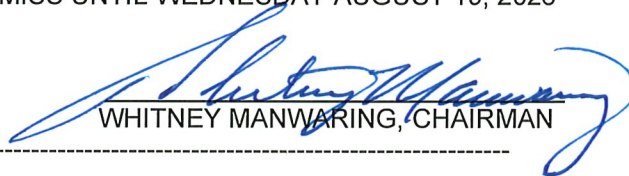
Mr. Rogers requested an amendment be made to the motion in order to state that the previous decision did not violate substantial rights of the Appellant and was not made in violation of the constitution or statutory authority, was not made by unlawful procedure, it was supported by substantial evidence and it was not arbitrary, capricious or an abuse of discretion.

Commissioner Jensen amended the motion to add that the previous decision did not violate substantial rights of the Appellant and was not made in violation of the constitution or statutory authority, was not made by unlawful procedure, it was supported by substantial evidence and it was not arbitrary, capricious or an abuse of discretion. Commissioner Jackson seconded. All voted in favor. The motion carried.

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 AUGUST 19, 2026


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, August 19, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 19, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 19, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

COLLEGE OF EASTERN IDAHO

The Board met to approve five (5) Certificate of Residency documents, which were sent to the College of Eastern Idaho for the following Bingham County student's: Taysha Esplin, Jared R. Carmon, Norma A. Freeman, and Hugo Galvan- Godinez.

Decision: Commissioner Jackson moved to approve administrative documents for August 19, 2026. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION DOCUMENTS FOR MOTION FOR RECONSIDERATION ON CEDAR ARCH DAIRIES, FILED BY CHRIS JENSEN & CEDAR ARCH DAIRIES, LLC

The Board met to approve and sign the Reason & Decision documents for two (2) Motion for Reconsideration meetings with regard to Cedar Arch Dairies, filed by Chris Jensen & Cedar Arch Dairies, LLC.

Chairman Manwaring confirmed with Commissioner Jackson that he had reviewed both proposed documents and had no changes to be made.

Decision: Commissioner Jackson moved to approve and sign the Reason & Decision documents for two (2) Motion for Reconsideration meetings held with regard to Cedar Arch Dairies, filed by Chris Jensen and Cedar Arch Dairies, LLC, as written. Chairman Manwaring seconded. Both voted in favor. The motion carried.

SHERIFFS OFFICE

Present: Kris Talbot- Detention Lieutenant
Paul Rogers- County Legal Counsel

The Board met with Lieutenant Talbot to discuss updates from within the Sheriffs Office, along with other agenda items.

Discussion was held in regard to the submitted prior approval for purchase of twenty (20) taser 7 bundles from Bonneville County. This purchase will cover all new hires with the required equipment that there is a current shortage of due to breakdowns and extra positions being added. Said purchase is in the amount of \$12,000.00, which is to be paid from Fund: 05-02-0802-0050.

Decision: Commissioner Jensen moved to approve the submitted prior approval for purchase of twenty (20) taser bundles from Bonneville County. Said purchase is in the amount of \$12,000.00, which is to be paid from Fund: 05-02-0802-0050. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Troy Lenhart- Road & Bridge Supervisor
Paul Rogers- County Legal Counsel

The Board met with Dusty Whited to discuss updates within the Public Works Department, along with other agenda items.

Discussion was held in regard to the request for approval and signing of acceptance letters for bridges on 1450 N and 1500 N, wherein Mr. Whited explained that the bridges have been inspected and are ready for final approval by the Board.

The Board had no concerns.

Decision: Commissioner Jensen moved to approve and sign acceptance letters for bridges on 1450 N and 1500 N, as proposed by Mr. Whited. Commissioner Jackson seconded. All voted in favor. The motion carried.

PROSECUTORS OFFICE

Present: Ryan Jolley- Prosecuting Attorney

The Board met with Ryan Jolley to discuss updates from within the Prosecutors Office, wherein he stated that he is fully staffed with Legal Assistants and provided other miscellaneous office updates.

APPROVAL & SIGNING OF LETTER OF SUPPORT FOR PROPOSED IMPROVEMENTS TO THE JURY BOX IN COURTROOM 1

The Board met to approve and sign a letter of support to the Idaho Supreme Court for proposed improvements to the jury box in Courtroom 1.

Lindsey Gluch, Commission Clerk, stated the proposed letter had been approved and signed by the Board previously, but the date needs to be updated.

The Board had no concerns.

Decision: Commissioner Jackson moved to approve and sign the letter of support for proposed improvements to the jury box in Courtroom 1. Commissioner Jensen seconded. All voted in favor. The motion carried.

VIRTUAL MEETING WITH INL IN REGARD TO GEOTHERMAL IN EASTERN IDAHO

The Board attended the virtual meeting with INL Representatives to discuss Geothermal in Eastern Idaho.

APPROVAL & SIGNING OF LEASE AGREEMENT BETWEEN BINGHAM COUNTY & THE EASTERN IDAHO STATE FAIR

Present: Paul Rogers- County Legal Counsel
Jan Niesh- Idaho State Journal
Brandon Bird- Eastern Idaho State Fair

The Board met to approve and sign the Lease Agreement between Bingham County and the Eastern Idaho State Fair.

Mr. Rogers stated that he has worked with Mr. Bird to combine two previous agreements into one, which included the Ridge Street Landfill parcel and the fairgrounds parcel.

Mr. Bird confirmed that he is in favor of the proposed document and has placed his signature.

Decision: Commissioner Jackson moved to approve and sign the Lease Agreement between Bingham County and the Eastern Idaho State Fair, as written. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPEAL OF THE PLANNING & ZONING COMMISSION'S REASON & DECISION TO DENY A CONDITIONAL USE PERMIT APPLICATION FILED BY APPLICANT, B&K GRAVEL AND EQUIPMENT LLC, WITH DECISION

Present: Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel
Dusty Whited- Public Works Director

The Board met to hold a meeting in regard to the filed Appeal of the Planning & Zoning Commission's Reason & Decision to deny a Conditional Use Permit Application filed by B&K Gravel and Equipment LLC, with decision.

Chairman Manwaring welcomed all to the meeting, introductions were held for county staff, and it was reiterated that there will be no public testimony received during the meeting. Chairman Manwaring stated that the Appeal was timely filed, and the required filing fee has been paid.

At the onset of the meeting Chairman Manwaring stated that he needed to declare a conflict pursuant to Idaho Code Section 74-403 and 74-404, that is more indirect and potentially remote but can create a potential conflict of interest and appearance of a conflict with the respect to the matter before the Board. Commissioner Jensen and Commissioner Jackson were both in favor.

Commissioner Jensen was appointed Acting Chairman for this Appeal, and the time was turned to Tiffany Olsen, Planning & Development Director, for presentation of Staff Report.

Ms. Olsen stated the statutory authority falls under Bingham County Code Section 10-10-2: *Appeal of Planning and Zoning Commission Decision*. Ms. Olsen stated that the meeting is an open meeting available to the public but not a public hearing. Therefore, no testimony will be received. The Applicant being B&K Gravel and Equipment, filed the Appeal and within the Appeal they are required to specify portions of the Planning & Zoning Commission's decision that they find to be an error and explain the reasons for determining that the decision is an error and is contrary to the provisions of county zoning code.

Ms. Olsen stated that new or additional evidence could be requested, which could be done through the remand process, and the Application would return to the Planning & Zoning Commission for more information specific to what it is that the Board is requiring in order to make a decision.

The Board had no questions for staff at this time.

Commissioner Jensen referred to "Item 2: Be in accordance with the general objective or with any specific objection of the Comprehensive Plan and/or this title", as listed within the filed Appeal. Commissioner Jensen stated within the Appeal, it states that the proposed Harper Gravel Pit is consistent with the purposes of the Comprehensive Plan. The Comprehensive Plan encourages Land Use including mineral exploration and extraction. Sand and Gravel are identified as a mineral resource and with a '*large number of sand and gravel deposits*' in the county. Commissioner Jensen asked Ms. Olsen if the property is currently zoned "M1", wherein Ms. Olsen confirmed that to be correct. Commissioner Jensen asked Ms. Olsen, in her opinion, what strengths and weaknesses does the zoning designation have pertaining to the subject application. Ms. Olsen stated within page 2 of Exhibit S-1 within the Planning & Zoning Commission Staff Report, it shows the purpose of zone and describe what an "M1" Light Manufacturing district is for, which is to encourage the development of manufacturing establishments which are relatively clean and free of hazardous or objectionable elements which are generally operated within enclosed structures and generate little industrial traffic. This zone would be kept substantially free from residential and retail commercial activities that are:

1. Serviceable by major roadways.
2. Located to minimize potential traffic problems.
3. Compatible with existing uses.
4. Protected from residential uses.
5. Accessible to adequate utilities.
6. Accessible to rail or air transportation when necessary.
7. Protected from incompatible uses.

Ms. Olsen asked Lindsey Gluch, Commission Clerk, to display the Zoning District & Subdivision Map (Exhibit S-3 of the Planning & Zoning Commission Staff Report) for the Board to view, the subject property is visible and explained the surrounding M1 Zoning District area which is shown within the map. Ms. Olsen stated that the subject property is adjacent to other lands zoned Light Manufacturing. Ms. Olsen stated that it should be in areas that are free from residential use, wherein property surrounding the subject property is a Residential/Agriculture Zone and if developed in the subdivision process, they would be 1-acre minimum lots.

Commissioner Jackson referred to Exhibit S-3 and asked Ms. Olsen if it was safe to say that on three sides of the subject property are Residential and one side is Light Manufacturing, wherein Ms. Olsen stated that there is manufacturing on two sides of the subject property. Ms. Olsen asked Ms. Gluch to display Exhibit S-4 (Comprehensive Plan Map) and explained that the Comprehensive Plan has the general area showing where Industrial, Commercial, Manufacturing types are used. Ms. Olsen added that the subject property is zoned Light Manufacturing and phase 1 is proposed to be 6 acres, phase 2 is proposed to be 16.58 acres and phase 3 at 12 acres.

Paul Rogers, County Legal Counsel, added that the subject property shape is irregular, extending oddly into areas with different zoning but the property in its entirety is zoned Light Manufacturing.

Ms. Olsen stated that she believes that the Applicant within the Appeal is trying to convey to the Board is that there are pockets of Light Manufacturing in areas with Residential Zoning nearby, but the property is not a pocket because it is surrounded by large parcels of Light Manufacturing development and bare ground in Residential/Agriculture.

Commissioner Jensen stated from what he understands within the Appeal, the Appellants state that the Application meets the criteria with mining of gravel and sand. Ms. Olsen stated within "Item 2: Be in accordance with the general objectives or with any specific objection of the Comprehensive Plan Map and/or this title", meaning it is the general objectives, not all of the objectives and the Appellant is stating that the Application is consistent because the Comprehensive Plan encourages land use including mineral exploration and extraction, such as sand and gravel in the zone. Ms. Olsen stated that the Appellant also sites several sections from the Comprehensive Plan, which includes CP Policy F1, to promote extraction of mineral resources within mitigation of the impact to neighboring uses, when compatible with surrounding land uses.

Commissioner Jensen referred to page 3 of the filed Appeal and stated that the Harpers currently have a small gravel pit, but he is not certain how long that has been there. Ms. Olsen stated that small gravel pit has been in place since the fifties. Ms. Olsen stated that gravel pits were an allowed use in a Light Manufacturing zone up until 2024, when the Land Use Chart was modified to require a Conditional Use Permit in any zone that gravel pits were considered. Ms. Olsen stated the small gravel pit would be referred to as a non-conforming pre-existing use. Once the Applicant sought to expand operations beyond the historical area, a Conditional Use Permit because required under current county code.

Commissioner Jackson asked how much gravel was taken from the small gravel pit per day, was it for personal use or was it for commercial use, wherein Ms. Olsen stated that testimony within the record indicates that historic use served as both personal use and other projects; however, it is not stated specifically within the record that it was used for commercial third-party sales. Ms. Olsen stated that she believes there was frequent use when being used. Mr. Rogers referred to page 19 of Exhibit S-19 of the Planning & Zoning Commission's Staff Report, wherein testimony was provided by Danny Harper (T-18) that a portion of the subject property had historically been used as a gravel pit approximately 20-30 years and Testimony provided by Clinton Harper (T-19) stating that he expressed his desire to help the community just as his late father had. Mr. Harper testified that there were a lot of different options that he and his family wanted to do on their lands which also included the possibility of working with his brother to start an orchard. Mr. Rogers stated that it does not state specifically what the mining was used for previously.

Ms. Olsen added that within Item 2 of the Appeal, it indicates that in the event that a mining and gravel application is not approved, the Applicants will consider other uses that are allowed without a Conditional Use Permit on the property which included a grain elevator, livestock auction, bottling plant & distribution, bulk storage plant, cannery, car wash, commercial meat packing facility, equipment rental, fertilizer storage, grain mill, machine shop, RV Storage and truck stops, noting that the tradeoff for another economic interest may be a worse effect, without conditions, on residences than a gravel pit. Ms. Olsen states that within the Appeal it states that the 100 ft. wide tree line buffer along residential exposure on 700 W and along the west end of East Moreland Road provides the mitigation of impact on neighboring properties.

Commissioner Jensen stated that the Applicant feels that the Application is compatible with the area due to 12 gravel pits being within a 3.8 mile radius and with an M1 Zone, 1 gravel pit in an R/A Zone and 3 gravel pits in A/NR zones. This includes how the use functions in relation to the surrounding and future uses. The Board found that every individual can have different opinions in regard to this matter but there is substantial evidence supporting the Planning & Zoning Commission's conclusion that the project does not fully align with all relevant Comprehensive Plan objectives, particularly those relating to long-term residential/agricultural compatibility and avoiding over-concentration of intensive uses. Ms. Olsen stated that each Commissioner may have different opinions on what is compatible or not and when looking at surrounding land uses, residential zones, existing land uses of the same, there is nothing within code that limits how many of one land use that can be in one area and that it is subject to a Conditional Use Permit to determine in the zone, can it conditionally exist with conditions that mitigate neighbor concerns.

Discussion was held in regard to CP Policy A2 Private Property Rights, wherein Commissioner Jensen explained that within the Appeal it asks does the regulation or action result in a permanent or temporary or physical occupation of private property and asked Commissioner Jackson if he feels that the concern has been discussed thoroughly with the Planning & Zoning Commission or if further discussion was needed. Commissioner Jackson stated that individuals have private property rights as long as they do not violate another person's property rights in the immediate vicinity. Commissioner Jensen referred to the question if the regulation deprives the owner of all economically viable uses of the property by denying the application and asked Commissioner Jackson for his input. Commissioner Jackson stated the Applicant mentioned there were other options for use of the property which included a tree farm and a possible lumber mill and if the subject application was denied, they could pursue. Therefore, Commissioner Jackson stated that he does not feel that the denial does not restrict.

Discussion was held in regard to "Item 3: Be designed, constructed, operated and maintained to be appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as is possible", wherein Commissioner Jackson stated within the appeal it refers to 12 other gravel pits within a certain radius and he does not like the idea of over saturation of one area whether it be cattle operations, housing, or gravel pits and there should be a limit.

Discussion was held in regard to "Item 4: Not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants". Commissioner Jackson asked who would regulate the gravel pits, wherein Ms. Olsen stated that smoke, fumes and other pollutants are regulated by the Department of Environmental Quality through Air Quality Permits, traffic would be regulated through a Traffic Impact Study and recommendation from Public Works. Ms. Olsen stated that the Public Works Director had no concerns but that widening and right out of the facility were suggested. Mr. Whited added that a mining operation would also be regulated by MSHA (Mine Safety and Health Administration), wherein it regulates noise levels, dust levels, periodic checks on all operating mines within the State of Idaho to be sure that requirements are met. Mr. Whited stated that employees within the mining operation are provided with a monitor to wear for one day, which will monitor the noise levels to be sure that the noise is within acceptable levels, monitors are placed to monitor the amount of dust being admitted from the crusher and several other tests are conducted. Commissioner Jensen stated that he recalls reading that they have shares in the canal company to assist with dust mitigation through watering. Mr. Whited confirmed that to be correct and that there will be nozzles on the conveyor belts and decks of the equipment that will spray material down as it is transferred from one place to another to reduce dust.

Commissioner Jackson asked Ms. Olsen what she would define "future neighboring uses" as stated within the Appeal, wherein Ms. Olsen explained that it is hard to speculate what is going to be developed in the future. Ms. Olsen stated the farm parcel to the west is quite large and has been there for quite some time. Ms. Olsen stated that the Board should keep in mind that there are a number of land uses that are also conditionally permitted within Residential/Agriculture zones that are not homes. Therefore, there could be other uses in a Residential/Agriculture parcel that do not include residential occupancy. Commissioner Jackson emphasized the proximity to Residential Agriculture and the question of future growth patterns,

expressing concern that prolonged truck traffic, noise, and dust could be inconsistent with and disturbing to current and anticipated residential uses.

Commissioner Jensen referenced verbiage within the Appeal that states that determination of review must be based on substantial competent evidence. Evidence is not lay speculation to replace professional opinion, public outcry to establish law, and ultimately allowing property rights to be dismissed. Commissioner Jensen asked Commissioner Jackson for his input wherein Commissioner Jackson stated a lot of the individuals that are either in favor or opposition of the subject application, it is by opinion and he appreciates facts being provided for review.

Commissioner Jensen asked Commissioner Jackson if he recalls a statement being made in regard to noise level off of a crusher within documentation provided, of what the decibel level may be. Commissioner Jackson stated that he does recall reading that but does not recall the exact amount. Ms. Olsen stated referred to the Planning & Zoning Commission's Staff Report on Page 9 of 22 (Exhibit S-1), it reads "The proposed gravel pit will generate noise primarily from crushing and screening equipment, loaders, and truck traffic. Typical operational noise levels may range from approximately 80-100 dBA at the source. However, due to the distance attenuation and surrounding agricultural land buffers, noise levels are expected to reduce to acceptable residential standards (approximately 45-55 dBA) prior to reaching nearby dwellings. *dBA stands for A-weighted decibel, and represents the "A-weighted" filter, which adjusts measurements to match the human ear's frequency response.* Applicant indicates compliance with MSHA noise standards for worker safety and states that noise levels at or beyond the property boundary will remain below levels considered a nuisance".

Commissioner Jackson asked Mr. Whited how long it would take the mine to get down to the depth of 30 feet if mining a 5-acre lot, as that could assist with noise mitigation. Ms. Olsen stated the timeline for mining is April 15 through October 15. Commissioner Jensen stated that his understanding is that the decibel readings that were quoted were not taken into account if it is sitting in the ground but above ground. Ms. Olsen stated the anticipated operation timeline for all three phases is 15-20 years with 30 truck trips per day. Ms. Olsen stated that within the Staff Report it was mentioned that Phase 1 would be mined in seven years, Phase 2 would be mined in seven years, and Phase 3 would be mined in seven years. Ms. Olsen stated if that was a consistent cycle of excavating, loading, crushing, screening, stock piling and loading but production rates may increase or decrease from the anticipated capacity.

Commissioner Jackson referred to a statement provided that the gravel pit must be designed, constructed, operated and maintained to be appropriate in appearance with the existing or intending character of the general vicinity and that such use will not change the essential character of the area as far as is possible. Commissioner Jackson would agree and that the Appellant stated that the Planning & Zoning Commission found that the establishment of an approximately 41.84 acre gravel mining operation with a crusher would change the appearance and character of the vicinity as the project site is near residentially developed parcels.

Commissioner Jensen asked Commissioner Jackson if the vicinity of the entire community would change or, if approved, would the project change the subject property. Commissioner Jackson stated that he believes it would change the character of the property, but he is thinking what the future would be of the property and the surrounding area where it is in close proximity to the township of Moreland and potential growth in the area. Therefore, it would change the character. Commissioner Jensen stated in review of the photographs submitted within the Staff Report, but it looks like there is berm around a portion of the property currently. Commissioner Jackson stated there are tree lines but that it would change the appearance and character of the area. Ms. Olsen referred to the site plan and explained there are a number of berm areas that are present currently and indicates where future berms would be located. Ms. Olsen stated the height of the berms are 3 ½ feet and width is 5 feet, which would be berms constructed and meet MSHA requirements. Commissioner Jackson stated the size of the berm would not limit the site of construction whatsoever. Ms. Olsen stated if the Board finds the size is not sufficient, a condition could be placed to increase the size that the Board would find sufficient.

Commissioner Jensen stated that some of the testimony was that the individuals did not want to have to look at a big berm. Commissioner Jackson stated if a berm is not built correctly, it could be worse than the gravel pit.

Commissioner Jensen referred to item 4, which states "not be unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants. Commissioner Jensen asked Mr. Whited if the traffic would be excessive, wherein Mr. Whited explained that is a matter of opinion, but he does not believe that it would be excessive.

Commissioner Jackson stated that the subject property sits on the borderline of R/A and M1 properties, if residential were to occur it would be disturbing with truck traffic, operational noise and dust generating activities that are inconsistent with and disturbing to the existing residential uses surrounding the project site.

Commissioner Jensen stated the Applicant proposed mitigation measures in compliance with state and county regulations. Therefore, the Applicant is willing to do what is mandatory by the state and county regulations to mitigate issues. Commissioner Jensen stated the current farm use is in the spring and fall but the truck traffic could be similar, as well as the dust. Commissioner Jackson stated that he would agree but farm use is temporary for a few days out of the year, but the proposed project could be significantly bigger.

Commissioner Jensen reviewed the Reason & Decisions of the Planning & Zoning Commission, which were as follows:

1. The evidence submitted demonstrates that the proposed use satisfies some of the approval criteria contained in Bingham County Code Section 10-8-3(A) but does not satisfy all criteria required for approval. Specifically, the Application.
 - a. "Constitute(s) a conditional use as established on the official schedule of zoning regulations or as determined by the Commission to be a conditional use for the zone involved".
 - b. Is not "in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this title"
 - c. Is not "designed, constructed, operated and maintained to be appropriate in appearance with existing or intended character of the general vicinity and that such use will not change the essential character of the area as far as it possible".
 - d. Is "unduly hazardous or disturbing to existing or future neighboring uses; nor involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to persons, property or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, odors or other pollutants"
 - e. Does not "create excessive additional requirements at public cost for public facilities and services will not be detrimental to economic welfare of the County"
 - f. Is "served adequately by essential public facilities and services or that the persons or agencies responsible for the establishment of the proposed use shall be ale to provide such services"
 - g. There is "legal access to the subject property for the development," and the property has "vehicular approaches to the property that are designed to eliminate a traffic hazard on adjacent public thoroughfares"

- h. Will not "result in the destruction, loss or damage to a scenic or historic feature of major importance" and,
- i. To the extent it is applicable, it has "adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and will have utility systems provided accommodate said use"

Ms. Olsen reviewed potential conditions if the Board makes the decision to reverse the decision of the Planning & Zoning Commission.

DECISION

Commissioner Jackson moved to uphold the decision of the Planning & Zoning Commission to deny the Conditional Use Permit for the operation of a gravel pit/mining- crushing/excavation, in a "M1 Light Manufacturing Zoning District submitted by B&K Gravel and Equipment, LLC, B&K Harper Farms, LLC owned and/or operated by Daniel "Danny" Harper, Kimberly Harper and Taylor Harper.

The motion failed to pass due to lack of a second.

Commissioner Jensen stated that he feels that Application meets the code criteria of M1 "Light Manufacturing" Zoning District.

Therefore, the final decision will revert to the decision of the Planning & Zoning Commission, which was denied.

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 AUGUST 21, 2026



PAMELA W. ECKHARDT, CLERK

Lindsey Gluch- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)

: ss.

Friday, August 21, 2026

County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 21, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 21, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

CASH WARRANTS

Cash Warrants were approved in the amount of \$1,489.02 and \$43,688.18, for a total of \$45,177.20.

CLAIMS

Claims were approved in the amount of \$210,022.32.

PERSONNEL ACTION FORMS

The Board approve Personnel Action forms, which were as follows:

New Employee Status Sheet: Emergency Communications Officer

COLLEGE OF EASTERN IDAHO

The Board approved one (1) Certificate of Residency document, which was sent to the College of Eastern Idaho for the following Bingham County student: Avery J. Garza.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for August 21, 2026. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR MHD DEVELOPMENT LLC'S ZONING AMENDMENT

The Board met to approve and sign the Reason & Decision for MHD Development LLC's Zoning Amendment.

Chairman Manwaring confirmed with Commissioner Jackson and Commissioner Jensen that they had reviewed the proposed Reason & Decision and had no changes to be made.

Decision: Commissioner Jensen moved to approve the Reason & Decision for MHD Development LLC's Zoning Amendment, as written. Commissioner Jackson seconded. All voted in favor. The motion carried.

RESOLUTION 2026-51

The Board met to approve Bingham County Resolution 2026-51, a resolution for the destruction of records for the Sheriffs Office.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2026-51, a resolution for the destruction of records for the Sheriffs Office. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION 2026-51**

**RESOLUTION REGARDING THE DESTRUCTION OF RECORDS
FOR THE SHERIFFS OFFICE**

WHEREAS the Bingham County Sheriffs 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 Sheriffs 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;

SHERIFFS OFFICE

See Attached "Exhibit A"

THEREFORE, it is hereby resolved that: The Sheriffs 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 21st day of August 2026.

ATTEST:

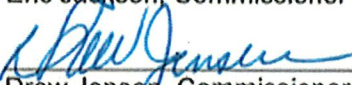

Pamela W. Eckhardt
Bingham County Clerk



BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner



BINGHAM COUNTY
SHERIFF JEFF GARDNER

(208) 785-4440
501 N. MAPLE ST. #405
BLACKFOOT, ID 83221

County Records Destruction list

August 18, 2026

Bingham County Sheriff's Office Records is requesting approval for destruction of the following items:

Box 1: Jail Jackets # 3452 - 3626
Box 2: Jail Jackets #3915 - 4112
Box 3: Jail Jackets #3625 - 3824
Box 4: Jail Jackets #3822 - 4044
Box 5: Jail Jackets #3914 - 4043
Box 6: Jail Jackets #4111 - 4332
Box 7: Jail Jackets #4333 - 4450
Box 8: Jail Jackets #4364 - 4449
Box 9: Jail Jackets #6487 - 6377
Box 10: Jail Jackets #6412 - 6431

Kaitlin Smith
Records Clerk

KimberLee Arms
Office Manager

APPROVAL OF LEASE AGREEMENTS BETWEEN BINGHAM COUNTY AND SNAKE RIVER CROSS COUNTRY & BINGHAM COUNTY AND BLACKFOOT HIGH SCHOOL BOOSTERS, IN REGARD TO FAIR PARKING

Present: Kimberly George- Blackfoot Booster Club
Paul Rogers- County Legal Counsel

The Board met to approve and sign the Lease Agreements between Bingham County and Snake River Cross Country & Bingham County and Blackfoot High School Boosters, in regard to fair parking. Chairman Manwaring confirmed that this year Snake River Cross Country would have the large county lot and Blackfoot High School Boosters would have the small lot.

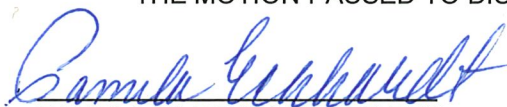
Decision: Commissioner Jensen moved to approve the two Lease Agreements between Bingham County and Snake River Cross Country & Bingham County and Blackfoot High School Boosters. Commissioner Jackson seconded. All voted in favor. The motion carried.

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 Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jensen seconded. Both voted in favor. The Board moved into Executive Session at 8:32 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 8:40 a.m.

Decision: Commissioner Jensen moved to approve the prior approval for purchase of Patrol MDT laptops, which will refresh the 2nd half of Bingham patrol. Said purchase is in the amount of \$65,556.00, which is to be paid from Fund 05-02-802-0050. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY AUGUST 25, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, August 25, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 25, 2026, as posted.

Decision: Commissioner Jensen moved to approve the Commission Meeting Notice & Agenda for August 25, 2026, as posted. Commissioner Jackson seconded. All voted in favor. The motion carried.

REQUEST SUBMITTED BY CEDAR ARCH DAIRIES, LLC TO CONTINUE ITS OPERATIONS (BOTH WITH RESPECT TO ANIMAL UNITS AND USE OF IMPROVEMENTS) WHILE IT WORKS TOWARD COMPLIANCE BY OBTAINING A CONDITIONAL USE PERMIT FOR ITS CAFO- SUBMITTED BY TED LARSEN, ATTORNEY FOR CEDAR ARCH DAIRIES, LLC, WITH DECISION

Present: Tiffany Olsen- Planning & Development Director
 Paul Rogers- County Legal Counsel
 Peter Wells- Attorney for Firth/Basalt Concerned Citizens
 Theodore "Ted" Larsen- Attorney for Cedar Arch Dairies, LLC
Zoom: Several individuals joined via Zoom.

The Board met to hold discussion in regard to the request submitted by Cedar Arch Dairies, LLC, to continue its operations (both with respect to animal units and use of improvements) while it works toward compliance by obtaining a Conditional Use Permit for its CAFO.

At the onset of the meeting Commissioner Jensen recused himself from the discussion and decision due to residing close to the subject property.

Paul Rogers, County Legal Counsel, provided a background on what has occurred up until the present meeting. Mr. Rogers stated that the dairy's earlier CUP was denied after reconsideration, Director Olsen sent a letter dated July 2, 2026, setting terms for how the dairy could keep operating. Under Bingham County Code Section 10-13-3, the Planning & Zoning Administrator can grant extensions of time on her own. However, the dairy had already operated under one extension, and the county had not handled a second request such as the subject request. Therefore, staff asked that this request come before the Board of County Commissioners.

Mr. Larsen, Attorney for Cedar Arch Dairies, LLC, asked for 180 days to file a Conditional Use Permit Application for the north dairy along and to complete the county's process. Mr. Larsen stated that the letter dated July 2nd should be considered a new violation and therefore, the request before the Board today should be viewed as a new request rather than renewal. Mr. Larsen stated the first extension didn't really help because county staff had advised filing one application covering both the north dairy and the home dairy. That approach was reasonable under Idaho Code, since the two sites have the same owner and spread manure on the same fields, but it is one of the reasons that the Conditional Use Permit was denied. Mr. Larsen stated that an independent inventory, complete with Ms. Olsen present, showed that the two sites combined still have fewer animal units than in 2005 and that the added robot barn moved existing cows to the north dairy rather than adding more.

Mr. Larsen stated this request would be different and there is a new team that has been formed to assist in being sure that requirements are being met, which include his law firm, bankruptcy counsel, Matt Grimshaw, for oversight since the dairy is in bankruptcy court, AgPro engineers led by Matt Thompson and Chief Restructuring Officer, Matt Christiansen.

Mr. Larsen stated that Cedar Arch Dairies is considering moving cows back to the grandfathered home dairy, with matching cuts at the north dairy and stated that the request for extension would not harm the community as flies and dust will die down over winter and the dairy is already spraying water daily and using fly treatments.

The Board asked Jeremy Clayson, Cedar Arch Dairies Owner, how waste is handled, wherein Mr. Clayson explained that each site has its own lagoon. The robot barn uses automatic scrapers and separates solids from liquids, while the home dairy uses dry open lots with scraped and composted manure.

Ms. Olsen stated that the county had treated the two sites as one CAFO based on the State Department of Agriculture guidance. The Planning & Zoning Commission and the Board of County Commissioners later found that the home dairy hadn't grown past its 2005 grandfathered status, and the dairy met the deadlines from the 2025 compliance orders for moving manure and putting up a barrier, although it didn't happen right away. Ms. Olsen noted that flies and odors are regulated by the state, not the county, and that she received several new complaints a few days prior to this meeting being held.

Discussion was held with regard to several letters in opposition that were attempted to be provided to the board the day before the meeting. Mr. Rogers explained that because this was a meeting and not a public hearing, public testimony is not taken unless the chair allows it, and those in opposition would need to request their own meeting before the Board. Commissioner Jackson and Chairman Manwaring agreed that they would like to receive information from both sides prior to make a decision.

The Board scheduled this matter for a meeting in which to receive information from the parties in opposition to the subject request, which will be scheduled for a later date. Commission Clerk, Lindsey Gluch, stated that the Request for Commission Meeting and supporting documentation would need to be provided to her in order for the meeting to be properly placed on the agenda.

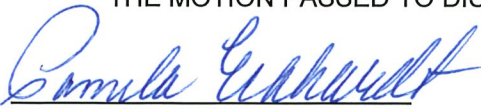
Decision: Commissioner Jackson moved to extend this meeting request from Cedar Arch Dairies in order to gather additional information. Chairman Manwaring seconded. Both voted in favor. The motion carried.

DISCUSSION & POTENTIAL DECISION REGARDING FY 2027 BUDGET

Present: Pamela Eckhardt- County Clerk

The Board met with Clerk Eckhardt to hold discussion and make a potential decision in regard to the FY 2027 budget.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY AUGUST 26, 2026



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, August 26, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION NOTICE MEETING & AGENDA

The Board met to approve the Commission Notice Meeting & Agenda for August 26, 2026, as posted.

Decision: Commissioner Jackson moved to approve the Commission Notice Meeting & Agenda for August 26, 2026, as posted. Commissioner Jensen seconded. All voted in favor. The motion carried.

COLLEGE OF EASTERN IDAHO

The Board met to approve two (2) Certificate of Residency documents, which were sent to the College of Eastern Idaho, for the following Bingham County student's: Macy A. Johnson and Isaiah T. Palmer.

Decision: Commissioner Jensen moved to approve Administrative Documents for August 26, 2026. Commissioner Jackson seconded. All voted in favor. The motion carried.

SHERIFFS OFFICE

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

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

PUBLIC WORKS

Present: Troy Lenhart- Road & Bridge Supervisor

The Board met with Troy Lenhart to receive updates from within the Public Works Department, along with other agenda items.

Discussion was held in regard to prior approval for purchase to have the parking lot at the Road & Bridge shop sealed and striped. Said purchase is in the amount of \$1,950.00, which is to be paid from Fund: 02-40-641-00.

Decision: Commissioner Jensen moved to approve the prior approval for purchase to have the parking lot at the Road & Bridge shop sealed and striped. Said purchase is in the amount of \$1,950.00, which is to be paid from Fund: 02-40-641-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

Next, discussion was held in regard to the request for removal of the cattle guard on Blackfoot Reservoir Road. Mr. Lenhart stated that he had received written requests and approval from property owners to remove the cattle guard.

Decision: Commissioner Jackson moved to approve removal of the cattle guard on Blackfoot Reservoir Road as requested and added that Mr. Lenhart had received consent from property owners. 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)(a)&(b), to consider personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen seconded. Both voted in favor. The Board moved into Executive Session at 9:30 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 9:35 a.m.

Decision: Commissioner Jensen moved to approve a one-time bonus in the amount of \$3,000.00, after taxes, to come out of the Salary Savings within the Prosecutor's Office budget. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF THE YEARLY MEMORANDUM OF AGREEMENT FOR COMMUNITY BASED ALTERNATIVE SERVICES (CBAS) AND SUBSTANCE USE DISORDER SERVICES (SUDS) PROGRAM

Present: Mark Gough- Juvenile Probation
Shawn Hill- Probation Director

The Board met to approve and sign the yearly Memorandum of Agreement for Community Based Alternative Services (CBAS) and Substance Use Disorder Services (SUDS) Program.

Mr. Gough explained this agreement is signed yearly with Idaho Department of Juvenile Corrections for funding that is available for Bingham County to help individuals with mental health and substance use disorder services.

Legal Counsel, Paul Rogers, confirmed that he had reviewed the agreement and had no concerns.

Decision: Commissioner Jackson moved to approve and sign the yearly Memorandum of Agreement for Community Based Alternative Services (CBAS) and Substance Use Disorder Services (SUDS) Program. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF POLLING LOCATIONS AND BALLOT NUMBERS FOR THE NOVEMBER GENERAL ELECTION

Present: Megan Kearsley- Election Director
Pamela Eckhardt- County Clerk
Kelli Robbins- Elections Deputy Clerk

The Board met to approve polling locations and ballot numbers for the November General Election.

Megan Kearsley proposed approval of polling locations, which remain the same, and ballots in the amount of 80%, due to past percentage of turnouts, of registered voters, which will cost \$6,426.00.

Ms. Kearsley stated that early voting will begin October 19th and continue through October 20th.

Decision: Commissioner Jensen moved to approve the polling locations and ballot numbers for the November General Election at 80% of registered voters, in the amount of \$6,426.00. Commissioner Jackson seconded. All voted in favor. The motion carried.

BINGHAM COUNTY FISCAL YEAR 2027 BUDGET HEARING

The Board held a Public Hearing in regard to the Fiscal Year 2027 proposed Bingham County Budget.

Clerk Eckhardt presented the county budget under the theme "Preserving Yesterday, Empowering Tomorrow", reviewing the statutory process under Idaho Code 31-1602 through 1605. Clerk Eckhardt confirmed that publication occurred in the Post Register and Idaho State Journal on August 5th. The proposed budget is \$46,664,140.00 and revenue source categories include:

Other Revenues:	\$21,850,710
Proposed property tax:	\$16,017,881
Fund balance reserves:	\$ 8,795,549
Total Revenues:	\$46,664,140

"Other Revenues" include charges for services and user fees, licenses and permits, state and federal revenue sources, and interest on investments.

Clerk Eckhardt stated that the FY 2027 budget reflects the growing demands of modern county government- from strengthening cybersecurity and advancing technology to meeting the long-term challenges of digital records retention and preserving and protecting the most essential historical documents. These investments are critical to safeguarding the County's information, preserving its history, and ensuring reliable public service for generations to come.

Department Highlights

Information Technology: It is turbulent and rapidly changing technology landscape. Across the industry, the cost of hardware, software, cybersecurity services, cloud platforms, enterprise licensing, and vendor support has shifted dramatically. These changes have created budget pressure across nearly every area of Information Technology.

- Request for new Cybersecurity Analyst position
- Request for a centralized document management system, financial software modernization, records management improvements, and related enterprise technology initiatives.
- Continue replacing and modernizing critical infrastructure, including servers, storage, backup systems, perimeter firewalls, and much more. Pre-planning to avoid emergency replacements and maintain predictable technology spending.

911 Dispatch: Request for a new position titled Technical Operations Specialist. This position will be responsible for evaluating, planning and tracking the logistics for all 911 dispatch systems and equipment. This position will coordinate emergency communication programming and equipment with law enforcement, fire departments and EMS units that serve the county.

Road & Bridge: State transportation revenue carryover from FY 2026 will allow the use of the funding to purchase \$995,000 worth of new equipment and fund an additional \$1 million in road improvements and rehab.

Clerk's Office: Request for funding to preserve and repair Commissioner Minutes Books for long term archival protection.

- Purchase new hanging cabinets for the plats and subdivisions the county is required to keep.

Additional Considerations

PILT (Payment in Lieu of Taxes): budgeted at only \$400,000 to rebuild reserves spent on the jail addition.

Property Tax Request: \$16,017,881 includes:

- Statutory 3% increase
- New Construction increase
- Recovery of \$168,290 in forgone taxes for maintenance and operations

Health Insurance: Bingham County participates in Gem Plan, a 23-county health care pool. For 2027:

- Premiums will increase 9%
- The County will split the dependent care to 15% employee/ 85% employer.

Clerk Eckhardt stated that Bingham County remains committed to conservative fiscal management and maintaining a structurally balanced budget with health reserves. This financial strength allows the County to invest in employee compensation and benefits, public safety and infrastructure and essential public services. As stewards of public funds, county leaders are guided by principle that "this is the public's money, and we are about the public's business."

Chairman Manwaring opened the public hearing for testimony in favor if the FY 2027 proposed budget, wherein one member of the public testified that the budget represents less than \$1,000 per resident against a population of 47,992.

Chairman Manwaring confirmed there to be no testimony provided in neutral nor in opposition of the FY 2027 proposed budget.

The public hearing was closed to public testimony at this time.

The Board thanked all department heads and elected officials for their hard work on the budget.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2026-53, a resolution adopting the budget for Fiscal Year 2027 for the County of Bingham, State of Idaho. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was adopted as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2026-53**

**A RESOLUTION ADOPTING THE BUDGET FOR FISCAL
YEAR 2027 FOR THE COUNTY OF BINGHAM, STATE OF IDAHO**

WHEREAS, Idaho Code §31-1605 requires a public hearing upon budget appropriations; and,

WHEREAS, The Board of County Commissioners met in Commission Chambers at the Bingham County Courthouse on August 26, 2026, pursuant to the designated published time;

AND WHEREAS, after discussion of the budget, and no objections found thereto,

THEREFORE, BE IT RESOLVED that upon conclusion of said hearing the Bingham County Board of Commissioners determined and fixed the amount of the FY 2027 Bingham County budget in the amount of **\$46,664,140** which is not greater than the amount of the published tentative budget, nor includes an amount to be raised from property taxes greater than the amount advertised.

ADOPTED August 26, 2026.

BOARD OF COUNTY COMMISSIONERS



By: 
Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner

ATTEST: 
Pamela W. Eckhardt
Bingham County Clerk

Commissioner Jackson moved to approve Bingham County Resolution 2026-54, a resolution recovering Forgone for the County of Bingham, State of Idaho. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2026-54**

**A RESOLUTION RECOVERING FORGONE
FOR THE COUNTY OF BINGHAM, STATE OF IDAHO**

WHEREAS, Bingham County, Idaho intends to recover forgone for the 2026 Dollar Certification of Budget Request in the amount of **\$168,290** for the purpose of maintenance and operations.

WHEREAS, Bingham County, Idaho has met the notice and hearing requirements in Idaho Code §63-802 on recovering the forgone amount.

THEREFORE, BE IT RESOLVED by the majority vote taken by the Board of County Commissioners on August 26, 2026, that the above stated amount is to be included in the total forgone amount for use at a future date.

ADOPTED August 26, 2026

BOARD OF COUNTY COMMISSIONERS

By:


Whitney Manwaring, Chairman


Eric Jackson, Commissioner


Drew Jensen, Commissioner



ATTEST:


Pamela W Eckhardt
Bingham County Clerk

BINGHAM COUNTY FISCAL YEAR 2027 AMBULANCE DISTRICT BUDGET HEARING

The Board held a public hearing to receive testimony in regard to the Fiscal Year 2027 Ambulance District Budget, covering the City of Blackfoot, the Blackfoot-Snake River, Shelley-Firth and Aberdeen.

Clerk Eckhardt reviewed the proposed Ambulance Budget, which was as follows:

Projected Cash Balance at 9-30-2026	\$15,000
Projected Revenue 10-1-26 to 9-30-27:	
Property Taxes	\$1,256,097
Ag Replacement Monies	\$ 23,886
Personal Property Replacement	\$ 10,554
2022 Personal Property Replacement	\$ 3,512
kWh/therms Tax Revenue	\$ 47,799
Sales Tax/Other Revenue	\$ 110,000
Temporary Override Levy	\$ 567,000

Projected Expenditures 10-01-26 to 9-30-27:

Ambulance Vehicle Purchase Fund:	\$ 400,000
Remaining override to be distributed evenly between the three entities at \$55,667 each	\$ 167,000

Balance for distribution through the apportionment	\$1,451,848
---	-------------

Total: \$2,018,848

Distribution:

Entity:	Apportionment	Percentage	Override Funds
City of Blackfoot (B/SR Fire)	\$945,153	65.1%	\$55,667
Shelley/Firth Fire Dist.	\$391,999	27.0%	\$55,667
Aberdeen Fire District	\$114,696	7.9%	\$55,667

A brief discussion was held in regard to school boundary allocations and the intent to amend once the new fire station is complete in Firth.

Chairman Manwaring confirmed there was no testimony in favor, in neutral or in opposition of the proposed budget.

Decision: Commissioner Jensen moved to approve 2026-55, a resolution adopting the budget for fiscal year 2027 for the Bingham County Ambulance District, Bingham County, State of Idaho. Commissioner Jackson seconded. All voted in favor. The motion carried and said resolution was approved as follows:

**BINGHAM COUNTY
RESOLUTION NO. 2026-55**

**A RESOLUTION ADOPTING THE BUDGET FOR FISCAL
YEAR 2027 FOR THE BINGHAM COUNTY AMBULANCE DISTRICT,
BINGHAM COUNTY, STATE OF IDAHO**

WHEREAS, Idaho Code §31-1605 requires a public hearing upon budget appropriations; and,

WHEREAS, The Board of County Commissioners met in Commission Chambers at the Bingham County Courthouse on August 26, 2026, pursuant to the designated published time; and,

WHEREAS, there was no opposition to said budget;

THEREFORE, BE IT RESOLVED that upon conclusion of said hearing, the Bingham County Board of Commissioners determined and fixed the amount of the FY 2027 Bingham County Ambulance District budget in the amount of **\$2,018,848**. The amount is not greater than the amount of the published tentative budget, nor includes an amount to be raised from property taxes greater than the amount advertised.

ADOPTED August 26, 2026.

BOARD OF COUNTY COMMISSIONERS



By: 
Whitney Manwaring, Chairman

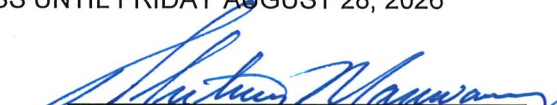

Eric Jackson, Commissioner


Drew Jensen, Commissioner

ATTEST: 
Pamela W. Eckhardt
Bingham County Clerk

THE MOTION PASSED TO DISMISS UNTIL FRIDAY AUGUST 28, 2026


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, August 28, 2026
County of Bingham)

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

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

APPROVAL OF COMMISSION MEETING NOTICE & AGENDA

The Board met to approve the Commission Meeting Notice & Agenda for August 28, 2026.

Decision: Commissioner Jackson moved to approve the Commission Meeting Notice & Agenda for August 28, 2026, as posted. Commissioner Jensen seconded. All voted in favor. The motion carried.

CASH WARRANTS

The Board approved Cash Warrants in the amount of \$2,603.42.

CLAIMS

Claims were approved in the amount of \$616,514.52.

PAYROLL

Payroll Claims were approved in the amount of \$964,340.05.

APPROVAL OF TAX INQUIRY FORMS SUBMITTED BY THE COUNTY ASSESSOR

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

RP1073100	Year 2026	Homeowner signed up for Homeowners Exemption
RP0130110	Year 2026	The parcel has the wrong acres
RP0022801	Year 2026	Homeowner was taken off by mistake
RP2088832	Year 2026	Homeowner signed up for Homeowners Exemption
RP2079312	Year 2026	Homeowner signed up for Homeowners Exemption
RP1319441	Year 2026	Homeowner signed up for Homeowners Exemption
RP8273430	Year 2026	Homeowner signed up for Homeowners Exemption
RP8272780	Year 2026	Homeowner signed up for Homeowners Exemption
RP3078024	Year 2026	Homeowner signed up for Homeowners Exemption
RP2168925	Year 2026	Homeowner signed up for Homeowners Exemption
RP2156190	Year 2026	Homeowner signed up for Homeowners Exemption
RP2156180	Year 2026	Homeowner signed up for Homeowners Exemption
RP2079349	Year 2026	Homeowner signed up for Homeowners Exemption
RP1419955	Year 2026	Homeowner signed up for Homeowners Exemption
RP1419952	Year 2026	Homeowner signed up for Homeowners Exemption
RP1322714	Year 2026	Homeowner signed up for Homeowners Exemption
RP1311433	Year 2026	Homeowner signed up for Homeowners Exemption
RP1311428	Year 2026	Homeowner signed up for Homeowners Exemption
RP1310296	Year 2026	Homeowner signed up for Homeowners Exemption
RP1310258	Year 2026	Homeowner signed up for Homeowners Exemption
RP1310257	Year 2026	Homeowner signed up for Homeowners Exemption

RP1308519	Year 2026	Homeowner signed up for Homeowners Exemption
RP1300220	Year 2026	Homeowner signed up for Homeowners Exemption
RP1331601	Year 2026	Homeowner signed up for Homeowners Exemption
RP1073100	Year 2026	Homeowner signed up for Homeowners Exemption

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

MEETING TO SIGN THE FIRST ADDENDUM TO THE NORTH RIVER ESTATES DEVELOPMENT AGREEMENT

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

The Board met to sign the First Addendum to the North River Estates Development Agreement.

Ms. Olsen explained that the Developer paved the subdivision's roads without meeting county specifications. Several compaction samples came back with results below requirements, so the Developer tore out all the asphalt and will repave instead of turning them into private roads. There will be updated construction drawings recorded as the new elevation standard.

The Board was in favor.

Decision: Commissioner Jackson moved to approve and sign the First Addendum to the North River Estates Development Agreement. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF THE 2026-2027 PATHOLOGY SERVICE AGREEMENT WITH ADA COUNTY CORONERS OFFICE

Present: Jimmy Roberts- County Coroner

The Board met to approve and sign the 2026-2027 Pathology Service Agreement with Ada County Coroners Office.

Mr. Roberts stated there was one small typo that was corrected by Lindsey Gluch, Commission Clerk, along with her initials next to said change. Mr. Roberts stated there were no changes to terms or fees within the agreement and that all information remained the same.

Decision: Commissioner Jensen moved to approve and sign the 2026-27 Pathology Agreement with Ada County Coroners Office, with authorization for Chairman Manwaring to initial next to the typo that was corrected by the Commission Clerk. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS IN REGARD TO PROPOSED ORDINANCE FOR THE BAN OF SALE AND DELIVERY OF KRATOM IN BINGHAM COUNTY, WITH DECISION

IF APPROVED, SIGNING OF BINGHAM COUNTY ORDINANCE 2026-16, REGARDING THE SAME

Present: Tia Rustici- Concerned Citizen
Danae Jones- Concerned Citizen
Jimmy Roberts- County Coroner
Paul Rogers- County Legal Counsel
Idaho State Representative Erin Bingham
Jordyn Nebeker- Chief Deputy Sheriff

The Board held a Public hearing to receive public comments in regard to proposed ordinance for the banning sale and delivery of Kratom in Bingham County, with decision. If approved, signing of Bingham County Ordinance 2026-16, regarding the same. Chairman Manwaring welcomed all to the public hearing and introductions were held for the record.

Chief Deputy Sheriff Nebeker stated that the Sheriffs Office worked with Legal Counsel to draft the proposed ordinance. This will only ban the sale and delivery of Kratom in Bingham County but not the possession, as that issue would need to be addressed and done by the State.

Mr. Roberts stated that Bingham County has had two Kratom deaths and Bonneville County has had eight deaths.

Chairman Manwaring opened the Public Hearing for testimony in favor of passing the proposed ordinance, which were as follows:

Tia Rustici, whose daughter passed away from natural Kratom power, asked the Board to amend its proposed verbiage to include natural powder.

Representative Erin Bingham, who tried to pass a statewide ban last session, urged the Board to remove the exemption for dried leaf containing less than 0.005% 7-oh. Representative Bingham stated that packaging does not list potency, the state lab cannot test at that level, and the exemption suggests that the product is safe.

Danae Jones, whose niece passed away from natural Kratom as well, supported the full ban and pointed out that the Ordinance passed by the City of Kellogg and Idaho Falls have no exemptions and that she believes Bingham County should be the same.

Throughout testimony, there Exhibits were entered into the record, which include a photo showing Kratom product at a Pocatello gas station, a photograph showing a package of Kratom powder and a photograph showing a bottle of a Kratom drink.

This ordinance would be in effect as of September 1, 2026.

The Board was in favor of the proposed changes to be made and stated that the public input was appreciated on this matter.

The following changes were made to the proposed ordinance:

- 1) Page 1, paragraph 9- changed from "City's police power" to "County police power"
- 2) Page 2, 5-1-5 (B. Definitions), "Kratom" previously read "Kratom" means any part of the plant *Mitragyna speciosa*, whether growing or not, including its leaves, extracts, resins, compound, salts, derivatives, isomers, and any preparation, mixture, or product containing any amount of *Mitragyna*

speciosa, EXCEPT for dried Kratom leaves containing less than .00500% 7-oh, which contents and amounts must be certified on the package by the manufacturer" but will now read as follows,

"Kratom" means any part of the plant *Mitragyna speciosa*, whether growing or not, including its leaves, extracts, resins, compounds, salts, derivatives, isomers, and any preparation, mixture, natural powder, or product containing any amount of *Mitragyna Speciosa*".

Decision: Commissioner Jensen moved to approve and sign Bingham County Ordinance 2026-16, an ordinance of the County of Bingham, a political subdivision of the State of Idaho, amending Title 5, Public Safety, Chapter 1, General Offenses, by adding Section 5, Banning the sale and delivery of Kratom and derivatives within Bingham County; providing for severability; providing for repeal of conflicting ordinances; providing for a penalty for violations thereof; and providing an effective date. Commissioner Jackson seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

Instrument # 783220

BINGHAM COUNTY

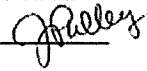
8-31-2026 09:39:06 AM No. of Pages: 3

Recorded for : BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy



ORDINANCE NO. 2026-16

AN ORDINANCE OF THE COUNTY OF BINGHAM, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 5, PUBLIC SAFETY, CHAPTER 1, GENERAL OFFENSES, BY ADDING SECTION 5, BANNING THE SALE AND DELIVERY OF KRATOM AND DERIVATIVES WITHIN BINGHAM COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Bingham County Commissioners and the Bingham County Sheriff are committed to promoting and protecting the public health, safety, and general welfare of the citizens of Bingham County; and

WHEREAS, kratom (*Mitragyna speciosa*) is a tropical tree native to Southeast Asia, the leaves of which contain psychoactive compounds, primarily mitragynine and 7-hydroxymitragynine, that produce stimulant effects at low doses and opioid- and sedative-like effects at higher doses; and

WHEREAS, kratom products are currently available for sale various retail establishments throughout southeast Idaho, including within Bingham County; and

WHEREAS, the U.S. Food and Drug Administration has warned consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder, and has determined that kratom is not lawfully marketed in the United States as a drug product, dietary supplement, or food additive; and

WHEREAS, the U.S. Drug Enforcement Administration has listed kratom as a drug and chemical of concern and has identified its active compounds, including mitragynine and 7-hydroxymitragynine, as posing a risk of abuse and addiction; and

WHEREAS, the Idaho State Epidemiological Outcomes Workgroup has documented that between 2021 and 2023, kratom was listed as a contributing factor in the deaths of 47 Idahoans, and that kratom-related poison control calls continue to increase in the state; and

WHEREAS, kratom is not a controlled substance under the Idaho Uniform Controlled Substances Act, Idaho Code § 37-2701 et seq., and its sale is not subject to age restriction under state law, leaving residents of Bingham County without the protections that state law currently affords with respect to other regulated substances; and

WHEREAS, the Idaho Legislature has not enacted a comprehensive statewide regulatory framework governing the sale or distribution of kratom, and counties therefore retain authority under Article XII, Section 2 of the Idaho Constitution and Idaho Code § 31-714 allowing the Board of County Commissioners to address kratom in the interest of public health and safety; and

WHEREAS, the Bingham County Commissioners and the Bingham County Sheriff find that the unregulated sale or delivery of kratom within the County presents an ongoing threat to the health and safety of the community, particularly to minors and other vulnerable populations, and that a local prohibition on the sale and delivery of kratom is a necessary and reasonable exercise of the County police power to protect its residents; and

WHEREAS, the City of Kellogg Idaho, has recently led the efforts to initiate City's regulation of kratom by passing the first ordinance banning the sale of such substances and the Bingham County Commissioners and the Bingham County Sheriff commend Kellogg for doing so and in support of such efforts is adopting the following ordinance in substantially similar form as the City of Kellogg; and

NOW, THEREFORE, BE IT ORDAINED by the Bingham County Commissioners, Bingham County, Idaho, as follows:

Title 5, Public Safety, Chapter 1, General Offenses, is hereby amended by adding a Section 5 to read as follows:

5-1-5: BANNING THE SALE AND DELIVERY OF KRATOM AND DERIVATIVES

A. Purpose. This section is enacted to protect, preserve, and promote the health, safety, and welfare of the citizens of the County by prohibiting the sale and delivery of any substance containing kratom as hereinafter defined, it being the specific finding of the County that such substances present significant risks of addiction, serious adverse health effects, and death, and that the absence of state or federal regulation of kratom sales within the County leaves residents without adequate protection.

B. Definitions. For purposes of this section:

"Deliver" or "Delivery" means the actual, constructive, or attempted transfer of kratom or any derivative thereof from one person to another, whether or not there is an agency relationship, and includes a sale.

"Derivative" means any compound derived or synthesized from kratom, including but not limited to mitragynine, 7-hydroxymitragynine, and any synthetic or natural compound intended to mimic or replicate the pharmacological effects of kratom or its active alkaloids.

"Kratom" means any part of the plant *Mitragyna speciosa*, whether growing or not, including its leaves, extracts, resins, compounds, salts, derivatives, isomers, and any preparation, mixture, natural powder, leaf or product containing any amount of *Mitragyna speciosa*.

"Sale" or "Sell" means to exchange or deliver for compensation, or to offer to exchange or deliver for compensation.

C. Prohibition. It shall be unlawful for any person, firm, business, or other entity to sell, offer to sell, give, distribute, or deliver kratom or any derivative thereof within the County of Bingham.

D. Exceptions. This section shall not apply to any person or entity lawfully authorized by federal or state law to manufacture, prescribe, dispense, or conduct scientific research with kratom or its derivatives, provided that such activity is conducted in strict compliance with all applicable federal and state laws and regulations.

E. Penalties. Violations of this section shall be subject to civil and criminal penalties as follows:

1. A first violation of this section shall be a civil infraction, and the violator shall be assessed a civil penalty of two hundred fifty dollars (\$250.00).

2. A second violation within two (2) years of the first violation shall be a civil infraction, and the violator shall be assessed a civil penalty of five hundred dollars (\$500.00).

3. A third or subsequent violation within two (2) years of the first violation shall constitute a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1000.00), or imprisonment in the county jail for a period not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

4. Each day upon which a violation continues shall constitute a separate and distinct offense.

F. Severability. This section is hereby declared to be severable. Should any provision of this Section be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose of the ordinance before the declaration of partial invalidity.

G. Repeal of Conflicting Provisions. All provisions of Bingham County Code or ordinances of Bingham County that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

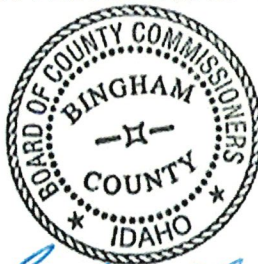
H. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, with an effective date of September 1, 2026.

PASSED AND APPROVED THIS 28th DAY OF AUGUST 2026.

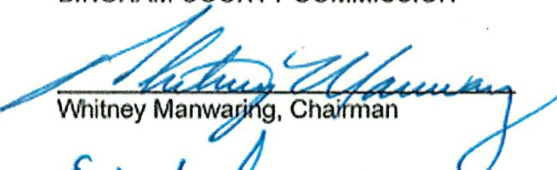
ATTEST:



Pamela W. Eckhardt
Bingham County Clerk



BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman
Eric Jackson, Commissioner
Drew Jensen, Commissioner

REQUEST FOR WAIVER OF CONDITIONAL USE PERMIT APPLICATION FEE FOR THE EASTERN IDAHO GRAZING ASSOCIATION, REQUESTED BY DREW JENSEN, PRESIDENT OF THE EASTERN IDAHO GRAZING ASSOCIATION

Present: Tiffany Olsen- Planning & Development Director
 Drew Jensen- President- Eastern Idaho Grazing Association
 Paul Rogers- County Legal Counsel

The Board met to hold discussion and make a decision in regard to the submitted request for waiver of Conditional Use Permit Application fees for the Eastern Idaho Grazing Association.

Commissioner Jensen recused himself from this discussion and decision as he is the President of the Eastern Idaho Grazing Association. Chairman Manwaring and Commissioner Jackson were in favor.

At this time Drew Jensen stated that the Conditional Use Permit Application Filing Fee is \$750.00, wherein he would ask that it be waived to the application for gravel source benefiting the county.

Chairman Manwaring reiterated that until \$15,000 cost for the traffic study have been recouped in gravel, the county will not need to pay until that funding is met. Chairman Manwaring stated he does not have an issue in regard to the requested waiver, as this is a closer source that will be beneficial for the county.

Ms. Olsen stated that Eastern Idaho Grazing Association is a private group that the county would be waiving the fees and over her time with the County, she has not seen the Board do the same for other private parties or districts. Ms. Olsen stated that the Shelley Firth Fire District paid its application fees. Ms. Olsen stated the application fee covers administrative costs, public hearing attendance, going out to the site and posting required notices and publication costs. Ms. Olsen stated she does not have an issue with the requested waiver but would suggest that the Eastern Idaho Grazing Association pay publication costs as those are hard costs that are required. Said amount is \$100.00 for publication costs.

Commissioner Jackson stated his thought would depend on how much of a benefit to the taxpayers of the county, this application would be, and it would be a benefit to now have to haul gravel from a source that is further away. He believes it would be a benefit to the county taxpayers.

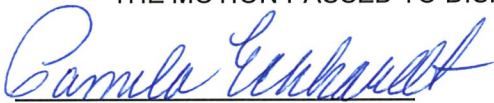
Paul Rogers, County Legal Counsel, stated under Bingham County Code 10-1-8, the Board has the authority to waive fees, to which Mr. Rogers read for the record.

Decision: Commissioner Jackson moved to waive the Condition Use Permit Application Fee for the Eastern Idaho Grazing Association, except for \$100.00 for publication cost which is to be paid to Planning & Development. Chairman Manwaring seconded. All voted in favor. The motion carried.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

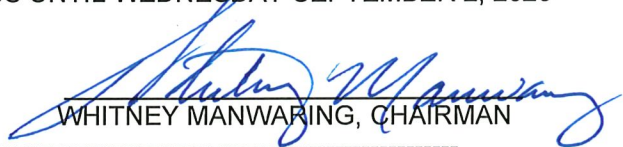
Current Expenses	\$517,779.47	Weeds	\$13,200.90
Road & Bridge	\$331,236.10	Emergency Communication.....	\$40,862.34
Airport.....	\$76.95	Road & Bridge Special Proj..	\$1,751,768.15
Justice Fund	793,498.21	Waterways.....	\$2,338.49
District Court.....	\$82,408.03	Opioid Abatement Account.....	\$54.27
Historical Society & Museum....	\$17,635.02	Treatment Courts.....	\$782.19
Parks & Recreation.....	\$23,849.54	Consolidated Elections.....	\$5,938.12
Revaluation.....	\$37,579.24		
Solid Waste	\$261,125.35		
Tort.....	\$7,230.00		
Veterans Memorial.....	\$1,543.49		

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY SEPTEMBER 2, 2026



PAMELA W. ECKHARDT, CLERK

Lindsey Gluch- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN