

STATE OF IDAHO        )  
                              : ss.                **Wednesday, March 1, 2023**  
County of Bingham    )

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

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

CASH WARRANTS

Cash Warrants were approved in the amount of \$282,626.90.

PAYROLL

Payroll was approved in the amount of \$731,988.04.

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

BINGHAM COUNTY RESOLUTION 2023-11

Present:                Pamela Eckhardt- County Clerk

The Board met to approve Bingham County Resolution 2023-11, a resolution designating the official county newspaper. Chairman Manwaring welcomed all to the meeting and turned the time over to Clerk Eckhardt.

Clerk Eckhardt stated per Idaho Code, the county is to declare an official newspaper via resolution for legal notices and notifications for the court. The Bingham News Chronicle is being discontinued. Therefore, the proposed new designated newspaper will be the Post Register and the Idaho State Journal.

**Decision: Commissioner Jackson moved to approve and sign Bingham County Resolution 2023-11, a resolution designating the official newspaper of the county. Commissioner Bair seconded. All voted in favor. The motion carried and said resolution was adopted as follows:**

**BINGHAM COUNTY  
RESOLUTION NO. 2023-11**

**A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER OF THE COUNTY**

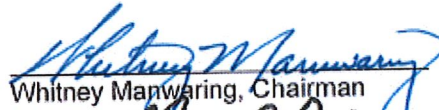
**WHEREAS**, The Bingham County Commissioners as part of their general powers and duties per Idaho Code §31-801, have the authority to designate an official newspaper for the county in which legal notices are to be published.

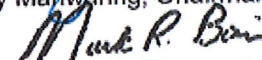
**WHEREAS**, The Bingham News Chronicle was the designated paper of the county but will be discontinued as of February 18, 2023. All publications will be submitted to the Post Register ([legalnotices@postregister.com](mailto:legalnotices@postregister.com)) and will automatically publish in both the Post Register and the Idaho State Journal.

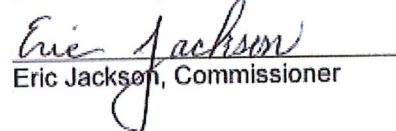
**THEREFORE, BE IT HEREBY RESOLVED**, by the Board of County Commissioners, that the **Post Register and Idaho State Journal**, both newspapers published in Eastern Idaho, are designated as the official newspaper of Bingham County, Idaho. Pursuant to Idaho Code §60-108, the Post Register and Idaho State Journal have designated that Tuesday, Wednesday, Friday and Saturday are the days of the week in which legal notices will be published.

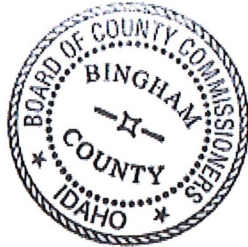
DATED this 1<sup>st</sup> day of March, 2023

BINGHAM COUNTY COMMISSION

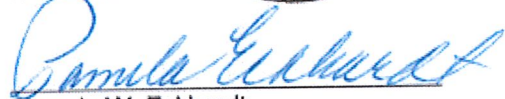
  
Whitney Manwaring, Chairman

  
Mark R. Bair, Commissioner

  
Eric Jackson, Commissioner



ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

**PUBLIC WORKS**

Present: Dusty Whited- Public Works Director  
Paul Rogers- Prosecuting Attorney

The Board met with Dusty Whited to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.



Mr. Whited explained the submitted Prior Approval for Major Purchase of five (5) grader tires in the amount of \$10,922.50, to be paid from Fund 02-47-473-00 (Road & Bridge- Tires). This is to replace tires that are kept in stock to have on hand when needed.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of five (5) grader tires in the amount of \$10,922.50, to be paid from Fund 02-47-473-00 (Road & Bridge-Tires). Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the Prior Approval for Major Purchase of a grader wing and lift package in the amount of \$29,305.38, to be paid from Fund 02-40-803-00 (Road & Bridge- Capital-Heavy Equipment). Mr. Whited explained that the old wings will not fit on the new grader purchased last year. Mr. Whited explained that the trade in from the grader will be used to purchase the wing and lift package, which will leave a credit of approximately \$600.00.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a grader wing and lift package in the amount of \$29,305.38, which will be paid for from the trade in of the grader. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a portable welder in the amount of \$6,429.00, to be paid from Fund 02-40-803-00 (Road & Bridge- Capital-Heavy Equipment). This welder will be used on one of the service trucks and will replace the current welder that is not working properly.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a portable welder in the amount of \$6,429.00, to be paid from Fund 02-40-803-00 (Road & Bridge-Capital-Heavy Equipment). Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the Professional Services Agreement with Keller & Associates, which is an annual contract to be signed and no amount will be paid unless services are used.

**Decision: Commissioner Jackson moved to approve the Professional Services Agreement with Keller & Associates. Commissioner Bair seconded. All voted in favor. The motion carried.**

#### SHERIFF'S OFFICE

Present: Jordyn Nebeker- Chief Deputy Sheriff  
Paul Rogers- Prosecuting Attorney

The Board met to discuss updates within the Sheriff's Office and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Chief Deputy Nebeker.

Chief Deputy Nebeker stated the population in the jail is currently 100 inmates and stated that he would like to thank the Prosecutors Office for the guilty verdict that came from the Jury Trial held yesterday.

Next, Chief Deputy Nebeker explained the submitted Prior Approval for Major Purchase of the Motorola Service Agreement in the amount of \$49,257.00, to be paid from Fund 28-00-559-00 (911 Emergency Communications- other miscellaneous expenses). Said agreement is for the ongoing service with Motorola Solutions/Day Wireless for all applicable services and software.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of the Motorola Service Agreement in the amount of \$49,257.00, to be paid from Fund 28-00-559-00 (911 Emergency Communications- other miscellaneous expenses). Commissioner Bair 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. Chairman Manwaring seconded. All voted in favor. The Board moved into Executive Session at 10:05 a.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 10:15 a.m.

**Decision: Commissioner Jackson moved to approve the language stipend for one employee within the Assessors Office, to be paid monthly in the amount of \$50.00 per month. Chairman Manwaring added that the employee will be reimbursed \$108.00 for testing costs and these costs would be paid from the Assessors budget. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

DISCUSSION & POSSIBLE DECISION REGARDING THE REQUEST SUBMITTED BY JOHN BENDER TO OBTAIN AN EASEMENT TO HIS PROPERTY THAT IS LAND LOCKED ON THE EAST BY THE SNAKE RIVER AND THE WEST BY ROSE PONDS AND THE ARCHERY RANGE PROPERTY

Present: Chris Street- HLE  
Deborah Bender- Landowner  
John Bender- Landowner  
Jon Gregory- Citizen  
Scott Reese- Parks & Recreation/Emergency Management  
Jed Taylor- Citizen  
Travis Butler- Blackfoot River Bowman  
Joe Seamons- Blackfoot River Bowman  
Paul Rogers- Prosecuting Attorney  
Tiffany Olsen- Planning & Development Director  
Via Zoom: Commissioner Bair

The Board met to discuss the request submitted by John Bender, to obtain an easement to his property that is landlocked on the East by the Snake River and the West by Rose Ponds and the Archery Range property. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Mr. John Bender.

Mr. Bender explained that he owns property on the back of Rose Ponds, which is approximately fifty (50) acres and he does not have access to the property, it is landlocked. The property was purchased with a portion of a ranch on the other side of the river and they are before the Board today to see if it is possible to obtain an official easement to access the property. Mr. Bender stated the liability of the property due to being located by Rose Ponds, which the community uses, is why the property was posted as private property, which is one of his concerns.

Chairman Manwaring stated there have been major issues on the northside by the Waring property with kids being on the property and the fence has been fixed several times. There has been cattle that have gotten out and drowned in the pond, among several other issues. Chairman Manwaring stated he would invite Legal Counsel to speak as to his concerns.

Chairman Manwaring added there is a current Real Estate Agreement in place between Bingham County and Blackfoot River Bowman for the archery range. This agreement is in place until a request to end said agreement is noticed by one of the parties.

Commissioner Jackson asked Mr. Bender what use would be made of the property if access were obtained, wherein Mr. Bender explained that he has looked at several opportunities for the property but his intention is to not disrupt the archery range and simply to obtain access. If obtained, he would move forward with what could actually be done with the property.



Travis Butler, President of the Blackfoot River Bowman, explained that there are three courses with fifteen targets on each course and a backstop at each course. They are set up in a manner that there would be no shooting at other courses or trails for safety.

Paul Rogers, Legal Counsel, stated there is an access on the north side of the back of Rose Ponds and is blocked off but is similar to a four-wheeler road/access. Mr. Rogers asked Mr. Bender if he is the one who blocked that access, to which Mr. Bender stated he did not. Chairman Manwaring confirmed that it was Bingham County that blocked off that access. Mr. Rogers asked Mr. Bender if he would be interested in that side, to which Mr. Bender stated it was a possibility. This meeting is to further discuss the options that may be available for access.

Mr. Rogers proposed that Mr. Bender provide the county with a cost estimation as to what the plans and fencing may look like on the north side. Mr. Rogers asked Mr. Bender if he had spoken to the neighbors about this proposal, to which Mr. Bender stated he had and they did not agree.

Mr. Rogers stated his thoughts are if there is a roadway by the archery, it would be beneficial for the Bender family but would invite trespassing to the property and where it is not fenced, there are no deterrents for people going on the property. If people are traveling on the property more, it would invite more traffic, which needs to be looked at closely.

Chairman Manwaring stated he would be more in favor of the North side and stay away from the Archery Range. Mr. Rogers concurred and stated the side with the Archery Range would take quite a bit of construction and Mr. Butler added he would be concerned of the safety risk.

Scott Reese stated that he will be proposing to no longer allow overnight camping at Rose Ponds because there are a lot of squatters. If Mr. Bender gains access, everyone else will as well, which is concerning for him.

Mr. Rogers stated his proposal would be to hold a meeting next month or so. In the meantime, have Mr. Bender speak with the state and come back before the Board with a proposal in regards to the north side.

Commissioner Bair stated as a County Commissioner he has the responsibility to avoid the area where the archery range is and the North side would be the best option but he would also like to be sure that the public has an opportunity to voice their opinion.

Mr. Rogers stated if the research is done, Mr. Bender could provide the Board with written statements from the surrounding neighbors. At that point the Commission Clerk would know who to contact for notice of the Public Hearing.

Chris Street asked Legal Counsel if the recent easement provided on the McDonaldville farm required a Public Hearing, to which Mr. Rogers stated per Commissioner Bair, he would like to have the public involved. Mr. Street asked what would require the Public Hearing, to which Mr. Rogers stated the subject property adjoins to county property that the public is using.

There was no major decision made and Mr. Bender will to further research with Chris Street and will come back before the Board with more specifics on possible options and costs.

#### DISCUSSION REGARDING CONCERNS ON ANNEXATION AND REZONING IN THE SHELLEY AREA- REQUESTED BY MARK COWLEY

Present:           Mark Cowley- Citizen  
                      Craig Cutler- Citizen  
                      Tiffany Olsen- Planning & Development Director  
                      Paul Rogers- Prosecuting Attorney  
                      Scott Reese- Parks & Recreation/Emergency Management

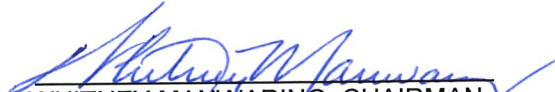


Via Zoom: Commissioner Bair

The Board met to address the request submitted by Mark Cowley to discuss concerns on annexation and rezoning within the Shelley area.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 3, 2023

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO        )  
                              : ss.               Friday, March 3, 2023  
County of Bingham    )

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

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

CLAIMS

Claims were approved in the amount of \$337,660.27.

COLLEGE OF EASTERN IDAHO

Certificate of Residency documents were approved and sent to the College of Eastern Idaho for the following Bingham County students: James P Bales and Keylee A. Hone.

PERSONNEL ACTION FORMS

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

- |  |  |
|--|--|
| Monthly Language Proficiency Stipend   | Assessors Office                       |
| Reimbursement of language testing cost | Assessors Office                       |
| New Employee Status Sheet              | Circuit Breaker Clerk                  |
|  | Deputy Coroner                         |
| Employee Status Sheet                  | Patrol Corporal to Patrol Sergeant     |
|  | Deputy Coroner to Chief Deputy Coroner |
| Salary Increase Form                   | Deputy Clerk/Veterans Service Officer  |
|  | Solid Waste Operator                   |
|  | Solid Waste Truck Driver               |
|  | Solid Waste Operator                   |
|  | Solid Waste Operator                   |
|  | Park Maintenance Worker                |
|  | Truck Driver                           |

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

APPROVAL & SIGNING OF UPDATED OPIOID SETTLEMENT FORMS- REQUESTED BY CLERK ECKHARDT

Present: Pamela Eckhardt- County Clerk

The Board met to approve and sign the updated Opioid Settlement Forms presented by Clerk Eckhardt.

**Decision: Commissioner Bair moved to approve and sign the updated Opioid Settlement Forms. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance Supervisor

The Board met to discuss the submitted Prior Approval for Major Purchase submitted by Jason Marlow, for the Annual Contract with Trane for maintenance on the chiller and startup/shutdown assistance. Said purchase is in the amount of \$4,456.00, to be paid from Fund 01-10-0494-00- Building and Fixtures.

Commissioner Jackson added that this contract is important as preventative maintenance. As long as the chiller is maintained, it should last for about 15-20 years.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of the Trane Contract in the amount of \$4,456.00, to be paid from Fund 01-10-494-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY, MARCH 6, 2023

PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk-----

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Monday, March 6, 2023  
County of Bingham )

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

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

STAFF MEETING

Present: Pamela Eckhardt- County Clerk  
Laura Lora- Payroll/Indigent Services  
Debbie Cunningham- Chief Deputy Assessor  
Scott Reese- Emergency Services/Parks and Recreation  
Sheri Landon- Magistrate/District Court  
Laraine Pope- Human Resources Director  
Jason Marlow- Building Maintenance Director  
Dallen Allgood- Building Maintenance Specialist  
Tiffany Olsen- Planning & Development Director

Shawn Hill- Probation Services  
Cody Lewis- Drug Court  
Paul Rogers- County Prosecuting Attorney  
Jeff Gardner- Bingham County Sheriff  
Susan Nalley- Victim Witness Coordinator  
Tanna Beal- County Treasurer  
Julie Buck- Extension Office  
Scott Mensching- IT Director  
Excused: Donovan Harrington- County Assessor  
Dusty Whited- Public Works Director  
Jimmy Roberts- County Coroner  
Marc Carroll- Blackfoot Mayor  
Danette Miller- Elections  
Gordon Croft- Blackfoot Police Chief  
Grahm Anderson- Blackfoot Treasurer

The Commissioners met with department heads and Elected Officials for the March 2023 Staff Meeting. Commissioner Jackson conducted the Staff Meeting.

Pledge of Allegiance: Commissioner Jackson

Approval of Minutes for Staff Meeting held on February 6, 2023: No changes to be made and the Staff Meeting Minutes were approved as written.

Special Presentation: No special presentation.

Employee Years of Service Recognition: Clerk Eckhardt recognized Lindsey Dalley, Commission Clerk, for five years of service to Bingham County. Clerk Eckhardt stated that she appreciates the energy that Lindsey brings to the Clerk's Office and stated that Lindsey has a challenging position. Clerk Eckhardt stated that Lindsey helps her a lot, is the Commissioner's Clerk and does all of their scheduling, drafts minutes, among other things. Lindsey is great with the public that calls in and directs them to whom they need to speak with or sets up a commissioner meeting if they needed. There is a lot of things that Lindsey is in charge of tracking and Clerk Eckhardt appreciates that she is always positive.

Lindsey Dalley stated she enjoys working with everyone within the County and five years has gone by quick.

Sheriff Jeff Gardner recognized Susan Nalley, Victim Witness Coordinator, for twenty-five years of service to Bingham County. Sheriff Gardner stated that Susan Nalley started in the Prosecutor's Office and is now the Victim Witness Coordinator for all the sexual assault and domestic violence victims, along with running the Domestic Violence/Sexual Assault Task Force. Her position is invaluable and she does so much for Bingham County. Sheriff Gardner would like to thank Susan on behalf of Bingham County for all that she does.

Susan Nalley stated her job is challenging at times but she truly loves what she does and she appreciates Bingham County for allowing her to do her job and help victims through traumatic times.

Clerk Eckhardt recognized Gina Perschon for thirty years of service to Bingham County and stated that Gina has worked in several positions throughout the County. She tracks all funding that comes into the county, is the Chief Deputy Clerk and is the backup for all positions within the Clerk's Office. Gina is always so kind and willing to help. Clerk Eckhardt stated that she and Gina started in their positions at the same time and have done a lot of learning together. Clerk Eckhardt presented her with her recognition gift from Bingham County, along with a basket specifically from the Clerk's Office.

Gina Perschon stated that she would like to thank everyone that she works with and she is grateful for the opportunity to work for Bingham County for thirty years.



Chairman Manwaring: Had no updates at this time.

Commissioner Jackson: Stated that Saturday, March 4<sup>th</sup>, was the anniversary of when the State of Idaho was created. Commissioner Jackson read a short article regarding the same at this time.

Clerk Eckhardt: Gave an update on the County Website and stated the project seems to be going extremely slow. She stated there are supposed to be major changes completed to the site in order to move forward and that she would keep everyone updated.

Clerk Eckhardt stated that the Board of County Commissioners has, via resolution, designated the Idaho State Journal and Post Register as the designated county newspaper, due to the fact that the Bingham News Chronicle no longer exists. There is one insert within both the Idaho State Journal and the Post Register, specifically for Bingham County.

Chairman Manwaring stated in the past the State Legislature has pushed to approve online publication and received a lot of pushback from smaller communities.

Laura Lora: Had no updates at this time.

Debbie Cunningham: Had no update at this time.

Scott Reese: Stated that he would like to thank Jason Marlow for being a one-man team and keeping up on the snow removal for the courthouse parking lots.

Sheri Landon: Had no updates at this time.

Laraine Pope: Reminded all department heads and Elected Officials to have their employees complete the First Amendment Webinar. If anyone needs assistance in logging in, please let her know.

Jason Marlow: Stated that he would like to introduce the new Building Maintenance Specialist, Dallen Allgood. He would also like to thank everyone for their patience and offering to help while he was the only employee in Building Maintenance.

Tiffany Olsen: Had no updates at this time.

Shawn Hill: Had no updates at this time.

Cody Lewis: Stated that Felony Drug Court Graduation is scheduled for March 28<sup>th</sup> at 4:00 and Misdemeanor Drug Court Graduation is scheduled for March 30<sup>th</sup> at 4:00.

Paul Rogers: Stated last week there was a Jury Trial that ended in a conviction and he would like to thank all county employees who assisted.

Sheriff Jeff Gardner: Stated that he was on vacation in Orlando and had beautiful weather. Hopefully that warm weather will be here soon.

Tanna Beal: Stated that she was in South Carolina and they also had beautiful weather. Although, she did not bring the warm weather back with her.

Julie Buck: Stated that Bingham County Extension Office is partnering with Bingham Ag to do a feed seminar, which is scheduled for March 25<sup>th</sup>, as well as partnering with Cal Ranch and the University of Idaho to do a cattle demo in May. She explained that beef weigh-in was held yesterday and there was 51 youth and weighed in 65 beef.

Scott Mensching: Had no updates at this time.

Commissioner Bair stated next Staff Meeting is scheduled for Monday, April 3, 2023 at 8:30 a.m.

#### PROBATION DEPARTMENT

Present: Shawn Hill- Probation Director  
Paul Rogers- Prosecuting Attorney

The Board met with Shawn Hill to discuss department updates and informed the Board that there has been an increase in numbers for both misdemeanor and juvenile clients.

#### APPROVAL OF ALCOHOL LICENSE FOR FAMILY DOLLAR IN BLACKFOOT

The Board met to approve the Alcohol License for Family Dollar in Blackfoot.

**Decision: Commissioner Bair moved to approve the Alcohol License for Family Dollar in Blackfoot. Commissioner Jackson seconded. All voted in favor. The motion carried.**

#### IT DEPARTMENT

Present: Scott Mensching- IT Director

The Board met with Scott Mensching to discuss department updates.

Mr. Mensching stated that Matt Galloway is set up in the IT Department and he will work Tuesdays and Thursdays within that department. There are a few items that Mr. Galloway will need access too, which will be taken care of.

#### BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance Supervisor  
Dallen Allgood- Building Maintenance Specialist

The Board met with Jason Marlow to discuss department updates.

#### ASSESSORS OFFICE

Present: Donavan Harrington- County Assessor

The Board met with Donavan Harrington to discuss department updates.

#### WORK SESSION WITH CLERK ECKHARDT REGARDING AMBULANCE DISTRICT BUDGET

Present: Pamela Eckhardt- County Clerk

The Board met with Clerk Eckhardt to hold a work session for the ambulance district budget.

#### DISCUSSION & DECISION REGARDING DONATION TO THE HENRY'S CREEK RANGELAND FIRE PROTECTION ASSOCIATION

Present via phone: Dave Rafferty- Henry's Creek Rangeland Fire Protection Association  
Tony Garo- Henry's Creek Rangeland Fire Protection Association

The Board met to discuss and make a decision regarding donation to the Henry's Creek Rangeland Fire Protection Association. Chairman Manwaring welcomed all to the meeting and explained that the county



had assisted last year with funding to put towards liability insurance, which was in the amount of \$1,250.00.

Mr. Garo explained that the State of Idaho might pay for the liability insurance via a grant through the Governor's Office with the Species Conservation. Mr. Garo stated that he would like to keep both Bingham County and Bonneville County for donations. Mr. Rafferty added that this is the first year that the Henry's Creek Rangeland Fire Protection Association has been able to apply for this grant. It is not guaranteed but is a great opportunity for additional funding. If the grant is awarded to the Henry's Creek Rangeland Fire Protection Association, they would use the funds donated by the county to assist with fuel or maintenance cost.

The Board had no issues with the submitted request and Chairman Manwaring entertained a motion.

**Decision: Commissioner Jackson moved to approve a \$1,250.00 donation to the Henry's Creek Rangeland Fire Protection Association to assist with insurance costs, fuel or maintenance. Commissioner Bair seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 7, 2023

  
PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk-----  
  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.            Tuesday, March 7, 2023  
County of Bingham    )

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

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

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSIONERS REMANDED PUBLIC HEARING INFORMATION AND RECOMMENDATION TO APPROVE THE BASALT BAR ESTATES SUBDIVISION PRELIMINARY PLAT

Present:               Tiffany Olsen- Planning & Development Director  
                              Paul Rogers- Prosecuting Attorney  
                              Dan Wachs- Applicant

The Board met to receive the Planning & Zoning Commissioners remanded Public Hearing information and recommendation to approve the Basalt Bar Estates Subdivision Preliminary Plat. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Tiffany Olsen, Planning & Development Director.

Director Olsen presented the Staff Report at this time.

The Planning & Zoning Commission held a Remand Public Hearing on January 11, 2023 and giving consideration to the new evidence and testimony as requested by the Board of County Commissioners, the Commission recommended to return the Basalt Bar Estates Subdivision Application to the Board, transmit the record and additional fact finding for the 4 items requested in the remand, and add that if Southeast



Idaho Public Health (SIPH) approves the subdivision's septic permit, as proposed in the current configuration, and there are legal agreements addressing easements and maintenance for the shared system, recorded with the Clerk's Office as well as noted in the Final Plat to manage the community septic system, the Commission continued to recommend approval of the Application, with the proposed shared community septic system.

On February 8, 2023 Southeastern Idaho Public Health completed the review of the Preliminary Plat and provided a letter approving the shared septic system configuration as presented to the Planning & Zoning Commission at the Remand Public Hearing.

The Board reviewed the record, which is comprised of:

1. Exhibits to the Staff Report:
  - PZR-1: Planning & Zoning Commission Staff Report
  - RA-1: Remanded Narrative with additional information- Daniel Wachs
  - RA-2: Preliminary Plat
  - PZ-2: Notice of Posting- Addie Jo Harris
  - PZ-3: Proof of Publication- Bingham News Chronicle- Planning & Zoning Commission
  - PZ-4: Government Agency Notice & Notice of Mailing- Addie Jo Harris
  - PZ-5: Property Owners List & Notice of Mailing- Addie Jo Harris
  - S-6: Aerial Map
2. Planning & Zoning Commission Meeting Exhibits & Minutes from January 11, 2023 and Planning & Zoning Commission sign in sheet for January 11, 2023.
3. All Information and Testimony presented at the Commissions Public Hearing on January 11, 2023.
4. Planning & Zoning Commission Reason & Decision, signed by Chairman Darren Leavitt on February 2, 2023.

**REQUESTED ACTION:** The Board may uphold, conditionally uphold, or overrule the decision of the Planning & Zoning Commission on the proposed subdivision replat. The Board may determine that, again, more information is required and in that case, shall remand the plat to the Commission for a new hearing.

With receipt of Southeast Idaho Public Health's letter, the only condition of the Commission's recommendation not met was for Mr. and Mrs. Wachs to secure legal agreements addressing easements and maintenance for the shared septic system (Lots 2 and 3). Once obtained, said documents shall be recorded with the Clerk's Office and noted on the Final Plat.

Upon reaching a decision, the Board shall make written findings to specify the following:

1. The ordinance and standards used in evaluating the proposal.
2. The reasons for approval or denial.
3. If denied, what actions the Applicant could have taken to obtain approval.

The Board shall only overrule the Commission by a majority vote. The final decision of the Board shall be issued in writing with a Reason & Decision. The Commission shall receive notice of the Board decision.

### REASON

The Board reviewed information received for additional fact finding as shown below:

1. *The community septic system that is proposed on Lots 2 and 3.*

As part of the record for the Planning & Zoning Commission Public Hearing, the Commission reviewed Daniel Wachs narrative, which stated Lot 2 is supported by a cesspool-type sanitary septic. Lot 3, proposed to be 0.57 acres, will have a future residence constructed on the property by the Wachs. Southeast Idaho Public Health District recommend that the existing septic system be upgraded into a

modern community septic that supports both dwellings. This is also indicated on the proposed site plan indicating one septic system being shared between Lots 2 and 3.

Mr. Wachs provided a Septic Permit issued from Public Health, dated March 22, 2022, indicating the permit is for a "new" "basic system" containing 2 structures, 3 bedrooms each for "Residential Permit".

At the August 10<sup>th</sup> Public Hearing, Mr. Wachs testified to the details of the shared system configuration and explained the intent was to place a new septic tank on each lot, with a shared drain field entirely located on Lot 3 and establish a Home Owners Association and an easement, specifically for Lots 2 and 3, with regard to the shared drain field and joint maintenance between the owners.

Commissioner Bair asked if the water system between the two lots are considered a community well, wherein Director Olsen explained the water system is connected to the Woodville Water system and is considered a community system. Director Olsen stated further definition was needed as to what would be considered a community sewage system and a community water system. The Planning & Zoning Commission did not address the community water system as much as the community sewage system in this case as it is connected to a community water system through the Woodville Water and Sewer District.

Commissioner Bair referred to the Memorandum provided by Paul Rogers, Legal Counsel, wherein he questioned if one septic system on the two lots would fit within the criteria of a community septic system. This is one of the reasons the Application was remanded back to the Planning & Zoning Commission due to a language issue within the County Ordinance. Director Olsen stated these are just meetings that are held and therefore, cannot take in any clarification or additional definitions in terms of that section. Therefore, it was appropriate to remand back to the Planning & Zoning Commission, for that additional information. Mr. Rogers stated the clarification was able to be given without testimony being given, as it was stated within a memorandum written by himself that was provided prior to the Planning & Zoning.

*2. Southeast Idaho Public Health Department's position on the community septic system that is proposed on Lots 2 and 3.*

Mr. Ken Keller, Environmental Health Director with the Southeast Idaho Public Health District, provided testimony dated December 22, 2022, included in the Board's packet as Exhibit RT-3.

The Board had no concerns or statements regarding testimony received from Mr. Ken Keller.

*3. Discussion to determine whether the definition of Community System Disposal System contained in Bingham County Code Section 10-2-3 is meant to be the definition of the method of sewage disposal provided for in Section 10-6-6(B) or whether those terms are intended to be defined individually.*

**10-2-3: Definitions, Community Sewage Disposal System.** A system where more than two (2) homes are connected to a common waste disposal system designed to accommodate connection to a municipal collection and treatment system when reasonable available.

**10-6-6: Area Regulations.** Area requirements vary between zones, and the following minimum size requirements shall apply:

- B. Platted subdivisions shall require the following minimum lot sizes:
  - 1. R Zone: One-half (1/2) acre with well or septic coupled with an appropriate shared community water or septic system.
  - 2. R Zone: One-fourth (1/4) acres with both community well and community septic system.

Southeast Idaho Public Health responded to this item as shown in Exhibit RT-3.



4. *Response from Bingham County Legal Counsel on the best way to proceed with the Application.* Paul Rogers, Bingham County Legal Counsel, provided a Memorandum dated January 4, 2023, which is attached to the Board's packet as Exhibit RT-6.

**Decision:** Based upon the Reason and Decision herein and the testimony from the remanded Public Hearing before the Planning & Zoning Commission, as well as the entire record presented to the Board, Commissioner Jackson moved to approve the Application for the Basalt Bar Estates Subdivision, a 4-Lot Subdivision in a Residential Zoning District. The property owners are Daniel and Catherin Wachs, Brian and Donna Ashliman and Jay and Lee Ann Wells. The Developers are Daniel and Catherin Wachs. All matters in the remand to the Planning & Zoning Commission have been addressed. Commissioner Bair amended the motion to include that Mr. Wachs secure legal agreements addressing easements and maintenance for the shared system, to be recorded with the Clerk's Office and noted on the Final Plat. Commissioner Jackson and Chairman Manwaring concurred. Commissioner Bair 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.

PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director  
Paul Rogers- Prosecuting Attorney

The Board met with Tiffany Olsen to discuss department updates within the Planning & Development Department.

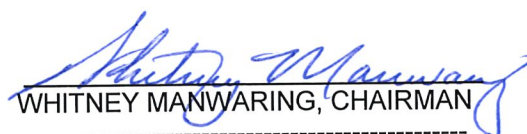
APPROVAL OF REASON & DECISION FOR EAST VIEW SUBDIVISION

The Board met to approve the Reason & Decision for East View Subdivision.

**Decision:** Commissioner Bair moved to approve the Reason & Decision for the East View Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 8, 2023

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO )  
 : ss. Wednesday, March 8, 2023  
County of Bingham )

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

PRESENT: Chairman Manwaring



Commissioner Bair  
Commissioner Jackson  
Lindsey Dalley- Commission Clerk

## PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
John Osai- Citizen  
Kraig Edwards- Bingham County Weed Superintendent  
Paul Rogers- Prosecuting Attorney

The Board met with Dusty Whited to discuss department updates and other agenda items.

Discussion was held with Mr. Osai, who resides at 1543 North 715 East in Shelley, in regards to snow plowing.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of cutting edges for the road graders, which will be to keep a stock on hand. Said purchase is in the amount of \$20,300.00 and is to be paid from Fund:02-47-499-01. This purchase is to keep a stock on hand for when they are needed.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of cutting edges in the amount of \$20,300.00, to be paid from Fund 02-47-499-01. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Asphalt Purchase Agreement with Idaho Asphalt.

**Decision: Commissioner Jackson moved to approve the Asphalt Purchase Agreement with Idaho Asphalt. Commissioner Bair seconded. All voted in favor. The motion carried.**

A brief discussion was held in regards to plowing of snow in the Courthouse parking lot. Commissioner Bair stated it was his understanding that a Public Works employee would plow the parking lot, wherein Mr. Whited explained that they have not plowed the courthouse parking lot since he has been in the Public Works Director position. Mr. Whited stated that Building Maintenance has come in early to plow and after it is plowed, there is a Public Works employee that comes over to salt the parking lot. This year since the Building Maintenance Department has been shorthanded, they have assisted with plowing.

Kraig Edwards stated that there is an employee who comes to look at the courthouse parking lot to see if it can be handled by the Building Maintenance crew or if they will need additional assistance. If no plowing has been done, they drop blades and start plowing. The Board thanked both the Public Works Department and the Building Maintenance Department for working together to be sure that the parking lots are plowed.

## SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff

The Board met with Sheriff Gardner to discuss department updates.

APPROVAL OF RESOLUTION'S 2023-14, 2023-15, 2023-16, 2023-17, 2023-18 AND 2023-19, ALL FORMAL RESOLUTION'S DECLARING CERTAIN BINGHAM COUNTY PROPERTY NOT NECESSARY FOR USE IN BINGHAM COUNTY

Present: Paul Rogers- Prosecuting Attorney

The Board met to approve several Bingham County Resolutions in regards to declaring certain Bingham County property not necessary for use in Bingham County. Chairman Manwaring stated all are in regards to properties to possibly be sold as odd-lot property.

**Decision: Commissioner Jackson moved to approve Bingham County Resolution Numbers 2023-14, 2023-15, 2023-16, 2023-17, 2023-18 and 2023-19, all formal resolutions declaring certain Bingham County property not necessary for use in Bingham County. Chairman Manwaring seconded. All voted in favor. The motion carried and said Resolutions were adopted as follows:**

**BINGHAM COUNTY RESOLUTION NO. 2023-14**

**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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

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

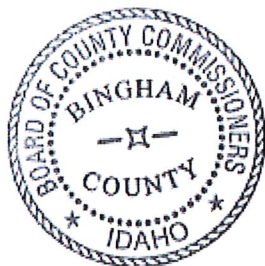
Township 1 South Range 38 East of the Boise Meridian, Section 30, Bingham County, Idaho, described as:

Commencing at the Northwest corner of said Section 30, thence S 00°18'55" E 586.18 feet along the West section line to the Point of Beginning; thence N 89°46'35" E 60.17 feet; thence S 00°18'55" E 731.44 feet parallel with said West section line; thence S 89°46'35" W 60.17 feet to the Southwest corner of Lot 1 of Section 30; thence N 00°18'55" W 731.44 feet along the West line of said Section 30 to the Point of Beginning.

Parcel contains 1.01 acres more or less

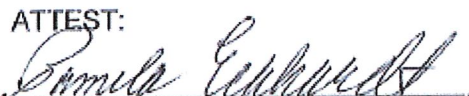
DATED this 8<sup>th</sup> day of March, 2023.

  
Whitney Marwaring, Chairman



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Mark Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:  
  
Pamela Eckhardt  
Bingham County Clerk



**BINGHAM COUNTY RESOLUTION NO. 2023-15**

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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

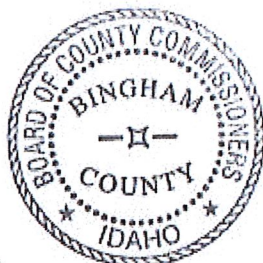
**THEREFORE BE IT HEREBY RESOLVED**, by the Board of County Commissioners, Bingham County, Idaho, that the following items may be sold as odd-lot property:

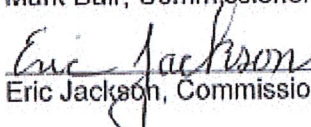
Portions of Government Lots 2 and 3 Section 30 Township 1 South Range 38 East B.M. Bingham County, Idaho described as:  
Commencing at the Northwest corner of Section 30; thence S 00°16'51" E 1317.62 feet along the Section line to the northwest corner of Government Lot 2 Section 30 and the Point of Beginning.  
Thence N 89°48'39" E 23.47 feet along the north line of Government Lot 2 to an existing fence Line; thence along said fence line the following courses S 00°26'15" W 169.09 feet; thence S 00°31'35" E 343.89 feet; thence S 00°22'48" E 1009.56 feet; thence S 00°05'36" E 701.33 feet  
Thence S 00°22'13" E 208.76 feet along said fence line to a point on the south line of deed instrument 703216; thence leaving said fence line S 89°43'09" W 22.60 feet to the southwest corner of said deed being a point on the west line of Section 30; thence N 00°16'51" W 2432.64 feet to the Point of Beginning.

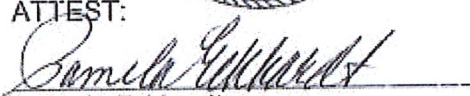
Parcel Contains 1.30 Acres more or less.

DATED this 8<sup>th</sup> day of March, 2023.

  
Whitney Manwaring, Chairman



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Mark Bair, Commissioner  
  
Eric Jackson, Commissioner

ATTEST:  
  
Pamela Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY RESOLUTION NO. 2023-16**

**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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

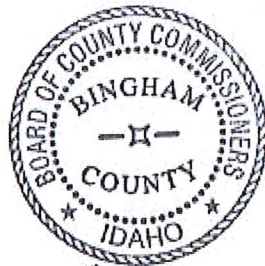
**THEREFORE BE IT HEREBY RESOLVED**, by the Board of County Commissioners, Bingham County, Idaho, that the following items may be sold as odd-lot property:

Part of Government Lot 3 Section 30 Township 1 South Range 38 East B.M. Bingham County, Idaho described as:  
Commencing at the Northwest corner of Section 30; thence S 00°16'51" E 3541.51 feet along the Section line; thence N 89°43'09" E 22.27 feet to a point in an existing north-south fence line and  
The Point of Beginning. Thence N 89°43'09" E 209.09 feet to an angle point in deed instrument 703216; thence along said deed S 00°16'51" E 208.76 to the southeast corner; thence S 89°43'09" W 208.76 feet along the south line of said deed to a point in said north-south fence Line; thence N 00°22'13" W 208.76 feet along said fence line to the Point of Beginning.

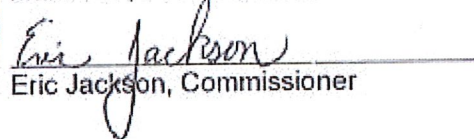
Parcel contains 1.00 Acres more or less.


DATED this 8<sup>th</sup> day of March, 2023.

  
Whitney Manwaring, Chairman



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Mark Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:  
  
Pamela Eckhardt  
Bingham County Clerk



**BINGHAM COUNTY RESOLUTION NO. 2023-17**

**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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

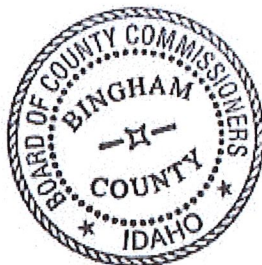
**THEREFORE BE IT HEREBY RESOLVED**, by the Board of County Commissioners, Bingham County, Idaho, that the following items may be sold as odd-lot property:

Portions of Government Lots 2 and 3 Section 30 Township 1 South Range 38 East B.M. Bingham County, Idaho described as:  
Commencing at the Northwest corner of Section 30; thence S 00°16'51" E 1317.62 feet along the Section line to the northwest corner of Government Lot 2 Section 30; thence N 89°48'39" E 23.47 Feet along the north line of Government Lot 2 to the Point of Beginning. Thence N 89°48'39" E 51.53 feet continuing along said north line to the northeast corner of deed instrument 703216; Thence S 00°16'51" E 2223.76 feet along the easterly line of said deed; thence S 89°43'09" W 52.73 feet to a point on an existing fence line; thence along said fence the following courses N 00°05'36" W 701.33 feet; thence N 00°22'48" W 1009.56 feet; thence N 00°31'35" W 343.89 Feet; thence N 00°26'15" E 169.09 feet to the Point of Beginning.

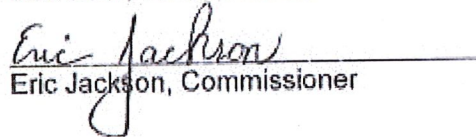
Parcel contains 2.64 Acres more or less.

DATED this 8<sup>th</sup> day of March, 2023.

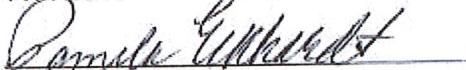
  
Whitney Manwaring, Chairman



\_\_\_\_\_  
Mark Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:

  
\_\_\_\_\_  
Pamela Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY RESOLUTION NO. 2023-18**

**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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

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

**Parcel 1**

Part of Section 36 Township 1 North, Range 36 East B.M. Bingham County, Idaho described as:

Commencing at the East Quarter corner of Section 36; thence S 00°17'25" W 1260.19 feet along the

Section line to the Northeast corner of Cook Estates, recorded as Instrument No. 68524; thence N 89°43'43" W 40.00 feet to the Southeast corner of a parcel described in Warranty Deed Instrument No. 218723 and the Point of Beginning;

Thence N 89°43'43" W 215.00 feet along the North line of Lot 3 of said Cook Estates to the Northwest corner of said Lot 3; thence N 00°16'16" E 20.99 feet to a point near the center of an existing berm; thence S 89°17'30" E 215.02 feet along said center of berm; thence S 00°17'25" W 19.35 feet to the Point of Beginning.

Parcel Contains 0.10 Acres more or less.

**Parcel 2**

Part of Section 36 Township 1 North, Range 36 East B.M. Bingham County, Idaho described as:

Commencing at the East Quarter corner of Section 36; thence S 00°17'25" W 1260.19 feet along the

Section line to the Northeast corner of Cook Estates, recorded as Instrument No. 68524; thence N 89°43'43" W 485.00 feet along the North line of said Cook Estates to the Northeast corner of Lot 1 of said Cook Estates and the Point of Beginning;

Thence N 89°43'43" W 453.22 feet along the North line of said Lot 1 extended to the ordinary high water line; thence N 20°28'08" W 28.10 feet along said ordinary high water line; thence departing said ordinary high water line S 89°17'30" E 463.18 feet, a portion of which follows a line, being approximately the center of an existing berm; thence S 00°16'16" W 22.75 feet to the Point of Beginning.

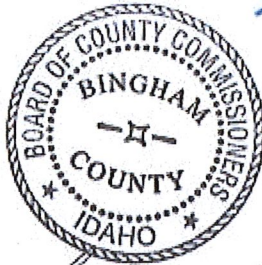
Parcel Contains 0.26 Acres more or less.

Parcel 2 subject to a 25.00-foot public use easement, more particularly described as; 25.00 feet parallel with and easterly of the above described ordinary high water line.

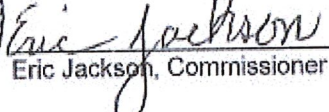


DATED this 8<sup>th</sup> day of March, 2023.

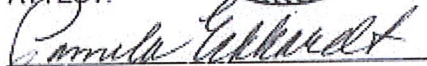
  
Whitney Manwaring, Chairman



Mark Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:

  
Pamela Eckhardt  
Bingham County Clerk

**BINGHAM COUNTY RESOLUTION NO. 2023-19**

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 declare certain parcels of real property as odd-lot property, all or portions of which are not needed for public purposes and are excess to the needs of the county, (Idaho Code §31-808(8));

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

**Parcel 1**

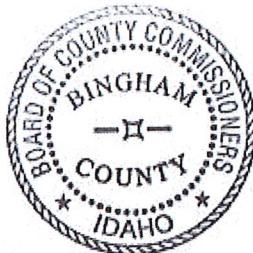
Part of Section 36 Township 1 North, Range 36 East B.M. Bingham County, Idaho described as:

Commencing at the East Quarter corner of Section 36; thence S 00°17'25" W 1260.19 feet along the Section line to the Northeast corner of Cook Estates, recorded as Instrument No. 68524; thence N 89°43'43" W 255.00 feet along the North line of said Cook Estates to the Northeast corner of Lot 2 of said Cook Estates and the Point of Beginning; Thence N 89°43'43" W 230.00 feet along said North line of Lot 2 to the Northwest corner of said Lot 2; thence N 00°16'16" E 22.75 feet to a point near the center of an existing berm; thence S 89°17'30" E 230.01 feet along said center of berm; thence S 00°16'16" W 20.99 feet to the Point of Beginning.

Parcel Contains 0.12 Acres more or less.

DATED this 8<sup>th</sup> day of March, 2023.

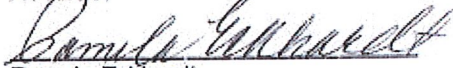
  
Whitney Manwaring, Chairman



\_\_\_\_\_  
Mark Bair, Commissioner

  
Eric Jackson, Commissioner

ATTEST:

  
Pamela Eckhardt  
Bingham County Clerk

**Chairman Manwaring moved to appoint Commissioner Bair as Acting Chairman for meetings to be held this afternoon. Commissioner Jackson seconded. Both 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. Chairman Manwaring seconded. All voted in favor. The



Board moved into Executive Session at 2:00 p.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. All voted in favor. The Board moved out of Executive Session at 2:17 p.m.

**Decision: Commissioner Jackson moved to approve a one-time merit pay in the amount of \$1,000.00, after taxes, for Jason Marlow, Building Maintenance Director, for being the only individual working within the Building Maintenance Division for the last several months. Commissioner Bair seconded. All voted in favor. The motion carried. Said merit-pay will be paid out of the Building Maintenance Budget.**

#### HUMAN RESOURCES DIRECTOR

Present: Laraine Pope- Human Resources Director  
Paul Rogers- Prosecuting Attorney

The Board met with Laraine Pope to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Pope.

Ms. Pope stated she would ask the Board for approval of the proposed changes to the Bereavement Policy 22.1, which is proposed as follows:

#### **Bereavement Leave**

Bereavement leave of up to three (3) days of paid leave (eight hours each; seven hours each for the 35 hour/workweek) may be granted, as needed, in the event of death of an immediate family member. An immediate family is defined as a spouse, parents stepparents, foster parents, father-in-law, mother-in-law, children, step children, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. First cousin means the child of a parent's sibling, i.e., the child of an aunt or uncle. Bereavement leave is granted at the discretion of the department head or elected official as is any additional leave from accrued PTO or comp time that is requested to cover these difficult situations.

Employees who wish to take leave from work for the death of other family relatives or friends may take accrued PTO, comp time, or leave without pay, at the discretion of the department head or elected official.

**Decision: Commission Jackson moved to approve the amendment to Employee Policy 22.1- Bereavement Policy as presented by Ms. Pope. Commissioner Bair seconded. All voted in favor. The motion carried. Said policy will be updated within the Employee Handbook.**

Next, Ms. Pope explained the amendments made to Employee Policy 30.4- Safety Sensitive Testing, wherein individuals were added to the pool for random and pre-employment drug testing, which will now include any individuals carrying a firearm, supervising or directing employees who are performing critical incidents functions which require those employees to carry firearms or perform emergency lifesaving or fire etc., also employees who will be regularly driving a county owned vehicle.

**Decision: Commissioner Jackson moved to approve the amendment to Employee Policy 30.4- Safety Sensitive Testing as presented by Ms. Pope. Commissioner Bair seconded. All voted in favor. The motion carried.**

Discussion was held in regards to who pays for the CPR certification card for an employee that attends CPR Training.

**Decision: Commissioner Jackson moved to approve that the applicable department pay for any CPR Cards in the amount of \$6.00 each, when their employee attends the training. Commissioner Bair seconded. All voted in favor. The motion carried.**

REVIEW AND SIGN THE POLSON ESTATES SUBDIVISION FINAL PLAT

Present: Terry Meppen- Surveyor  
Tiffany Olsen- Planning & Development Director

The Board met to review and sign the Final Plat for the Polson Estates Subdivision.

**Decision: Commissioner Jackson moved to approve and sign the Final Plat for Polson Estates Subdivision. Commissioner Bair seconded. All voted in favor. The motion carried.**

DISCUSSION & POSSIBLE DECISION REGARDING FENTANYL TRAINING WITHIN THE COUNTY

Present: Captain Wes Wheatley- Blackfoot City Police  
Sheriff Jeff Gardner- Bingham County Sheriff's Office  
Chief Chad Purser- Shelley Police Department  
Paul Rogers- Prosecuting Attorney

The Board met to hold discussion regarding fentanyl training within schools throughout the county. Commissioner Bair welcomed all to the meeting and explained that while attending the IAC Conference last month he attended an informational class on fentanyl. He stated that he scheduled this meeting to meet with the proper parties to work on getting information and training out to help people and children understand the severity of the fentanyl issue. Commissioner Bair stated there are opioid funds that are available to assist with any cost in doing so and there has been a meeting scheduled for March 14, 2023, to hold discussion with Superintendents and School Resources Officers throughout Bingham County.

Captain Wes Wheatley, Blackfoot City Police, explained that Sgt. Hay currently has a curriculum that he has begun teaching to the students at Blackfoot High School, which could be shared with other school districts within the county. In the near future, this may give students the opportunity to earn credit for attending the class.

Sheriff Gardner stated that education is extremely important and he would like to see a dedicated position strictly to be an educator in the schools and partners with the School Resources Officers.

Commissioner Bair added that he would like to suggest there be a Narcan kit in each classroom, due to there being several children that have overdosed during class. Sheriff Gardner stated that he would agreed with the proposal and that training could be performed for the teachers as far as how to administer Narcan.

The next meeting is scheduled for March 14, 2023, to hold further discussion with Superintendents and School Resource Officers, regarding fentanyl and Narcan.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY, MARCH 9, 2023

  
PAMELA W. ECKHARDT, CLERK

  
WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----



STATE OF IDAHO )  
 : ss. Thursday, March 9, 2023  
County of Bingham )

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

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

**EMERGENCY MEETING PURSUANT TO IDAHO CODE 74-204(2)**

Present: Dusty Whited- Public Works Director  
Via Phone Commissioner Bair  
Paul Rogers- Prosecuting Attorney  
Scott Reese- Emergency Management

The Board met in Commission Chambers to hold an Emergency Meeting pursuant to Idaho Code Section 74-204(2).

**Decision: Commissioner Jackson moved to hold an Emergency Meeting pursuant to Idaho Code Section 74-204(2), to discuss possible flooding that may occur. Commissioner Bair seconded. All voted in favor. The motion carried.**

Chairman Manwaring welcomed all to the meeting and explained that he received several telephone calls in regards to sand bags to prepare for possible flooding. Mr. Whited added that he had also received four telephone calls regarding sand locations.

Mr. Whited stated that he was contacted by an individual that requested that ten loads of sand be delivered out to the Thomas area, tomorrow if possible as they have a group of individuals that will be filling sandbags. Another request was submitted that there be sand hauled to Firth, wherein Mr. Whited spoke with the City of Firth who has a place next to Collets where sand could be stored.

Discussion was held in regards to Road and Bridge employees possibly being called out after hour to handle flooding issues, wherein Mr. Whited requested that he have the ability to approve his employees' overtime if needed.

Chairman Manwaring added that he spoke with Chief Randy Adams, Shelley Fire, who stated that sand could be placed at the fire station again, if needed. Chairman Manwaring stated his concerns with charging \$1.00 per sand bag is what would occur if individuals needed them in the middle of the night and there is not a location for them to pay for the sandbags taken. Especially if individuals reside in Shelley and have to come to the Central Transfer Station to collect sandbags, which is why he would like to see a pallet of sand bags taken to the Shelley Fire Station, along with the other locations discussed.


It was agreed that Mr. Whited would have as much sand hauled as possible to Firth, Shelley, Thomas area.

**Decision: Commissioner Jackson moved to allow the Road & Bridge Department to haul sand to Shelley, Firth and Thomas areas, approximately 1,000 bags, and allow the Road & Bridge employees to work overtime if needed. Chairman Manwaring seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 10, 2023



PAMELA W. ECKHARDT, CLERK  
Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, March 10, 2023  
County of Bingham    )

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

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

CASH WARRANTS

One Cash Warrant was approved in the amount of \$179.39.

CLAIMS

Claims were approved in the amount of \$646,086.34.

PERSONNEL ACTION FORMS

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

Salary Increase Form:       Patrol Deputy  
  Weeds Superintendent  
  Detective  
New Employee Status:       Detention Deputy

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms as presented. Commissioner Bair seconded. All voted in favor. The motion carried.**

DISCUSSION & POSSIBLE DECISION REGARDING THE COUNTY WEBSITE- REQUESTED BY CLERK ECKHARDT

Present:               Pamela Eckhardt- County Clerk

The Board met with Clerk Eckhardt to discuss the county website status, wherein she explained this meeting was originally scheduled in case the decision needed to be made to go away from EvoGov, due to the lack of communication and completion of the project in a timely manner.

Clerk Eckhardt stated that the circumstances have changed and there has been progress made on the website. There is a meeting scheduled for next week, to further discuss the final tasks that need to be completed before the launch date on March 27<sup>th</sup>.

There was no decision made at this time and the project will continue with EvoGov until completion.



THE MOTION PASSED TO DISMISS UNTIL MONDAY, MARCH 13, 2023



PAMELA W. ECKHARDT, CLERK

Lindsey Dalley- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO )  
: ss. Monday, March 13, 2023  
County of Bingham )

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

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

APPROVAL OF COMMISSIONER MINUTES FOR JANUARY 2023

The Board met to approve Commissioner Minutes for January 2023.

**Decision: Commissioner Bair moved to approve Commissioner Minutes for January 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance Director  
Paul Rogers- Prosecuting Attorney  
Pamela Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase of replumbing of the janitors sink in the jail. Said purchase is in the amount of \$5,300.00, to be paid from Fund: 01-10-506-00- Jail Repairs.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of replumbing of the janitors sink in the jail. Said purchase is in the amount of \$5,300.00, to be paid from Fund: 01-10-506-00- Jail Repairs. Commissioner Bair seconded. All voted in favor. The motion carried.**

WORK SESSION WITH CLERK PAM ECKHARDT- REGARDING AMBULANCE DISTRICT BUDGET

Present: Pam Eckhardt- County Clerk  
Gina Perschon- Chief Deputy Clerk  
Paul Rogers- Prosecuting Attorney

The Board met with Clerk Eckhardt to hold discussion in regards to the Ambulance District Budget.

DISCUSSION & DECISION REGARDING FLOOD CONTROL- REQUESTED BY LOREN SAYER- BLACKFOOT RIVER FLOOD CONTROL COMMISSIONER OF DISTRICT #7

Present: Loren Sayer- Blackfoot River Flood Control  
Neil Morgan  
John Walker

Gwen Inskeep- County Surveyor  
Dusty Whited- Public Works Director  
Jeff Gardner- Bingham County Sheriff  
Scott Reese- Emergency Management Director/Parks & Recreation

The Board met to hold discussion regarding flood control, wherein Mr. Sayer explained that the Blackfoot River Flood Control Commission in District 7, had received a letter from the Corps of Engineers in regards to requirements to keep the river flowing, that are currently not being met. If any of the projects fail to meet the criteria, they will become ineligible for Corps Rehabilitation Assistance.

Mr. Sayer explained that Blackfoot #1, Right Bank Project and the Blackfoot #2, Left Bank Project currently do not meet the applicable criteria and are therefore in an "Inactive" status in the Rehabilitation Program. Mr. Sayer stated they have the funding to become compliant but the Flood Control District #7 would like the Board to be involved, as the funding is coming from the county.

Mr. Walker stated their interest is to maintain the levee certification because if there is a flood, the Corps of Engineers will come in and assist. Where they are currently out of compliance, if there was a flood to occur, the cost would fall 100% on the county with no other assistance, which causes concern. To meet the requirements, the Flood Control District #7 has done a lot of vegetation control along the river to give the ability to see the bottom.

**Blackfoot #1, Right Bank:** The primary reasons for the unacceptable rating are erosion, encroachments, lack of vegetation management and lack of culvert maintenance and inspections.

Erosion has been documented extensively along the levee for many inspection cycles/years. These erosion locations place the levee at a higher risk of poor performance during large water events. Repairs and measures should be executed and implemented to ensure the levee performs as designed.

Encroachments that impair full levee access have gone unaddressed for many inspection cycles/years. There are now locations with fences, trees, gardens, and temporary buildings that block full uninhibited access to the levee for maintenance, inspection, and flood fighting. Additionally, there are pressurized irrigation lines placed within the levee section that must be relocated to 15-ft from the land-side levee toe.

Widespread vegetation was also observed along the riverside and landside slopes. It is difficult, if not impossible, to determine the slope's condition when it is completely covered in vegetation. Vegetation management is recommended to ensure the levee slopes are not damaged to a point where failure is imminent during the next high-water event.

Culvert deficiencies has been documented extensively along the levee for many inspection cycles/years, including inability to locate culverts. All culverts must undergo video or visual inspection every five years to verify the condition of the culverts. The culverts should be located, cleaned, inspected, and repaired. Culverts no longer in use should be properly decommissioned using the Section 408 Alteration Permission Techniques and Procedures.

**Blackfoot #2, Left Bank:** The primary reasons for the unacceptable rating are erosion, depressions, lack of vegetation management and culvert maintenance and inspections.

Erosion has been documented extensively along the levee for many inspection cycles/years. Unlike the erosion on the Blackfoot #1, Right Bank, there are documented locations where the erosion is encroaching on the levee crown. These erosion locations have progressed to a point of unreliability during a flood event. Levee inspections, which put inspectors at personal risk warrant an unacceptable rating and inactive status in the Rehabilitation Program. Measures are required to correct the erosion/bank caving and to bring this levee into an acceptable and active status.

Widespread vegetation was also observed along the riverside and landside slopes. It is difficult, if not impossible, to determine the slope's condition when it is completely covered in vegetation. Vegetation



management is recommended to ensure the levee slopes are not damaged to a point where failure is imminent during the next high-water event.

All culverts must undergo video or visual inspection every five years to verify the condition of the culverts. The culverts should be located, cleaned, inspected, and repaired. Culverts no longer in use should be properly decommissioned using the Section 408 Alteration permission process.

Mr. Walker further explained the Flooding Commission has hired companies to remove trees and things that have grown. At times, this puts them at odds for the Shoshone Bannock Tribe because when trees are removed, the temperature of the water changes, which affects the fish, birds and other wildlife. One of the things that the Corps has agreed to is there are places along the river where the channel gets wide, which is an area where trees can grow and maintain the health of some of the river.

Further, it was stated that the Shoshone Bannock tribe has been hands-off and is not interested in expending resources to assist on the southside of the riverbank, wherein the Commission has not done work on the southside of the river but do confine to work on the northside as that is where the taxing district is located. This leaves the levee on the southside falling apart and there are areas where there are major concerns.

Chairman Manwaring stated in the past, when the river changes, it is unknown who should be paying to maintain. Mr. Walker explained the issue with completing maintenance on the northside is that the Flood Commission does not have an easement or permission to be on that portion of land to work on it and they each time they do need to do work, they have to receive a permit, which the tribe is willing to do. Another issue in doing this is the finances in maintaining the northside, wherein the Corps recognizes that District 7 has no jurisdiction on the northside.

Mr. Sayer explained there are matters that need to be addressed to get into compliance in order to qualify, which is the main goal. Mr. Walker stated there are a few erosion spots that need to be maintained, culverts that need to be viewed to show that they are in functioning order and not rusting.

Mr. Walker stated the sense of urgency this year is a pipe needs to be placed where the Corbett Slough runs into the river, in order to run heavy equipment across. The size of the pipe is unknown at this time as they are unsure of the flow rate, wherein they are working to identify the rate. Chairman Manwaring referred Mr. Sayer to Allen Jackson with Bingham Ground Water, wherein he has an instrument to measure and track flows.

Discussion was held in regards to different resources that could be used to assist with the project of being compliant. Mr. Walker stated the Flood Commission has a budget which comes from the taxing district and they try to be as judicious with the funds as possible. In the past, he has rented equipment to complete tasks that need to be done.

Chairman Manwaring stated that the county could assist with purchasing a culvert and work with Road & Bridge for placement. Mr. Whited stated in assisting other taxing district, costs are to be recouped but in the past, they have helped entities build roads to open new phases of a project and the county keeps track of time (FEMA Rate) and bill for exact expenses only.

Mr. Whited stated in instances where an emergency has been declared, that could bring other resources for assistance and Scott Reese would have additional information.

In conclusion, Bingham County will remain in contact with the Flooding Commission in order to assist with this project. Mr. Whited will meet with Mr. Sayer and Mr. Walker on site to further discuss the best options for placement of culvert or a bridge structure.

DECISION REGARDING SUBMITTED TAX EXEMPTION APPLICATIONS

Present: Pam Eckhardt- County Clerk  
 Donavan Harrington- County Assessor  
 Paul Rogers- Prosecuting Attorney

The Board met to review and make a decision regarding submitted Tax Exemption Applications.

Mr. Harrington asked the Board to consider exempt properties under Idaho Code Section 63-602B, Religious limited liability companies, corporations or societies, which were as follows:

Bethel Lutheran Church  
 RO4004100 413 N Main Street, Firth

International Church of the Foursquare Gospel  
 RP1051402 40 S. Spruce, Blackfoot

Assembly of God Idaho  
 RP1042100 288 W. Pacific, Blackfoot

Assembly of God South Idaho District  
 RP7009000 Fort Hall

Mission International Inc.  
 RP3019000 309 N. Main, Aberdeen

First Mennonite Church  
 RP3056700 318 E. Washington, Aberdeen

Journey Church  
 RP2080702 505 N. Park Avenue, Shelley

Church of Jesus Christ of Latter-day Saints  
 RP0089000 Church 2120 W. Hwy 39 (Springfield)  
 RP0147700 Church 1533 Hwy 39 (Pingree)  
 RP0204900 Church 101 N 900 W, Blackfoot (West Stake Center)  
 RP0214000 Seminary Building near Snake River High School (920 W Highway 39)  
 RP0216100 Church 99 N 900 W, Blackfoot (West Stake Center)  
 RP0219800 Church 95 N 740 W, Blackfoot (Northwest Stake Center)  
 RP0262802 Church 701 W 300 S, Blackfoot (Riverton)  
 RP0262811 Portion of parking lot adjacent to church in Riverton  
 RP0262816 Church 701 W 300 S Blackfoot (Riverton)  
 RP0289400 Church 403 N 150 W Blackfoot (Rose)  
 RP0311101 South Stake Shelter and Fields 259 N 300 W  
 RP0451100 Church Shelley  
 RP0451125 Grass area adjacent to Church above in Shelley  
 RP0459302 Ball fields and grain bins near Riverview Elementary Shelley  
 RP0489500 Church 1101 E 1250 N Shelley  
 RP0577100 Girls camp area in Wolverine  
 RP0578605 Girls camp area in Wolverine  
 RP0578608 Girls camp area in Wolverine  
 RP0596700 Area in Wolverine (Request is for 16% exemption)  
 RP1017400 352 N Ash Blackfoot Deseret Industries  
 RP1041200 Church 187 N Ash Blackfoot  
 RP1062000 Church 845 Grant Street Blackfoot  
 RP1062100 Parking lot adjacent to church above facing Sexton



RP1062200	Parking lot adjacent to church above Grant.
RP1096400	Church 520 N Shilling Blackfoot
RP1158800	Seminary Building near Blackfoot High School on S. Fisher Street
RP1186800	Grass area adjacent to Church at 660 Teton
RP1285701	Family History Center on Mitchell Road Blackfoot
RP1302600	Church 660 Teton Blackfoot
RP1309600	Shelter and Fields adjacent for church on Mt. Putnam Drive
RP1326000	Church 1650 Highland Blackfoot (Blackfoot Stake Center and fields)
RP1330002	Parcel in the field adjacent for the church above on Highland
RP1332736	Church 1000 W Riverton Blackfoot (South Stake Center)
RP1343600	Church 1289 Mt. Putnam Blackfoot (East Stake Center)
RP2001900	Church 325 E Locust Shelley
RP2012600	Church 184 N Park Shelley
RP2084303	Seminary Building near Shelley High School
RP2088900	Church 513 S Park Shelley
RP2091802	Church 675 S Milton Shelley
RP0344900	Church 149 W Central Aberdeen
RP3059800	Seminary Building near Aberdeen High School (203 S 4 <sup>th</sup> W)
RP4010400	Seminary Building near Firth High School (252 W Center)
RP4019100	Church 744 N 600 E Firth
RP4019300	Portion of Shelter and Fields for church above in Firth
RP5003600	Church 823 N 675 E Basalt
RP7013800	Shelter and Fields at 1080 E Quarry Rd for Church at 792 M 1090 E Shelley
RP7014400	Church 792 N 190 E Shelley (1080 E Quarry)
RP7020201	Church 155 N 380 W Blackfoot (Groveland)
RP7022900	Church 732 W 175 N Blackfoot (Moreland)
RP7040400	Shelter and field adjacent to Riverside Church
RP7040801	Church 7 N 700 W Blackfoot (Riverside)
RP7053300	Church 1059 W 100 S Blackfoot (Thomas)
RP7053800	Portion of parking lot adjacent to above church in Thomas
RP7055400	Church 337 N 200 E Blackfoot (Wapello)

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

Next, Donovan Harrington presented exempt properties pursuant to Idaho Code Section 63-602C, Fraternal, Benevolent or Charitable Societies, which were as follows:

**Tendoy Area Council for the Boy Scouts of America**

RP1062700 205 S. Meridian, Blackfoot

73% remaining 27% rented to a business

BPOE No 1416- Elks Lodge Building  
 RP1041300 123 N. Ash, Blackfoot

**Community Council of Idaho**

RP1041300 Community Clinic at 1491 Parkway Drive, Blackfoot  
 The Community Family Clinic is a Federally Qualified Health Center which provides basic medical care for Blackfoot and surrounding areas.

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

Next, Donovan Harrington presented exempt properties pursuant to Idaho Code Section 63-602D, Certain Hospitals, which were as follows:

Health West, Inc  
RP3019805                    330 N Main, Aberdeen  
RP3019804                    330 N Main, Aberdeen

Mr. Harrington referred to Legal Counsel and stated discussion was held previously in regards to the description of what a "hospital" is and has to be a facility that is open 24 hours a day, staff and has to have a minimum of two beds. Mr. Rogers stated that was correct. Therefore, Mr. Harrington would ask the Board for their input that Health West would qualify as a hospital, wherein he is unsure if they are open 24 hours but as a stand-alone company, they could apply under a different code. The Board concurred with Mr. Harrington and this Application was placed on hold for Clerk Eckhardt to complete additional research.

Next, Mr. Harrington presented exempt properties pursuant to Idaho Code Section 63-602E, property used for school or educational purposes, which were as follows:

**Community Council of Idaho, Inc (Formerly Idaho Migrant Council)**  
RP3091200                    Head Start School, 5555 4<sup>th</sup> E, Aberdeen

**Idaho Stem Academy**  
RP0336003                    9 N 550 W, Blackfoot

**Armstrong Properties LLC**  
RP1085400                    625 West Pacific, Suite 9  
10% 1,621 square feet rented to Idaho State University.

**Decision: Commissioner Jackson moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602E, property used for school or educational purposes, as presented by Donovan Harrington. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington presented exempt properties pursuant to Idaho Code 63-602N, Irrigation Districts, which were as follows:

Aberdeen-Springfield Canal Company  
RP3061700  
RP3060700  
RP3055400  
RP3000200  
RP0206502  
RP0146600  
RP0145900  
RP0410900  
RP0137300  
RP0087600  
RP0056500  
RP0048600  
RP0037400  
RP0032404

**Decision: Commissioner Jackson moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602N, as presented by Donovan Harrington. Commissioner Bair seconded. All voted in favor. The motion carried.**



Next, Mr. Harrington presented exempt properties pursuant to Idaho Code Section 63-602GG, Low-income housing owned by nonprofit organizations, which were as follows:

**SEICCA**  
RP1049100                      apartments at 250 S Oak

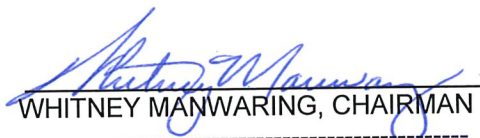
**Community Council of Idaho (Formerly Idaho Migrant Council)**  
RP1274802                      Colonial Cesar Chavez Apartments at 761 W. Center Blackfoot  
RP1274901  
RP1274902

**Decision: Commissioner Bair moved to approve the Tax Exemption Applications pursuant to Idaho Code Section 63-602GG, as presented by Donovan Harrington. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 14, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO            )  
                                      : ss.                      Tuesday, March 14, 2023  
County of Bingham        )

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

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

MEETING WITH SUPERINTENDENTS AND SCHOOL RESOURCE OFFICERS TO DISCUSS FENTANYL TRAINING IN THE SCHOOLS THROUGHOUT BINGHAM COUNTY

Present:                      Wes Wheatley- Blackfoot Police Captain  
                                      Jon Hay- Blackfoot Police School Resource Officer  
                                      Jeff Boyd- Firth School District Resource Officer  
                                      Shawn Humphreys- Snake River School Resources Officer  
                                      Chad Purser- Shelley City Police Chief  
                                      Wes Hayman- Shelley School District Resource Officer  
                                      Alan Summers- City of Aberdeen Councilman  
                                      Craig Gerard- Blackfoot Charter School Director  
                                      Basil Morris- Firth School District Superintendent  
                                      Chad Williams- Shelley School District  
                                      Cortney Markham- Shelley High School Assistant Principal  
                                      Cindy Coferd- Hobbs Middle School Principal  
                                      Steve Scott- Blackfoot City Police Resource Officer  
                                      Jeff Gardner- Bingham County Sheriff  
                                      Gordon Croft- Blackfoot City Police Chief  
                                      Jordyn Nebeker- Bingham County Sheriff's Office Chief Deputy  
                                      Mayor Marc Carroll- City of Blackfoot  
                                      Jane Ward- Aberdeen School District Superintendent  
                                      Ray Carter- Snake River High School

Adam French- City of Shelley Police Commissioner  
Pam Eckhardt- County Clerk  
Joseph Pacheco- Shelley School District Resource Officer

The Board met with Superintendents and School Resource Officers to discuss Fentanyl training in the schools throughout Bingham County.

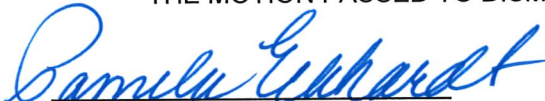
Sergeant Resource Officer, Jon Hay, gave an brief overview of his background in law enforcement, along with the current curriculum that he has been presenting at the Blackfoot High School.

Discussion was held in regards to the proposed fentanyl training to be held within schools throughout Bingham County. Sheriff Gardner stated he believes that each classroom should have a Narcan kit available because it could save a life. Chairman Manwaring stated that Lindsey Dalley, Commission Clerk, has been working with the state in order to get a Narcan kit placed in each office throughout the courthouse.

School Superintendents in attendance gave their input regarding the proposal and having Narcan in each classroom.

Sheriff Gardner stated this year the easiest thing would be to capitalize on what Sgt. Hay has created within the Blackfoot Police Department, and present that in an assembly environment, which could easily begin starting next week if pushed. With a curriculum, it would probably take the summer months to get started.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 15, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                **Wednesday, March 15, 2023**  
County of Bingham    )

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

PRESENT:                Chairman Manwaring  
                              Commissioner Jackson  
                              Lindsey Dalley- Commission Clerk  
EXCUSED:                Commissioner Bair

**PUBLIC WORKS**

Present:                Courtney Howell- Requested Ordinance Change  
                              Dusty Whited- Public Works Director  
                              Paul Rogers- Prosecuting Attorney  
                              Jeff Gardner- Bingham County Sheriff  
                              Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
                              Scott Reese- Emergency Management/Parks & Recreation  
                              Tyler Draney- Parks & Recreation  
                              Laraine Pope- Human Resources Director



The Board met with Dusty Whited to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Courtney Howell to discuss a proposed change of Bingham County Ordinance.

Ms. Howell read the proposed verbiage for the record, which is as follows:

7-3-6 Permit for New Approaches; Requirements:

5. The portion of the approach in the right of way may either be gravel or asphalt. In residential subdivision the portion of the approach in the right of way also be concrete.

Bingham County shall not be held responsible for any damage to concrete driveways, within a platted residential subdivision or on a dead-end cul-de-sac which extend into the public right of way that result from the county's performance of their regular road maintenance duties.

The current Ordinance reads as follows:

5. All driveway concrete must terminate at the public right-of-way line. That portion if the approach in the right-of-way may be either gravel or asphalt. In Residential Subdivisions, concrete driveways may extend to the ribbon curbing.

Mr. Whited stated it would be best served to leave the ordinance as it is written currently. With the proposed verbiage there is still potential for damages as there are a lot of driveways that extend out to the road a few that are on county roads, wherein changing this ordinance will not make a difference. Where it is strictly in residential subdivision, if we are going to make a change, he would be in favor because in a equipment is going a slower speed in a residential area and if damage is done to equipment, it will be less severe.

Ms. Olsen clarified when the county calls a residential subdivision, it is important to further identify that as is that residential zoned subdivision or residential as in a residential occupancy. If that is the case, she would suggest that "in a residential zoned subdivision" verbiage be added to the verbiage, which will pair with zoning districts.

Mr. Rogers stated the way the current ordinance reads versus the proposed ordinance, there is not much different and briefly reviewed the differences. The added verbiage takes away the liability of Bingham County if there is damage, therefore, it is not a drastic change to the ordinance.

Ms. Olsen stated she would propose the ordinance state "if living in a residential zone" but not "if living in a subdivision".

**Decision: Commissioner Jackson moved to proceed with the publication process to change Bingham County Ordinance 7-3-6 and add "Residential Zoned Subdivision" not "Residential Subdivision", under section B (5). Commissioner Manwaring asked for clarification from legal counsel in regards to limiting to residential zoning. Mr. Rogers stated that the decision to be made today is specifically to move forward with the publication process.**

**Commissioner Jackson amended the motion to state the Board would approve proceeding with the publication for the proposed ordinance change. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Solid Waste Credit Application for Vision Landscape LLC. The requested amount for said Credit Application is \$1,000.00 per month. Mr. Whited stated that all references have been checked and he would propose approval of the Credit Application as presented.

**Decision: Commissioner Jackson moved to approve the Solid Waste Credit Application for Vision Landscape LLC, in the amount of \$1,000.00 per month. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

Next, Mr. Whited proposed the drafted General Notice to Destroy Weeds, which by Idaho Code is required to be published once per year. The Board had no issues with the proposed notice.

**Decision: Commissioner Jackson moved to approve and sign the General Notice to Destroy Weeds, which is required by Idaho Code to be published. Chairman Manwaring seconded. Both voted in favor. The motion carried. Commission Clerk, Lindsey Dalley, confirmed that she would have the notice published the next available date.**

Discussion was held in regards to distribution of sand bags and road closures. Mr. Reese gave a recap of events yesterday, wherein there was a sand pile built across from the courthouse, which has worked well. Additional sandbags were also taken to both Firth and Shelley. Mr. Reese stated there were three road closures yesterday due to flooding and pumping, with one occurring today.

Mr. Reese stated there is an individual who resides in Rich Lane that has also requested to close the road as he has been pumping across the road. Mr. Whited stated road closures for pumping has been allowed but there needs to be a detour route, along with written permission from the property owner the individual is pumping onto.

Next a brief discussion was held in regards to there being no charge for sandbags, wherein both Commissioners were in favor of giving the sandbags out to citizens at no cost.

Legal Counsel stated in order to proceed a motion should be made to amend the agenda to allow a motion to be made.

**Commissioner Jackson moved to amend the agenda to make a decision in regards to the cost of sandbags and road closures, based upon the emergency situation. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**Decision: Commissioner Jackson moved to proceed with using the older sandbags first and once those are gone, supply sandbags to citizens at no cost for residents in Bingham County. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

**Commissioner Jackson moved to approve the road closure for a thru road. The Road & Bridge Department will work with residents to get the proper signage placed. Chairman Manwaring amended the motion to add that permission is to be had from property owners that may have property being pumped onto and seconded the motion. Both 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. Chairman Manwaring seconded. Both voted in favor. The Board moved into Executive Session at 9:52 a.m. Commissioner Jackson moved to go out of Executive Session. Chairman Manwaring seconded. Both voted in favor. The Board moved out of Executive Session at 10:17 a.m.

**Decision: Commissioner Jackson moved to keep things as is with the Public Works employee discussed within Executive Session and allow him to go on emergency calls but to do so with the use of paid time off and getting paid from the Shelley QRU and Firth Fire. Chairman Manwaring seconded. Both voted in favor. The motion carried.**



THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 17, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Friday, March 17, 2023  
County of Bingham    )

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

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

CLAIMS

Claims were approved in the amount of \$227,303.57.

PERSONNEL ACTION FORMS

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

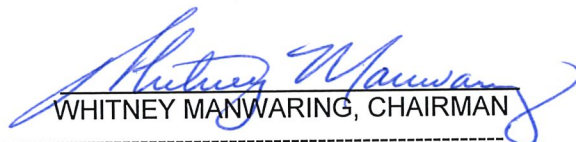
New Employee Sheets:       4-H Secretary  
Employee Status Sheet:     Criminal Deputy Prosecutor  
  Criminal Deputy Prosecutor  
  Criminal Deputy Prosecutor  
  Chief Deputy Prosecutor

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms as presented for March 17, 2023. Chairman Manwaring seconded. Both voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MARCH 21, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.               Tuesday, March 21, 2023  
County of Bingham    )

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

PRESENT:               Chairman Manwaring  
                              Commissioner Bair  
                              Commissioner Jackson

Lindsey Dalley- Commission Clerk

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. All voted in favor. The Board moved into Executive Session at 9:40 a.m. Commissioner Bair moved to go out of Executive Session. Commissioner Jackson seconded. All voted in favor. The Board moved out of Executive Session at 9:47 a.m.

Chairman Manwaring stated discussion was held in regards to two leads who are out on medical leave and the individuals who have been filling those positions. The individual covering a six week leave will go to an N22, Step 11 and the individual covering a one week leave will go to N22, Step 10.

**Decision: Commissioner Jackson moved to approve the pay scale as discussed within Executive Session for the two employees as explained by Chairman Manwaring. Commissioner Bair seconded. All voted in favor. The motion carried.**

MEETING TO RECEIVE THE RIVERSIDE CANAL & STEVE AND MICHELLE VANORDEN'S MOTION TO RECONSIDER CONDITIONS PLACED ON THE APPROVAL OF ROSE RIVER ESTATES SUBDIVISION

Present: Chris Street- HLE  
Elias Trejo- Rose River Estates  
Chad VanOrden- Rose River Estates  
Steve VanOrden- Rose River Estates  
Spence Ward- HLE  
Keith Salisbury- Riverside Canal Company  
Tiffany Olsen- Planning & Development Director  
Paul Rogers- Prosecuting Attorney

The Board held a meeting to receive the Riverside Canal & Steve and Michelle VanOrden's Motion to Reconsider Conditions placed on the approval of Rose River Estates Subdivision. Chairman Manwaring welcomed all to the meeting, introductions were held and explained that he had a potential conflict he would like to put on the record. Chairman Manwaring stated that he is on the Riverside Canal Board and therefore would recuse himself from this decision.

**Decision: Chairman Manwaring moved to appoint Commissioner Bair as active Chair for this matter. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Commissioner Bair also stated that he had a potential conflict to place on the record, wherein he and Mr. VanOrden had held conversation in regards to ribbon curbing and the procedure to change the ordinance. There was no discussion regarding the specific subdivision and this would have no affect on his decision. Commissioner Jackson had no issues with the potential conflict addressed by Commissioner Bair.

Tiffany Olsen, Planning & Development Director, presented the Staff Report for the record at this time.

During the reconsideration hearing requested and filed by the Riverside Canal and the Applicants, Steve & Michelle VanOrden, the Board may affirm, reverse, or modify its Reason & Decision, after compliance with applicable procedural standards pursuant to Idaho Code Section 67-6535(2)(b).

Two separate reconsideration requests were filed, the first by Steve and Michelle VanOrden. The VanOrdens requested the Board reconsider two of the conditions the Board put on the original decision: the first condition dealing with wells and the second condition of mandating a fence. The Riverside Canal Company requested the Board reconsider the condition mandating a fence. Two separate meetings were



scheduled; however, the Applicants had no objection to holding the meetings concurrent as one of the conditions to be reconsidered overlapped.

Chairman Manwaring declared a conflict as he is a Board Member for the Riverside Canal. Chairman Manwaring recused himself from the discussion and decision to be made.

With Commissioner Bair, as Acting Chairman, and Commissioner Jackson present, the Board held the hearing for the reconsideration request on the record in an open meeting, and determined if the Riverside Canal & Steve and Michelle VanOrden identified errors or specific deficiencies in the Decision for which the reconsideration was sought.

Legal Counsel stated that he believes the Applicants have met the specific deficiency standard in order to be reconsidered and reviewed the Idaho Code sections that will be referenced during the reconsideration meeting, which were as follows:

- 1) Idaho Code Section 36-601: Mr. Rogers stated Chapter 36 refers to traveling waterways and when approaching an obstruction, any individual may go around said obstruction, although it may be on private land. Therefore, Mr. Rogers stated that Section 36-601 is not relevant to this reconsideration.
- 2) Idaho Code Section 42-1102: Mr. Rogers stated this chapter could be relevant if there was more information from the Applicant pertaining to the amount of space needed to maintain and upkeep the waterways.
- 3) Idaho Code Section 42-1209: Mr. Rogers stated that this chapter is relevant to the discussion for reconsideration. Mr. Rogers stated the red flag he sees in the decision made previously is that pursuant to code, there is specific language that states that the easement or right of way cannot materially interfere. For this decision, the fence could potentially materially interfere with maintenance or use of the easement on the canal, which would create an issue depending on the location of the fence, the type of fence, how it is managed and the size of the easement. Mr. Rogers stated in the court system, material interference is usually defined as the inability to use the land.

Mr. Rogers stated placement of a fence around the canal was not discussed during the Planning & Zoning Commission Hearing and therefore, there is lack of information as to the location of the fence, type of fence and how it would be managed.

Mr. Rogers referred to another statement within the Reconsideration wherein Keith Salisbury, Riverside Canal Company President stated, "Lastly, the discussion of fencing a canal should have included the subject canal company". Mr. Rogers stated the canal company should have been given the opportunity to have testimony at some point. Mr. Rogers stated the best resolution would be to modify the decision to meet Idaho Code Section 42-1209, until it is further understood what "materially interfere" means. Mr. Rogers stated the options are to uphold the decision and allow it to head to judicial review or remove the requirement to place a fence along the canal and look into what other counties do in this instance.

## REASON

The reasons for which reconsideration is sought and the Boards deliberation was as follows:

Condition #1: A fence be placed along the canal.

Commissioner Jackson stated safety of the citizens was his intent, not to infringe upon the rights of the Riverside Canal. Commissioner Jackson added the logical way to cure this would be to have the fence moved away from the canal enough so that the canal has sufficient space and he agrees that input should have been received from the Riverside Canal Company.

Mr. Rogers stated the decision could be modified to mandate negotiations between the Developers and the Riverside Canal Company to place the fence, which could end in the decision not to place a fence if an agreement cannot be made.

Commissioner Bair stated there are no width restrictions mentioned and he is unsure of the footage of the easement. Mr. Rogers stated the issue is there was no testimony invited to be taken at the Planning & Zoning Public Hearing because it was unknown that this would be an issue.

Commissioner Bair confirmed that the canal companies were noticed for the Public Hearing, to which Tiffany Olsen, Planning & Development Director, explained as a subdivision there is one Public Hearing held before the Planning & Zoning Commission, wherein the Riverside Canal and the New Lavaside Ditch Company were both noticed and submitted testimony. Director Olsen stated there is no new testimony received when the recommendation comes before the Board of County Commissioners.

Commissioner Bair asked if there was testimony given in regards to possibly rerouting the canal, to which Director Olsen stated at the onset of the design process, the Applicants did have discussion with the both canal companies proposing to reroute and move the canal to the west, which would follow along the interstate and join the New Lavaside Ditch and continue in a south easterly direction, wherein a resolution was not made on the movement of the canal. The Applicant's then went back to the design and reconfigured the subdivision layout accompanying that water feature through the subdivision. Commissioner Bair then asked if there was conversation in regards to possibly burying the canal, to which Director Olsen confirmed there was not.

Commissioner Bair stated he is firmly convinced that the canal needs to be fenced but as the ordinance does not address this issue, it cannot be required.

Commissioner Jackson stated the intention was for safety and consistency within the subdivision in requiring the fence but due to the lack of information before the previous decision was made, and the inability to require a fence, he does not want to hold up the subdivision any further. In the future, a meeting could be held with the canal companies to receive feedback. Commissioner Jackson stated the Board has done their due diligence in trying to provide safety and in the future the county ordinance may be changed but at this time the Developer should not be penalized. Commissioner Bair concurred with Commissioner Jackson.

Condition #2: There be a community well if a license is approved by the Idaho Department of Water Resources. If not, Director Olsen will draft a letter and each lot will have a private well.

Commissioner Bair asked Director Olsen if there was a letter received from Idaho Department of Water Resources stating that Community Well Applications will be held indefinitely, to which Director Olsen stated she had received an email from Cody Parker, Water Right Supervisor, indicating that Community Well Applications would not be processed until definition of consumptive versus non-consumptive systems have been fully litigated in the court system or clarified by the Director of Idaho Department of Water Resources.

Commissioner Bair stated it was not his intention to have this held indefinitely but to receive a letter from the Idaho Department of Water Resources stating the application is denied. At that time, Tiffany Olsen would issue a letter to the property owner allowing private wells. Commissioner Bair stated in his mind the letter received from the Idaho Department of Water Resources stating all Community Well Applications will be held indefinitely is the same as a denial.

Commissioner Jackson asked Director Olsen if the Department of Environmental Quality has a concern with placing a large number of private wells in the specific density of area within the flood plain. Director Olsen replied that she is not aware of any concerns and referred to the government agency comment received from the Department of Environmental Quality which encouraged a community connection if available, otherwise, provided development standards are their normal recommendations. Director Olsen confirmed there were no concerns addressed within the testimony received from the Department of Environmental Quality in regards to development within the flood plain.



**DECISION**

Commissioner Jackson moved to rescind the condition requiring a fence to be placed along the canal and allow the developers to move forward with the subdivision. Commissioner Bair seconded. Both voted in favor. The motion carried.

Commissioner Jackson moved to rescind the condition for the subdivision to have a community well and allow each lot to have individual wells. Commissioner Bair seconded. Both voted in favor. The motion carried.

A written decision shall be provided to the Applicant and/or affected person within sixty (60) days of receipt of the Request for Reconsideration or the Request is deemed denied. A decision shall not be deemed final for purposes of Judicial Review unless the process required Idaho Code Section 67-6535(2)(b) has been followed. The twenty-eight (28) day time-frame for seeking Judicial Review is tolled until the date of the written decision regarding reconsideration, or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

**APPROVAL & SIGNING OF BINGHAM COUNTY EMERGENCY OPERATIONS PLAN- REQUESTED BY SCOTT REESE**

Present: Scott Reese- Parks & Recreation/ Emergency Management

The Board met to approve and sign the Bingham County Emergency Operations Plan, requested by Scott Reese. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Reese.

Mr. Reese explained that changes were made the end of last year to remove Atomic City and the current version needs to be signed to approve the updates. This acts as a Mutual Aid Agreement and will be in place until 2027.

**Decision: Commissioner Bair moved to approve and sign the Bingham County Emergency Operations Plan as presented by Scott Reese. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**APPROVAL OF CANVASS FOR THE MARCH 14, 2023 ELECTION**

Present: Danette Miller- Elections  
Megan Kearsley- Elections  
Kelli Robbins- Elections  
Pamela Eckhardt- County Clerk

The Board met to review and approve the CANVASS for the March 14, 2023 Election. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Miller.

Ms. Miller presented the CANVASS, which was presented as follows:

**Bingham County School Supplemental Levy  
March 14, 2023**

Precinct	VOTING STATISTICS				
	Total Number of Registered Voters at Cutoff	Number Election Day Registrants	Total Number of Registered Voters	Number of Ballots Cast	% of Registered Voters That Voted
Blackfoot 1	826	0	826	65	7.9%
Blackfoot 2	862	2	864	99	11.5%
Blackfoot 3	886	0	886	65	7.3%
Blackfoot 4	1,043	1	1,044	97	9.3%
Blackfoot 5	1,147	2	1,149	86	7.5%
Blackfoot 6	980	1	981	107	10.9%
Groveland 9	1,054	1	1,055	76	7.2%
Moreland 11	571	0	571	54	9.5%
Rockford 12	794	1	795	110	13.8%
Riverside 17	943	3	946	73	7.7%
Pingree 18	612	1	613	52	8.5%
Wapello 19	486	0	486	50	10.3%
Fort Hall 20	847	0	847	7	0.8%
Groveland 22	978	5	983	107	10.9%
Blackfoot 23	543	1	544	49	9.0%
Riverside 24	710	0	710	71	10.0%
Moreland 25	712	0	712	87	12.2%
Atomic City 26	16	0	16	2	12.5%
<b>CO. TOTAL</b>	<b>14,010</b>	<b>18</b>	<b>14,028</b>	<b>1,257</b>	<b>9.0%</b>



March 14, 2023 School Supplemental Levy Election

Precinct	Snake River School District 52		Voting Statistics				
	In Favor Of	Against	Total Number of Registered Voters At Cutoff	Election Day Registrants	Total Number of Registered Voters	Number of Votes Cast	% of Registered Voters that Voted
Moreland 11	27	27	571	0	571	54	9%
Rockford 12	75	35	794	1	795	110	14%
Riverside 17	46	12	738	3	741	58	8%
Pingree 18	33	19	612	1	613	52	8%
Riverside 24	50	21	710	0	710	71	10%
Moreland 25	57	30	712	0	712	87	12%
Atomic City 26	0	2	16	0	16	2	13%
<b>CO. TOTAL</b>	<b>288</b>	<b>146</b>	<b>4153</b>	<b>5</b>	<b>4158</b>	<b>434</b>	<b>10%</b>

Total # of Early Voters 7

Precinct	Blackfoot School District 55		Voting Statistics				
	In Favor Of	Against	Total Number of Registered Voters At Cutoff	Election Day Registrants	Total Number of Registered Voters	Number of Votes Cast	% of Registered Voters that Voted
Blackfoot 1	52	13	826	0	826	65	8%
Blackfoot 2	67	32	862	2	864	99	11%
Blackfoot 3	50	15	886	0	886	65	7%
Blackfoot 4	67	30	1043	1	1044	97	9%
Blackfoot 5	64	22	1147	2	1149	86	7%
Blackfoot 6	86	21	980	1	981	107	11%
Groveland 9	60	16	1054	1	1055	76	7%
Riverside 17	8	7	205	0	205	15	7%
Wapello 19	35	15	486	0	486	50	10%
Fort Hall 20	3	4	847	0	847	7	1%
Groveland 22	84	23	978	5	983	107	11%
Blackfoot 23	32	17	543	1	544	49	9%
<b>CO. TOTAL</b>	<b>608</b>	<b>215</b>	<b>9857</b>	<b>13</b>	<b>9870</b>	<b>823</b>	<b>8%</b>

Total # of Early Voters 45

**Decision: Commissioner Jackson moved to approve the Bingham County CANVASS for the March 14, 2023 Election. Commissioner Bair seconded. All voted in favor. The motion carried.**

PLANNING & DEVELOPMENT UPDATE

Present: Tiffany Olsen- Planning & Development Director  
Paul Rogers- Prosecuting Attorney

The Board met with Tiffany Olsen to discuss department updates and other agenda items. Chairman Manwaring welcomed all to the meeting and turned the time over to Director Olsen.

Director Olsen explained the proposed letter before the Board today to be sent to the residents in the former Atomic City in regards to the process of zoning the now unincorporated parcels. Planning & Development has reviewed each parcel's present land use and made a recommendation, which will be attached to the letter sent. Each resident will have the ability to provide comment or a zoning district recommendation via a questionnaire that will also be included.

**Decision: Commissioner Jackson moved to approve the letter presented by Tiffany Olsen, to be sent to the residents of the former Atomic City in regards to zoning designations. Commissioner Bair seconded. All voted in favor. The motion carried.**

Director Olsen gave a department update at this time.

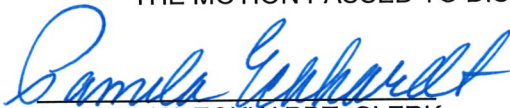
DISCUSSION & POSSIBLE DECISION REGARDING REQUEST FOR SALARY INCREASE FOR DEPUTY CORONER'S- REQUESTED BY JIMMY ROBERTS- COUNTY CORONER

Present: Jimmy Roberts- County Coroner  
Paul Rogers- Prosecuting Attorney  
Laraine Pope- Human Resources Director  
Gina Perschon- Chief Deputy Clerk

The Board met to discuss the submitted request for salary increase for Deputy Coroner's.

There was no decision made and research will be done to come up with options as to compensation for the Deputy Coroners. This matter will be scheduled for a later date.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 22, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.            Wednesday, March 22, 2023  
County of Bingham    )

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

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



DECISION TO PROCEED WITH PUBLIC HEARING FOR THE PROPOSAL TO CHANGE BINGHAM COUNTY ORDINANCE PERTAINING TO RIBBON CURBING- REQUESTED BY ROD ALBERTSON & GALE LIM

Present: Rod Albertson- Timepiece Homes  
Gale Lim- Gale Lim Construction  
Luke Jolley- HLE  
Aaron Redd- Gale Lim Construction  
Chris Street- HLE  
Dusty Whited- Public Works Director  
Tiffany Olsen- Planning & Development Director  
Gwen Inskeep- County Surveyor  
Troy Lenhart- Road & Bridge Supervisor

The Board met to make a decision to proceed with Public Hearing for the proposal to change Bingham County Ordinance pertaining to ribbon curbing requested by Rod Albertson and Gale Lim.

Discussion was held in regards to the proposed language submitted by Chris Street, along with input from the Board.

If approved, Paul Rogers, will take discussion held today and the previous meeting held on February 28, 2023, will draft verbiage in order to publish and hold a Public Hearing.

**Decision: Commissioner Bair moved to proceed and hold a Public Hearing to hear the proposal to modify Bingham County Ordinance 7-3-5, as it is in the best interest of the citizens of Bingham County. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Mr. Whited proceeded with his update meeting and further agenda items at this time.

Mr. Whited presented the agreement with GWorks Service Agreement and explained this contract is for the software that tracks all Public Works data. Mr. Whited stated that Legal Counsel has reviewed the Agreement and has no issues.

**Decision: Commissioner Bair moved to approve the Service Agreement with GWorks as presented by Mr. Whited. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, Mr. Whited presented the tax-exempt documentation for IMCO in order to purchase parts as needed and to update documentation for future purchases.

**Decision: Commissioner Jackson moved to approve and sign the tax-exempt documentation for IMCO as presented by Mr. Whited. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a repair and floor flip on the Solid Waste Trailer. Said purchase is in the amount of \$7,541.63, to be paid out of Fund: 23-70-491-01.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a repair and floor flip on the Solid Waste Trailer. Said purchase is in the amount of \$7,541.63, to be paid out of Fund: 23-70-491-01. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Lastly, Mr. Whited explained that he had received notice for comment in regards to a potential mining project by Burns Industries LLC, in Wolverine Canyon. Mr. Whited stated that Legal Counsel has reviewed and had no issues. The Board was in favor of Mr. Whited submitting said letter.

**Decision: Commissioner Bair moved to allow Dusty Whited to submit Bingham County comments to the Bureau of Land Management, in regards to the Burns Industries LLC plan of operation. Commissioner Jackson seconded. All voted in favor. The motion carried.**

SHERIFF'S OFFICE UPDATE

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

The Board met with Sheriff Gardner to discuss updates within the Sheriff's Office, which included jail population, jail expansion project and Bancorp.

CASH WARRANTS

Cash Warrants were approved in the amount of \$3,700.00 & \$23,000.00, for a total of \$26,700.00.

CLAIMS

Claims were approved for Election Worker Pay in the amount of \$11,279.68.

JAIL MEDICAL

Jail Medical was approved in the amount of \$695.43.

INDIGENT MATTERS

RECORDED: A Release of Financial Assistance Lien was signed by the Board and recorded as Bingham County Instrument No. 753171.

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims and Administrative Documents for March 22, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.**

MEETING TO DISCUSS PROPOSAL FOR UTILIZATION OF OPIOID FUNDING- REQUESTED BY AIMEE AUSTIN

Present: Aimee Austin- Bonneville County  
Pamela Eckhardt- County Clerk  
Paul Rogers- Prosecuting Attorney

The Board met at the request of Aimee Austin to discuss proposed utilization of opioid funding. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Austin.

Ms. Austin explained there are guidelines as to how the opioid funding can be utilized and treatment court services fall within the guidelines. She proposed to utilize funding in treatment courts to increase resources for treatment court clients such as safe and sober housing, medically assisted treatment, medical care, mental health medication management and case management, peer support services, recovery support services, transportation, educational/job training for the clients, as well as team training for the treatment court team.

Ms. Austin stated that she has been in contact with Janet Colo, Director and Owner of Stewards of Recovery, who is interested in opening a safe and sober housing home in Bingham County. Currently there are locations in Pocatello and Idaho Falls. The funding requested is approximately \$24,600.00, which would be to assist in equipping the home with necessary beds and other needs.



The Board was in favor of moving forward but placed this matter on hold until a further plan could be put in place for another commitment for opioid funding.

Commission Clerk, Lindsey Dalley, will schedule a follow up meeting for a further date.

MEETING TO RECEIVE YEARLY REPORT FROM MAGGIE MANN & TYLER BUTLER- SOUTHEAST IDAHO PUBLIC HEALTH

Present: Maggie Mann- Southeast Idaho Public Health  
Tyler Butler- Southeast Idaho Public Health

The Board met with Maggie Mann & Tyler Butler to receive the yearly report from the Southeast Idaho Public Health.

PRIOR APPROVAL- BUILDING MAINTENANCE

Present: Jason Marlow- Building Maintenance

The Board met with Jason Marlow do discuss the submitted Prior Approval for Major Purchase of coil for the air conditioner to be fixed. Said purchase is in the amount of \$9,874.80 and is to be paid from Fund: 01-10-0494-00.

**Decision: Commissioner Jackson moved to approve the submitted Prior Approval for Major Purchase of coil for the air conditioner to be fixed. Said purchase is in the amount of \$9,874.80 and is to be paid from Fund: 01-10-0494-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

WORK SESSION WITH CLERK ECKHARDT REGARDING AMBULANCE DISTRICT

Present: Pamela Eckhardt- County Clerk

The Board met with Clerk Eckhardt to hold a work session in regards to the Ambulance District.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 24, 2023



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



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                                  : ss.           Friday, March 24, 2023  
County of Bingham    )

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

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

CLAIMS

Claims were approved in the amount of \$234,825.46.

COLLEGE OF EASTERN IDAHO

A Certificate of Residency document was approved by the Board and sent to the College of Eastern Idaho for the following Bingham County student: Harrison G. Kelley.

PERSONNEL ACTION FORMS

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

Employee Status Sheet: Senior Equipment Operator to R&B Lead (Temporary promotion to cover for one week)

Senior Equipment Operator to R&B Lead (Temporary promotion to cover time starting March 13, 2023, until needed).

**Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for March 24, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL OF COMMISSIONER MINUTES FOR FEBRUARY 1-17, 2023

The Board met to approve Commissioner Minutes for February 1-17, 2023.

**Decision: Commissioner Bair moved to approve and sign the Commissioner Minutes for February 1-17, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

APPROVAL OF REASON & DECISION FOR THE REMAND OF BASALT BAR ESTATES SUBDIVISION

The Board met to approve the Reason & Decision for the Remand of Basalt Bar Estates Subdivision.

**Decision: Commissioner Jackson moved to approve the Reason & Decision for the Remand of Basalt Bar Estates Subdivision. Commissioner Bair seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL- IT DEPARTMENT

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase to pay website maintenance cost to Shirley Featherston in the amount of \$1,343.75, to be paid from Fund: 01-14-677-01.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase in the amount of \$1,343.75, to be paid from Fund: 01-14-677-01. Commissioner Jackson seconded. All voted in favor. The motion carried.**

CONTINUED DISCUSSION & DECISION REGARDING COST FOR THE MOSER ROAD PUBLIC HEARING FOR THE CITY OF ABERDEEN

The Board met to continue discussion and make a decision as to who should be responsible for publication costs pertaining to the Public Hearing for the Moser Road Vacation for the City of Aberdeen. Said cost is in the amount of \$158.90.


**Decision: Commissioner Bair moved to approve that the County cover the cost for publication for the City of Aberdeen Vacation of Moser Road Hearing. Commissioner Jackson seconded. All voted in favor. The motion carried. Said cost is to be paid from PILT Fund.**



THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MARCH 29, 2023



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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.                **Wednesday, March 29, 2023**  
County of Bingham    )

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

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

**FAIR HOUSING MONTH PROCLAMATION**

The Board met to approve and sign the Proclamation to formally make April Fair Housing Month. Chairman Manwaring welcomed all to the meeting and turned the time over to Lindsey Dalley, Commission Clerk, for reading of said Proclamation.

**Decision: Commissioner Jackson moved to approve the Fair Housing Month Proclamation for April. Commissioner Bair seconded. All voted in favor. The motion carried and the Proclamation was signed as follows:**

**FAIR HOUSING MONTH PROCLAMATION**

**WHEREAS**, April 2023 marks the 55th anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and

**WHEREAS**, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

**WHEREAS**, equal opportunity for all-regardless of race, color, religion, sex, disability, familial status or national origin-is a fundamental goal of our nation, state and county; and

**WHEREAS**, equal access to housing is an important component of this goal-as fundamental as the right to equal education and employment; and

**WHEREAS**, housing is a critical component of family and community health and stability and

**WHEREAS**, housing choice impacts our children's access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

**WHEREAS**, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

**WHEREAS**, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and


**WHEREAS**, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

**NOW, THEREFORE, I, Whitney Manwaring, Chairman, Bingham County Commissioners do hereby proclaim April 2023 to be:**

**FAIR HOUSING MONTH**

DATED this 29<sup>th</sup> day of March, 2023.

ATTEST:

  
Pamela W. Eckhardt  
Bingham County Clerk

  
Whitney Manwaring, Chairman

**APPROVAL OF FINAL PLAT FOR EAST VIEW SUBDIVISION**

Present: Addie Jo Harris- Assistant Director- Planning & Development  
Gwen Inskeep- County Surveyor  
Chris Street- HLE

The Board met to approve the Final Plat for East View Subdivision. Chairman Manwaring welcomed all to the meeting and turned the time over to Ms. Harris.



Ms. Harris explained that the Final Plat is currently in the Treasurers Office, which has not opened yet.

**Chairman Manwaring stated this matter would be placed on hold until 2:30 p.m.**

#### PUBLIC WORKS

Present: Dusty Whited- Public Works Director  
Gwen Inskeep- County Surveyor  
Paul Rogers- Prosecuting Attorney

The Board met with Dusty Whited to discuss department updates and other agenda matters. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Whited.

First, Mr. Whited explained the submitted Solid Waste Credit Application for Thompson Complete Carpentry, who is requesting a credit in the amount of \$1,000.00 per month. Mr. Whited stated that all references have been checked and at this time he would propose approval of this Credit Application.

**Decision: Commissioner Jackson moved to approve the Solid Waste Credit Application for Thompson Complete Carpentry in the amount of \$1,000.00 per month. Commissioner Bair seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of culverts in the amount of \$12,265.35, to be paid from Fund 02-40-645-00.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of culverts in the amount of \$12,265.35, to be paid from Fund 02-40-645-00. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of tires in the amount of \$37,303.26, to be paid from Fund: 02-47-573-00. Said purchase is to replenish the fire stock.

**Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of tires in the amount of \$37,303.26, to be paid from Fund: 02-47-573-00. Commissioner Bair seconded. All voted in favor. The motion carried.**

An update discussion was held in regards to mountain roads, specifically regarding extension of closure due to the amount of snow.

#### SHERIFF'S OFFICE

Present: Jeff Gardner- Bingham County Sheriff  
Jordyn Nebeker- Bingham County Chief Deputy Sheriff  
Paul Rogers- Prosecuting Attorney

The Board met with Sheriff Gardner to discuss updates within the Sheriff's Office.

#### DISCUSSION & DECISION REGARDING FUNDING FOR NEW AMBULANCE FOR THE CITY OF BLACKFOOT CONTRACT

Present: Grahm Anderson- City of Blackfoot Treasurer  
Chief Bryon Howell- Blackfoot Fire

The Board met to hold discussion and make a decision regarding funding for a new ambulance for the City of Blackfoot Contract.

Grahm Anderson stated in 2021 Captain Lewis applied for a grant through the state, to which was awarded in July of 2021 for the amount of \$161,000.00 for an ambulance purchase. That funding did not cover the full amount and at that time Chief Gray came before the Board to request additional funding to make up the difference and install a loading system. The City of Blackfoot received a check from the county at that time in November of 2021 for \$61,000.00, which made up the difference. In December of 2021 and January of 2022, was when the three ambulances in service broke down, wherein Chief Gray came before the Board to request assistance. Chief Gray reiterated that there is a long wait period and requested assistance with a down payment to begin building, which is when the \$50,000.00 was committed from the county. Captain Lewis contacted the company to place the order, wherein he was advised they had a demo ambulance that is what is needed by the City of Blackfoot and if they would like, could purchase that demo. At that time, the City of Blackfoot used the grant funding to purchase the ambulance that was ready to go.

Chief Howell explained the request for today is for \$31,424.84 to be paid to Stryker Medical for Power Pro and Power Load, along with a check in the amount of \$197,580.00 for a 2023 North Star Ambulance for use for the contract with the City of Blackfoot Fire.

**Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for a Power Load Pro and Power Pro, in the amount of \$31,424.84, to be paid from PILT. Commissioner Jackson seconded. All voted in favor. The motion carried.**

**Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a 2023 North Star Ambulance in the amount of \$197,580.00, to be paid from PILT Fund. Commissioner Bair seconded. All voted in favor. The motion carried.**

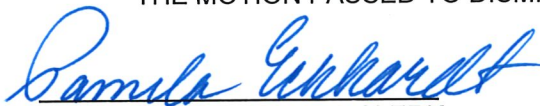
CONTINUED FROM MARCH 29, 2023 MORNING AGENDA- APPROVAL OF FINAL PLAT FOR EAST VIEW SUBDIVISION

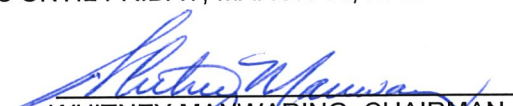
Present: Addie Jo Harris- Assistant Director- Planning & Development  
Gwen Inskeep- County Surveyor  
Chris Street- HLE

The Board met to approve the Final Plat for East View Subdivision.

**Decision: Commissioner Bair moved to approve the Final Plat for East View Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MARCH 31, 2023

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

  
WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO        )  
                              : ss.           Friday, March 31, 2023  
County of Bingham    )

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

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



CLAIMS

Claims were approved in the amount of \$180,262.00.

PAYROLL

Payroll was approved in the amount of \$724,737.47.

CASH WARRANTS

Cash Warrants were approved in the amount of \$19,100.00, \$279,889.18 and \$30,948.83, for a total of \$329,938.01.

PERSONNEL ACTION FORMS

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

Salary Increase Form:	Truck Driver
	Park Manager
	Deputy Court Clerk
	Probation Officer
	Legal Assistant/Victim-Witness Coordinator

**Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for March 31, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.**

PRIOR APPROVAL FOR MAJOR PURCHASE- SHERIFF'S OFFICE

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase for Bancorp Lease Renewals in the amount of \$30,948.93, to be paid from Fund: Sheriff's Trust.

**Decision: Commissioner Jackson moved to approve the submitted Prior Approval for Major Purchase for Bancorp Lease Renewals in the amount of \$30,948.93, to be paid from the Sheriff's Trust. Commissioner Bair seconded. All voted in favor. The motion carried.**

APPROVAL & SIGNING OF REAL ESTATE LEASE AGREEMENT WITH BLACKFOOT RIVER BOWMAN

The Board met to approve and sign the Real Estate Lease Agreement with Blackfoot River Bowman.

**Decision: Commissioner Bair moved to approve and sign the Real Estate Lease Agreement with Blackfoot River Bowman. Commissioner Jackson seconded. All voted in favor. The motion carried.**

MEETING TO DISCUSS AND MAKE A DECISION REGARDING SUBMITTED TAX EXEMPTION APPLICATIONS- PRESENTED BY DONAVAN HARRINGTON-COUNTY ASSESSOR AND PAMELA ECKHARDT- COUNTY CLERK

Present:           Donavan Harrington- County Assessor  
                       Pamela Eckhardt- County Clerk  
                       Audrey Barzee- Assessors Office

The Board met to discuss and make a decision regarding submitted Tax Exemption Applications. Chairman Manwaring welcomed all to the meeting and turned the time over to Mr. Harrington.

First, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code Section 63-602B, Religious limited liability companies, corporations, or societies, which were as follows:

**Calvary of Blackfoot, Inc**

RP1262402 689 S Fisher Ave, Blackfoot  
RP1160000

**Lutheran Church**

RP1315601 1110 Parkway Drive, Blackfoot

**The Meeting Room, Inc.**

RP3016305 Meeting House 301 N 4<sup>th</sup> W, Aberdeen  
RP3016200 Meeting House 301 N 4<sup>th</sup> W, Aberdeen  
RP3025900 Bare Ground  
RP3025803 Bare Ground

**Decision: Commissioner Bair moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602B as presented by Donovan Harrington. Commissioner Jackson seconded. All voted in favor. The motion carried.**

Next, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code Section 63-602C, Fraternal, Benevolent, or Charitable Societies, which were as follows:

**Heart 2 Hand Bingham County Food Pantry Inc.**

RP201800 190 S Holmes Ave, Shelley  
Purchased building owned by Methodist Episcopal Church in July 2022  
Property was approved for tax exemption in 2022 after  
Church had closed but was leasing to Heart 2 Hand Pantry

**Health West, Inc**

RP3019805 330 N Main, Aberdeen  
RP3019804 330 N Main, Aberdeen  
Health West is a Federally Qualified Health Center  
Health services. Services are on a sliding scale based on patients  
In comparison to federal poverty guidelines.

**Decision: Commissioner Jackson moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602C, as presented by Donovan Harrington. Commissioner Bair seconded. All voted in favor. The motion carried.**

Lastly, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code Section 63-602E, Property used for school or educational purposes, which were as follows:

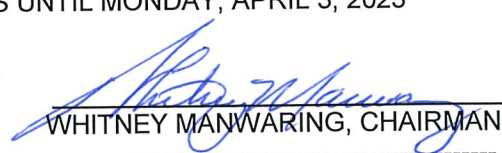
Blackfoot Community Players  
RP105700 Nuart Theater

**Decision: Commissioner Bair moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602E, as presented by Donovan Harrington. Commissioner Jackson seconded. All voted in favor. The motion carried.**

THE MOTION PASSED TO DISMISS UNTIL MONDAY, APRIL 3, 2023



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



WHITNEY MANWARING, CHAIRMAN