

STATE OF IDAHO)
 : ss. Monday, May 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

STAFF MEETING

Present: Pamela Eckhardt- County Clerk
 Laura Lora- Payroll/Indigent Services
 Debbie Cunningham- County Chief Deputy Assessor
 Donavan Harrington- County Assessor
 Dusty Whited- Public Works Director
 Scott Reese- Emergency Services/Parks and Recreation
 Sheri Landon- Magistrate/District Court
 Laraine Pope- Human Resources Director
 Tiffany Olsen- Planning & Development Director
 Jason Marlow- Building Maintenance Director
 Shawn Hill- Probation Services
 Jordyn Nebeker- Chief Deputy Sheriff
 Tanna Beal- County Treasurer
 Julie Buck- Extension Office
 Scott Mensching- IT Director
 Danette Miller- Election Director
 Megan Kearsley- Election Clerk
Excused: Jimmy Roberts- County Coroner
 Cody Lewis- Drug Court
 Grahm Anderson- City of Blackfoot Treasurer
 Marc Carroll- City of Blackfoot Mayor
 Gordon Croft- City of Blackfoot Police Chief

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

Pledge of Allegiance: Commissioner Bair conducted

Approval of Minutes for Staff Meeting held in April 2023: No changes to be made and the Staff Meeting Minutes were approved as written.

Special Presentation: Blackfoot City Police Captain Wes Wheatley presented a Distinguished Award to Jason Marlow. During a meeting held for the Blackfoot Police Department, it was specified that Jason is always willing to help, has good communication skills and is hard working. In the Police Department when an individual has that consistency of skills and willingness to help, that individual is awarded with a Distinguished Award. Captain Wheatley submitted a letter to the Board of County Commissioners and asked that it be placed in the employee file for Jason. Captain Wheatley stated that all of his hard work helps the image and professionalism of the Blackfoot Police Department. At this time, Captain Wheatley awarded Jason Marlow with a Distinguished Award, along with a challenge coin from the Blackfoot City Police Department.

Employee Years of Service Recognition: Dusty Whited recognized Braxton Mecham for five (5) years of service to Bingham County. Braxton was hired as a truck driver and has been training in a road grader. Braxton is always wanting to improve himself and help the county. He has been working out of the Springfield District and also providing additional help in the Shelley District.

Scott Reese recognized Tyler Draney for ten (10) years of service to Bingham County and stated that there is nothing that Tyler cannot do. He has saved the county cost for repairs and it is truly amazing what he can do.

Scott Reese recognized Leigh Ann Davis for fifteen (15) years of service to Bingham County and stated that she is winding down her career but he truly could not ask for a better assistant. Leigh Ann is always positive, thorough in her work and he appreciates working with her.

Chief Deputy Jordyn Nebeker recognized Gary Yancey for twenty (20) years of service to Bingham County. When it comes to the Sheriffs Office, Gary is probably the most decorated person when it comes to training, backgrounds, qualifications and instructing. One of the most important things to know is that law enforcement has been in his blood from the very beginning. Gary started as a full-time Reserve Officer, after working construction during the day. He was then offered a job working in the jail, to which he turned down and stated that he wanted to be out on the road. A major importance about his career is the tactical world and when the SRT Team, which is a combination of the Sheriff's Office and Blackfoot City Police, was in place, Gary was one of the few that tested the waters to become a part of what is now called the STAR Team, which is a seven (7) county SWAT Team and Bingham County is heavily involved. Chief Deputy Nebeker stated in his career, Gary Yancey is one of the most influential people that he has had an honor to work with.

Chairman Manwaring: Stated that he would like to congratulate Jason Marlow for all of his hard work and stated that Jason is always asking if there is anything that needs to be done. Chairman stated that the county would like to thank the City of Blackfoot for waiver of fees in the approximate amount of \$30,000.00 pertaining to the new jail expansion.

Commissioner Bair: Stated that May is Mental Health Awareness Month and May 9th is Fentanyl Awareness Day. Commissioner Bair stated that mental health has always been important but used to be on the back burner and not acknowledged as it should have been. He would like to encourage everyone to watch out for the people that they work with and if they are having a bad day, a word of encouragement goes a long way.

Next, Commissioner Bair stated that any individual entering the courthouse that is not employed with Bingham County is to go through the front door security, per Bingham County Policy. Donovan Harrington asked if that would include spouses of employees, to which Paul Rogers reiterated that spouses would also need to go through front security as they are not a Bingham County employee.

Commissioner Jackson: Stated that he would like to thank all of the department heads and Elected Officials for all of their hard work in running each of their departments.

Pamela Eckhardt: Stated that the new county website has now launched and stated that she would like to thank Lindsey Dalley and Megan Kearsley who have worked with her since day one. She would also like to thank Scott Mensching and Chris Rhoades in the IT Department for their assistance as well. It is great to see the admin from each department work so hard on each of their pages. There are two more months of free service, where any changes can be made. Lastly, there are three individuals that have "super admin rights", which are Lindsey Dalley, Megan Kearsley and herself. If there is something that needs to be changed on the main page, they are the only individuals that can do so but each department has total control over each of their pages.

Next, Clerk Eckhardt briefly reviewed budget packets and stated the budget process is one of the county's most significant undertakings each year. The budget serves as an annual financial plan for Bingham

County. The budget process is based upon recommended practices of the Government Finance Officers Association and the requirements in Idaho Code Title 31- Chapter 16. The budget will:

- Enhance understanding of the purpose of funded programs or services, as well as their cost.
- Help make informed choices about the provision of services and capital assets.
- Make the budget a more effective operational and communications document to the county decision makers and the citizens of Bingham County.

Clerk Eckhardt stated that she had received a positive comment from the State Controller's Office in preparing for the Transparent Idaho Website and that they liked the budget narratives. Clerk Eckhardt also briefly reviewed fund balances and revenue. Clerk Eckhardt will be sending budget narratives to individuals separately this year and not via google documents. All Budget documents will need to be returned to Clerk Eckhardt by May 22nd, this will give her the appropriate time to input said changes between May 23rd and June 10th and have appropriate documentation to the Board of Commissioners for their meetings. Said budget meetings before the Board will be held between June 12th through July 14th and the Budget Hearing is scheduled for August 23rd. If there are any personnel changes that will be proposed, please be in contact with Laraine Pope, Human Resources Director, prior to meeting with the Board.

Chairman Manwaring stated the goal this year is to work the budget backwards and not increase more than last years budget.

Tanna Beal: Stated that she would like to give an update on the legislative breaks that will be occurring, wherein it will be a struggle because the county worked hard last year to lower the levy rates, that anything above that this year is going to cut into the tax breaks that the legislators have offered. Once all homeowners are put into the state system by the Assessor's Office, among other counties, the county will know the amount to be received. It will be a challenge to get tax notices out by the statutory 4th Monday in November as it takes the Treasurer's Office approximately three weeks to prepare notice.

Tanna stated that interest rates are high and will more than likely raise again, which are benefiting the county as far as investing but if you are a consumer this will not be beneficial when needing to finance anything. She stated that you can see the effect of the economy in the taxes that are being collected that are delinquent, which has been extremely challenging this year and she knows that people are struggling.

Laura Lora: Asked that each department head and Elected Official review the employee salary spreadsheet and let her know if there are any questions. Laura stated that she would like to add that the PERSI rate, will have a decrease and an increase. They have created a class 3, which is specific for school teachers and will not apply to us but class 1 is general members. For employees the rate will decrease .45% and will now be 6.71% and for the employer the rate will decrease .76% and will be 11.18%, which will be shown on the spreadsheets provided to each department head. For law enforcement the rates will be increasing for employee by .7% and will be 9.83% and for the employer will increase to 13.26%. These are effective for July 1, 2023 but all dates of July need to be included and therefore, this will not be in effect for Bingham County until the August pay period.

Payroll deadline for employees to submit timesheets is May 19th and for supervisors on the 22nd. Due to there being a holiday she is asking to please be sure that timesheets are reviewed and approved in a timely manner.

Donavan Harrington: Stated that he had no updates at this time.

Dusty Whited: Stated that mountain roads are still closed, which are officially supposed to open on May 1st but with the amount of snow, that will not happen.

Scott Reese: Gave an update on flooding in surrounding counties and stated that the county parks are now open.

Sheri Landon: Stated that Bingham County hosted the Sixth and Seventh District Court Clerk Training on April 11th through the 13th which went well. Within the Seventh District there are ten counties and in the Sixth District there are six counties. She thanked Clerk Eckhardt, Jason Marlow, the front security, Wendy Mecham and the Court Bailiffs, for all of their hard work.

Sheri stated last week she was invited to the Tri-County Sheriff's Civil School, which was extremely beneficial and she learned a lot. She explained that Shirley Featherston helps plan and presented at this school. Shirley is an asset to Bingham County and during the school, one of the instructors had everyone stand and applaud Shirley and stated on behalf of the Tri County Sheriff's Association that "Shirley is the glue of the civil office".

Laraine Pope: Reminded everyone if there is an injury that takes place on the job, please fill out the injury form and submit to Human Resources, even if you do not need medical attention. This is important to keep in the employee files in case an individual does end up needing medical attention.

Jason Marlow: Stated that he would like to thank everyone for their kindness and if there is anything that needs to be done, please let him know. Commissioner Bair thanked Jason for all of his hard work.

Tiffany Olsen: Had no updates at this time.

Shawn Hill: Had no updates at this time.

Cody Lewis was excused but Lindsey Dalley gave an update on his behalf, wherein she stated that Treatment Court will be sending three individuals to the NADCP National Conference this year, which could not be done without the generosity of Sheriff Gardner and Shawn Hill. Cody would like to publicly thank them for their support.

Paul Rogers: Stated last week there was a Jury Trial on a lewd conduct case that ended with a guilty verdict and he would like to thank the Courts for all of their work. Last month the Prosecutors Office resolved a murder case, wherein the Defendant will be pleading guilty to murder and be sentenced in June.

Paul explained that trials are still backed up and there are quite a few defendants that are unwilling to plead. Therefore, in May, Judge Simpson may be holding four different trials during the third and fourth week. This has not yet been confirmed but is a possibility and will be extremely busy.

Chief Deputy Sheriff Jordyn Nebeker: Stated that he would like to echo the appreciation for Jason Marlow and all of his hard work. Chief Deputy would also like to thank the Blackfoot Police Department. Going through the recent critical incident that involved eight officers between the two entities, things were coordinated with interviews and mental health side of things, which he would like to be sure is recognized. It is huge that the two entities come together and work through matters.

Chief Deputy Nebeker stated there are four individuals graduating from the Patrol Academy and tomorrow there are three individuals that have completed "Hell Week" and he would like to congratulate those individuals as well.

Paul Rogers: Stated that he would like to add that there was an extremely violent and serious threat that swept through Bingham County and ended in an officer involved shooting. For the first time, he got to attending the interviews and participate in asking questions. He would like to explain the professionalism that he saw at this stage and he is amazed. Thankfully law enforcement was able to stop the suspect before he was able to harm any citizens.

Commissioner Bair stated that two school districts were put in lockdown during the critical incident, which was done out of precaution to keep the students and faculty safe. He would like to thank law enforcement for keeping everyone safe.

Paul added that when the murder occurred on Broadway, the Blackfoot Police Department responded in 49 seconds and began assisting the victim. He would like to applaud Bingham County and Blackfoot City Law Enforcement as more times than not they are placed in significant danger and it is a comforting feeling to have these officers protecting the county.

Tanna Beal: Stated that she would like to thank Jason Marlow and Chief Deputy Jordyn Nebeker for their constant help in the Treasurers Office.

Julie Buck: Stated that all fifth graders within Bingham County will be attending Ag Safety Day on May 2nd, at the Eastern Idaho Fairgrounds. This is the first year that the event will be held and will give each student the opportunity to learn and appreciate agriculture.

Scott Mensching: Had no updates at this time.

Danette Miller: Stated there will be a small election on May 16th for the Blackfoot Rural Library, wherein one trustee is being contested.

Captain Wes Wheatley: Had nothing further at this time.

Lastly, Dusty Whited stated that last week the Board of County Commissioners approved a senior citizens discount for Solid Waste, wherein at all three landfills, any individual 65 year of age and older will be able to drop one bag of garbage off at no charge. Anything over one bag will continue to be charged at the \$5.00 minimum.

Commissioner Bair stated next Staff Meeting is scheduled for Monday, June 5, 2023 at 8:30 a.m.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider Records that are exempt from public disclosure. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public record. Commissioner Jackson seconded. All in favor. The Board moved into Executive Session at 10:15 a.m. The Board moved out of Executive Session at 11:06 a.m.

Decision: Commissioner Jackson moved to approve the cremation payment in the amount of \$696.82 to Hawker Funeral Home, which is the remaining amount after \$500.00 was paid from the decedents account, who was a ward of the Board of Community Guardians. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING SUBMITTED TAX EXEMPTION APPLICATION'S- REQUESTED BY CLERK ECKHARDT

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

The Board met to discuss and make a decision regarding submitted Tax Exemption Application's.

First, Mr. Harrington presented tax exemption applications pursuant to Idaho Code Section 63-602N, irrigation water and structures, which were as follows:

Little Butte Irrigation Co.
RP1304000 End of Henderson Dr, Blackfoot

Decision: Commissioner Bair moved to approve Tax Exemption Applications pursuant to Idaho Code Section 63-602N, as presented. 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, which were as follows:

Stewart Hoover Post No 23 American Legion
RP1286000 Blackfoot

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

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

Apostolic Assembly of the Faith in Christ Jesus, Inc.
RP1329600 Airport Road

Methodist Church
RP3056600 119 S 3rd W, Aberdeen

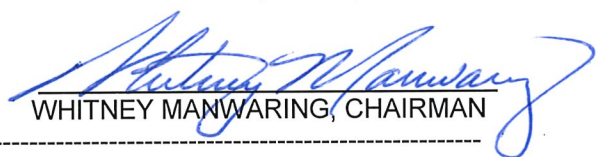
Decision: Commissioner Bair moved to approve the Tax Exemption Applications pursuant to Idaho Code Section 63-602B, religious limited liability companies, companies, corporations, or societies, as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.

Lastly, Mr. Harrington presented Tax Exemption Applications pursuant to Idaho Code Section 63-602GG, Low-income housing owned by nonprofit organizations

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

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MAY 3, 2023


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
 : ss. Wednesday, May 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

CASH WARRANTS

Cash Warrants were approved in the amount of \$734.51.

Decision: Commissioner Bair moved to approve Cash Warrants for May 3, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.

SHERIFF'S OFFICE

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

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

Discussion was held in regards to the request for approval to sign a contract with EvoGov to create a separate Bingham County Sheriff's Office website that will link directly to the Bingham County Website. The contract will include completing the project in 90 days. Said contract is for a one-time website fee of \$4,800.00, plus \$75.00 to be paid monthly for a hosting fee.

Decision: Commissioner Jackson moved to approve the submitted request to sign a contract with EvoGov to create a separate Bingham County Sheriff's Office website in the amount of \$4,800.00 a one-time fee, along with \$75.00 monthly for a hosting fee. Commissioner Bair seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Paul Rogers- Prosecuting Attorney
Tiffany Olsen- Planning & Development Director
Jordyn Nebeker- Bingham County Chief Deputy Sheriff
Courtney Howell- Resident
Casey Howell- Resident
Max Collard- Resident
Linda Collard- Resident

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

Discussion was held in regards to the requested speed limit change for Tressel Road, which is currently unmarked. Mr. Whited stated that the request was submitted to the Sheriff's Office, who stated that they would support the recommendation to reduce the speed limit.

Discussion was held in regards to having the speed limit on the entirety of the road the same speed rather than having different speeds, to which Chief Deputy Nebeker concurred and stated that 45 mph would be a good speed for the entirety of the road as every crash that he has worked, speed is one of the highest contributing factors to the more severe injuries or fatalities. Chief Deputy Nebeker likes the reduction specifically for Tressel Road as the population density is increasing.

Decision: Commissioner Bair moved to approve the speed limit change on Tressel Road from Clark Road to Johnson Road to 45 mph. Commissioner Jackson seconded. All voted in favor. The motion carried.

Next, a Public Hearing was held in regards to the submitted request submitted by Casey & Courtney Howell to amend Bingham County Ordinance 7.3.6: B(5), Permit for new approaches; requirements. Chairman Manwaring stated that the notice for this Public Hearing has been advertised three times per Idaho Code and there have been several meetings to discuss proposed changes.

Mr. Whited stated this ordinance has been in place since the early 2000's and was created so that when the snow plow equipment is plowing, it does not catch on the edge of a driveway causing damage to the plow and concrete. Originally, Bingham County was notified by a resident that the driveway on the Howell's property was in violation of the ordinance. The code enforcement officer visited said property, took pictures and sent them a letter stating that the violation needed to be cured. After which, the Howells because the ordinance change process.

Chairman Manwaring added that the section of road between driveways and the road is utility right-of-way. In the past, it was presented to him that it was asphalt because it would be cheaper to dig up and replace versus concrete.

Mr. Whited stated this proposal does not affect the Public Works Department but if a utility company were to do work on the utility line, the same materials need to be replaced and could be an increase in cost and labor for the utility company.

Courtney Howell stated that they had received notice in the mail stating that their driveway is out of compliance with the ordinance. When they moved into their home in 2020, they had installed cement in the right-of-way. She explained that she called the Road and Bridge Department and spoke with a woman, asking about the cement and was informed that the ordinance is not enforced. She was then informed so long as the cement is feathered down and does not damage the snowplow, there is not an issue. At that time, she felt as though it was acceptable to pour concrete and her husband then laid the concrete driveway. Ms. Howell stated she met with Dusty Whited and Paul Rogers to review verbiage for the proposed change and at this time they are asking is that in the Residential subdivisions that the change is made to allow cement driveways.

Casey Howell stated their driveway is not the only driveway throughout the county that are out of compliance and that there are in fact hundreds that are also out of compliance. This is not enforced until a complaint is submitted to Public Works, which is what occurred to them.

Courtney Howell read the proposed verbiage for the record, which is as follows: "The portion of the approach in the right-of-way either be gravel or asphalt. In Residential Subdivisions the portion of the approach in the right-of-way may 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 maintenance duties".

Chairman Manwaring asked if there is any testimony in favor of the proposed ordinance change.

Tiffany Olsen advised the Board that as she was walking across the street, she came in contact with Rod Albertson informed her that he would send her an email indicating his testimony as he was unable to attend the Public Hearing. Chairman Manwaring read said submitted testimony in favor from Rod Albertson, which read as follows:

"It doesn't make any sense to not allow concrete driveways up to the asphalt when you are now requiring a curb to be installed on all new asphalt subdivision roads. The cost to pour a concrete pad and then switch the last 15 ft of the driveway to asphalt is cost prohibitive. Again, this comes back to my argument why we are not implementing curbs on asphalt but for the last however many years we would allow concrete up to the asphalt on drives. How does this not seem counterintuitive to all board members".

Chairman Manwaring asked if there is any testimony in neutral, to which Ms. Linda Collard testified that this proposed change affects her a little bit but all individuals in the county who will be cited for mailboxes, why not grandfather those individuals in so that they do not have to replace equipment that has been placed? Chairman Manwaring stated the Public Hearing being held today is specific to driveways, not mailboxes. Ms. Collard stated she thought it was for both driveways and mailboxes.

Ms. Collard asked why the building inspector did not advise the developers of the driveway requirement, to which Mr. Whited stated that he has an employee that meets with new homeowners, developers or contractors, whoever is on the approach permit, to review the ordinance rules and requirements. On the back of the permit, which is given the homeowner, lists all ordinances that are to be followed. Mr. Whited stated that he does not send an individual out to track down violations rather they be mailboxes or driveways, because that would take up a large amount of time. The only time that these issues are addressed is when a complaint is submitted.

A brief discussion was held in regards to the ordinance pertaining to mailboxes and the distance they should be from the road.

Chairman Manwaring asked if there was any testimony in opposition, to which there was none.

Chairman Manwaring turned the time over to Ms. Howell for a rebuttal statement, wherein Ms. Howell stated that she has noticed that may be causing issues is that it was stated that a permit is given including rules and regulations, wherein she believes that is given to the builder, not the homeowner. Therefore, the homeowner is not informed of that list, which would help with conflict in the future. Chairman Manwaring stated that he would agree with that statement and that could be addressed in the future.

Commissioner Bair asked Tiffany Olsen what will trigger a building permit, to which Ms. Olsen explained flat work and concrete does not require a building permit regardless of how many square feet being provided for. A building permit is required when an individual constructs a structure that is greater than 200 square feet.

Chairman Manwaring stated that testimony would be closed at this time and Commissioner discussion would be held.

Ms. Olsen stated that she would like to be sure it is specifically stated that concrete driveways are only allowed within a Residential Zoned Subdivision, so that it is not misconstrued as Residential Subdivision, which could have been in a Residential/Agriculture Zone or an Agriculture Zone, but is specific to Residential Zoned Subdivision. Ms. Olsen stated that she would suggest stating "in platted subdivisions, concrete driveways would be allowed".

The Board was in favor of the proposed verbiage.

Decision: Commissioner Jackson moved to amend Bingham County Ordinance 7.3.6 B(5), to read as follows:

The portion of the approach in the right of way may either be gravel, asphalt or concrete.

- a. Bingham County shall not be held responsible for any damage to concrete driveways which extend into the public right-of-way that result from the county's performance for their regular road maintenance duties.**

Commissioner Bair seconded. All voted in favor. The motion carried.

MEETING TO DISCUSS THE REQUEST TO ADD ADDITIONAL INFORMATION TO THE DEVELOPMENT AGREEMENT FOR RIVER RUN ESTATES SUBDIVISION, DIVISION 2- REQUESTED BY KALEB PHELPS & DECISION

Present: Addie Jo Harris- Planning & Development
Tiffany Olsen- Planning & Development Director
Paul Rogers- Prosecuting Attorney
Gwen Inskeep- County Surveyor
Justin Hale- Property Owner
Terry Vance- Property Owner

Chris Street- HLE
Lisa Phelps- River Run Estates
Kaleb Phelps- River Run Estates
Katie Abrams- Property Owner
Brian Ricks- Property Owner
Spence Ward- HLE
Luke Bloxham- Property Owner
David Gillmore- Property Owner

The Board met to hold discussion in regards to the request submitted by Kaleb Phelps to add additional information to the Development Agreement for River Run Estates Subdivision, Division 2. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Lisa Phelps.

Lisa Phelps stated the purpose of today's meeting is to ask the Board to consider including a reimbursement clause within the Development Agreement. Ms. Phelps stated that the development clause would pertain to the long stretch of road, 695 East, which will be built into a county road. There is approximately 1300 feet of road where county road will be constructed and the Phelps' do not own any of the property along either side of said road. There are existing homes along the road and 4.2 acre parcel that the Abrams' family own and a 1.0 acre parcel that the Hales' own, wherein constructing a county road, it would enable both the Abrams' and Hales' to develop their property. Without constructing a county road, the Hales' parcel is not buildable because there is not access but the Abrams' could build but the cost would inhibit that for 3-4 lots depending on what is split.

Ms. Phelps stated the request is that the Abrams' and Hales' assist in paying for a portion of the cost of to develop the road to enable developments, where she does not own any of the land along the side of the road. Both families will receive material benefits, which is the reason for requesting reimbursement of funding.

Ms. Phelps stated that her and her husband, Kaleb Phelps, had met with the Abrams' and asked if they would be willing to contribute to connect to the county road, wherein they stated they were not interested in connecting to the county road or paying for any portion to do so but would build the road through their driveway to have a private access to their property.

Ms. Phelps stated they also spoke with Mr. Hales as well who stated that he may be willing to pay a connection fee or reimbursement fee to be able to use the road but had a concern as to why all neighbors were not being asked to reimburse costs and not just the Abrams' and himself. The answer to that is that the other neighbors have no material benefit from the road being developed and while they will have a nicer road, it will not enable any development for them but they will have a nicer road.

Ms. Phelps stated during a meeting with Mr. Rogers and Planning & Development about this proposal, Mr. Rogers stated that development costs, it cost to build the road and should be taken into consideration, which they understand that development costs and that they are responsible for those costs. Ms. Phelps stated that they feel as though development should cost for everyone, not just them. If other people will be using the road and planning developments, they could work together and share that cost.

Ms. Phelps explained as she has been researching reimbursement clauses, how they work and when they go into effect, she came across a statement that states, "overall reimbursement clauses and Development Agreements are designed to ensure that the cost of infrastructure improvements is shared fairly among developers who will benefit from those improvements", which Ms. Phelps stated that is what they would like to accomplish. If there will be no development, there will be no cost requested for reimbursement.

After speaking with Mr. Rogers, Ms. Phelps stated his concern was that this could be seen as a variance to an ordinance and did not align with the code. Ms. Phelps stated she spoke with Bonneville County and the City of Ammon, who have in fact done a reimbursement clause recently but do not consider it a variance to the code or ordinance but as a special condition at the end of the Development Agreement.

Commissioner Bair asked if the Development Agreements being referred to are residential or commercial developments, which Ms. Phelps stated one was commercial but she was unsure as to the other and stated though the one is commercial, she feels it would be applicable as it is still parties that are sharing costs of improvement. Ms. Phelps stated that the requested parties plan to develop, so why not work together to pay costs.

Commissioner Bair stated the Phelps' are asking the county to require people to repay cost and he is not in favor of the county conducting enforcement as this is more of a civil issue.

Chairman Manwaring stated that he appreciates the fact that the Phelps' have gone to each neighbor to participate but he is not in favor of the county enforcing other owners to pay a portion of the costs to develop the road.

Commissioner Jackson asked legal counsel if the county has the authority to enforce payment or if it was more of a civil matter, to which Mr. Rogers explained that the requested presented is complicated and is similar to a common fence law. It seems as though the Developer would benefit from this request, if approved, he is unsure as to how the other neighbors would financially grow from the development.

Luke Bloxham, Real Estate and Development Company, stated in Idaho Falls there is a development where city utilities need to be brought along the frontage of the development to be able to develop, which would enable them to develop but the county road is already in place and being used. In order to develop the property or change the use of the property and benefit financially, the City of Idaho Falls requires a frontage fee, which is the engineer's cost, to be paid by each owner. In this case, it is not a city utility being discussed but a county road. The principal holds true to both issues and although they will be putting in a well and septic, they would not be able to necessarily develop without the county road being developed. A simple approach would be taking lineal foot cost to develop the county road and have the beneficiary paying their equitable share and the remaining split between the other two property owners. Commissioner Bair stated that utilities are different than developing a road and asked Mr. Bloxham if he has done an agreement on a road such as this. Mr. Bloxham stated that he has not seen one for the road development specifically but he knows other Developers that have.

Mr. Phelps stated it sounds as though this proposal is new territory for Bingham County but Development Agreements that have a clause for reimbursements are not necessarily a new thing, including for the road. He stated that he did make an attempt to work with the neighbors and this was very similar to the agreement that Bonneville County has done. The situation is rare, where the road is starting to be built with no benefit, which does not happen often. In the Bonneville County Agreement, it was stated that the Developer tried extremely hard to work with the individuals to receive payment, to which only one did.

Mr. Phelps stated it is a burden to the county to have that level of enforcement and therefore, they would be willing to pay the county for that added burden but he is not sure as to why this is a big issue as it is fair and equitable.

Mr. Phelps stated there is one instance which code is not met, which is the fact that there are five homes on the gravel road that the county overburdened at some point. He asked if it would be unreasonable for him to ask that the county contribute to bring it up to standard to where there are only four homes coming off of the 695 access. He proposed that the county pay the amount of frontage to get the road to a legal situation and become in compliance with code, wherein the Phelps' would pay the remaining. Chairman Manwaring stated that the county has many gravel roads with houses along it. Commissioner Bair asked for confirmation from Mr. Phelps that he is asking the county to pave a private road, to which Mr. Phelps stated that was correct but only enough of the road to take in the first home, making the county in compliance with their own code.

Ms. Olsen stated there are five homes that have deeded access to 695 East, which was an error made issuing the permit prior to her employment with the county. However, had there only been four parcels using 695 as a private easement and Mr. and Mrs. Phelps purchased this land and chose to develop, they would be essentially paying for the county road regardless if there were four or five homes permitted because

private roads can only access 4 homes. Chairman Manwaring stated he was unaware that there are five homes on this road. Ms. Olsen interjected and stated there are actually six homes on this road but the home that is at 1400 Country Club, actually uses Country Club as their access but the others have deeded access to 695 East.

Ms. Olsen stated the request is interesting as the Phelps' are not asking all individuals that use the access for reimbursement and therefore, it is interesting that they would ask for the county to reimburse for an existing home.

Mr. Rogers stated if Mr. Phelps is requesting pay from the county to bring the road into compliance, the county will need to know what the cost would be. Mr. Phelps stated that he could get the cost estimate and send it to the county.

Commissioner Bair asked why there is not a through and through road or why those roads were not connected. Mr. Phelps explained that it was presented to the Board during the Preliminary Plat that they owned a specific parcel but they in fact did not. This occurred in a meeting where the public was unable to speak unless called upon. Mr. Phelps informed John Dewey, previous Legal Counsel, of the error and because that mistake was said, the Board stated they would like a through and through road. The Preliminary Plat was denied and remanded back to the Planning & Zoning Commission, wherein during the remand hearing it was presented that the Phelps had sold the parcel after the Preliminary Plat was denied, which also is incorrect. Therefore, he does feel a lot of emotion towards the situation as the incorrect information being relayed seems like a violation to purposely deceiving the Board into thinking that the Phelps owned the parcel when they did not.

Brian Ricks stated during the variance meeting held in May of 2021, he spoke on behalf of Kaleb Phelps, wherein he has had the audio transcribed and the idea of having a county road come through the property, explained the financial burden that would place on the few lots that were there. In that meeting, the Board voted two to one, to approve a variance and allow four homes to access on a private road and to not require a county road.

Ms. Olsen stated it is accurate to point out that the area where the discussion incurred around if that could be a county road or not, it was not feasible and Mr. Phelps testified to this that, because the road is in the City of Shelley Area of Impact and would need to be built to the City of Shelley standards and have curb, gutter, sidewalk and lighting. That was not a feasible opportunity for Mr. Phelps to create a county road in that location. Mr. Phelps stated there is approximately 313 feet and times \$130.00 per linear foot, which would be the approximate cost of \$40,691.00.

Chairman Manwaring explained that he believes things have occurred in the past and it seems as though the Board is constantly fixing issues from the past to make Bingham County better. In hearing the new information, he agrees that the county should assist with the cost to become in compliance and only leave four homes along the road versus forcing individuals to participate in reimbursing cost due to the uncertainty if they would.

Ms. Abrams stated they were planning to build on their property and when they found out that it was being developed, that took away what they were planning. Therefore, they decided to rent their land out to friends who are using the property for their horses. She then read an email written by Mr. Abrams, for the record at this time: "We do not dispute the suggestion that the value of our land will increase as a result of the proposed road. Originally the property was purchased with the intent to find a beautiful and private place for our home. Shortly after purchasing the land, it became very apparent that a development was likely to happen and significantly change the dynamic of our property. Mr. Phelps and Mr. Dance came and met with us to ask if they would sell the back portion of our land, wherein we were unsure what was occurring. At that time the request was denied. We recognize and respect the legal rights for all landowners. Mr. Phelps and his team, with the county's direction, are following all legal requirements in their effort to develop highly desirable land, some of which is on the river. The cost of that development is significant and as a business leader myself, I assume that return will be meaningful enough to continue to pursue the development, or will not be and the Phelps' will find an alternative use for the land. Land value is often but

not always impacted by the value of what surrounds the land. We believe that we should not be legally bound to pay for a road being created for the purpose of furthering Mr. Phelps' development. We wish him and his team the very best as they work through the opportunity to develop".

Mr. Phelps confirmed that they are not asking for reimbursement unless the choice is made to develop.

Ms. Olsen explained that the Phelps' were before the Board to sign the Development Agreement last October, wherein only the Development Agreement for Division 1 was executed and the Phelps' made the decision to hold off on signing the Agreement for Division 2 to give more time for the county road to be constructed since it was late October. There was a comment that existing homeowners will not benefit financially from a county road, which is an interesting statement to be made because there are land values in the form of building applications and permits. It is circumstantial to state a parcel with a gravel road in front, needs to be maintained as a private homeowner. There is not a difference in value to a county road that is now being plowed and maintained by the county. Pertaining to the Development Agreements mentioned by Mr. Bloxham, without seeing an Agreement being residential related between private homeowners for a county subdivision, it is challenging to state what can be similar or not. Ms. Olsen reiterated rather or not there are four or five homes on this road, the county road would still need to be constructed and she respectfully does not agree with the position that because one extra building permit was issued, the county should be responsible for the county to contribute to that cost. If it had not been issued and there were four homes, a developer would still be required to pave that road to county standards.

Terry Vance stated he owns a parcel in the area and on the overburdened issue, it goes back to what Kaleb Phelps mentioned when Planning & Development asked HLE to switch the Bollander access to Hansen Road without informing Mr. Phelps of that plan. The reason being that she knew that 695 was overburdened and that would correct the issue. If having five accesses is a problem, Ms. Olsen wouldn't have asked. It is common that the Developers pay for improvements upfront and whomever access improvements will pay their equitable cost.

David Gillmore stated that the Bollanders were advised several times by Mr. Vance that they would have access off of Hansen Road and that is why they bought the property. Right now, that access is barricaded and is unable to be used. There was a meeting with the City of Shelley wherein Mr. Phelps proposed an asked that they be able to build the road without lighting and curbing, wherein the City of Shelley stated if it will be a city road, all requirements will be met. It would be possible, had Kaleb been willing to spend the money on the road, to bring 695 into compliance because the Bollanders would have been coming off of Hansen. The Phelps did have an opportunity to make that happen and were not asking for any reimbursement to do so. When it became financially unfeasible to do so, they came up with a cul-de-sac idea that burdens all parties in the area. Also, Mr. Gillmore stated that he lives at the dead end of a private road in the county because that is where they wanted to be. Now all of the property is being developed, which he understands but his home will take a brunt of the traffic. Mr. Gillmore stated if the Board is considering approving the reimbursement clause, he would like to be involved in the receiving of money.

Mr. Rogers stated if the reimbursement clause is approved, Bingham County is the holder of the clause and puts the county as a plaintiff, suing the citizen to get the cost on behalf of Kaleb Phelps. If the county does not enforce the clause, Mr. Phelps could sue Bingham County for not enforcing. Mr. Phelps stated that would not occur but the county could deny the building permit until the reimbursement is paid.

Chairman Manwaring stated he has an issue with the road currently being out of compliance and believes that issue should be cured. As a county, problems need to be fixed that have made in the past in order to move forward. He would be in support in participating in the cost to get the road into compliance.

Commissioner Bair added that it would be corrected when the road is paved as part of the subdivision and he does not believe that the county is responsible.

Commissioner Jackson stated that it seems as though the county has been out of compliance for some time pertaining to this road and he also believes that the county has the responsibility to participate in the cost to bring the road into compliance.

Mr. Rogers stated if that is what the Board would like to do, his proposal would be to make that agreement part of the Development Agreement and stated the estimated cost, specific to this part of Bingham County, and none other than that.

Mr. Whited stated this cost was not discussed during the budget planning, therefore this is an unexpected cost. Ms. Olsen stated that the county should know the final cost before there is a decision made on the road. Mr. Whited stated it would be cheaper for the paving of the portion discussed to be completed in-house rather than having Depatco do the paving but there would have to be modifications made to the existing maintenance plans. He stated that he would like to go out and calculate what the cost would be to complete this project in-house.

Chairman Manwaring stated that he is not in favor of changing the Development Agreement to add the additional cost reinforcement verbiage. Commissioner Bair and Commissioner Jackson concurred.

Discussion was held in regard to the reroute of the ditch, wherein Ms. Olsen explained that it was noticed that the canal had been moved when they were on-site. Within code, it specifically states between Preliminary Plat and Final Plat acceptance, the plans need to be identical or if a substantial change has been made. In working with HLE, Dusty Whited, Gwen Inskeep and herself, met and discussed what it would look like to move the ditch and if that would be a substantial change or not because it would affect irrigation. At the Preliminary Plat, Lot 6 needed to be a pressurized system and everything else was going to continue to be gravity. When they met, so long as the irrigation water was continuing to be served, rather it be gravity or pressurized, as long as the individuals receiving water currently agreed to that change in flow, Mr. Gillmore and Mr. Bollander, and if they signed a notice stating they agree to the reroute of the ditch and they will still be able to receive their water, there would not be a substantial change.

Ms. Olsen stated that it is imperative that the county has the construction drawings to be attached and recorded with the Development Agreement. Ms. Olsen suggested that, if approved, the Board allow Mr. and Mrs. Phelps sign the agreement today and the Chairman would not sign until all attachments/construction drawings are received and attached to the Development Agreement. Currently, there is a bond check being held wherein the amount may be incorrect, as Mr. Phelps brought the check in earlier than usual. Ms. Olsen would suggest providing the bond check back to Mr. Phelps to be sure that the amount is correct and the Development Agreement is signed.

Commissioner Bair asked Mr. Phelps if he received permission from the ditch company prior to moving the ditch, to which Mr. Phelps explained that he had spoke with the President of the Canal Company and therefore, they should be aware. Ms. Olsen stated that verification of the ditch location should be added into the Development Agreement.

Decision: Commissioner Jackson moved to deny the request submitted by Kaleb Phelps to require payment of the other property owners pertaining to the cost of developing the road. The county will also take responsibility as a county to share cost for the road to become compliant with the county ordinance. Chairman Manwaring added that this will be specific to the Development Agreement for River Run Division 3. Chairman Manwaring seconded. All in favor- Chairman Manwaring and Commissioner Jackson- Aye. All opposed- Commissioner Bair- Aye.

Chairman Manwaring stated that Mr. Whited would measure the road to verify what the cost would be to complete the road in-house or have Depatco pave the road.

Ms. Olsen added that discussion was held in regards to the bond check, currently in the possession of the county and stated that she and Ms. Dalley would request that Mr. Phelps take the bond check back into his possession at this time until the cost could be verified and corrected.

Chairman Manwaring moved to allow Dusty Whited, Public Works Director, to measure the road to see what the cost would be to make a decision rather or not the paving would be done in-house or by Depatco. Commissioner Jackson seconded. Commissioner Bair added that a letter from the canal company should be added to place the ditch at its original location. Chairman Manwaring

stated that Ms. Olsen will add that into the Development Agreement. Commissioner Jackson seconded. All in favor- Chairman Manwaring and Commissioner Jackson. All opposed- Commissioner Bair.

At this time, Mr. Phelps signed a document stating that the bond check was back in his possession and Ms. Dalley handed him the same.

Chairman Manwaring made an additional motion that there is 313 feet of road at \$130.00 per linear foot, which is \$40,691.00 and the cost if Depatco is to pave. The county will measure to come up with an amount, to not exceed \$40,691.00. If it does, Depatco will complete the paving. Commissioner Jackson seconded. All in favor- Chairman Manwaring and Commissioner Jackson. All opposed- Commissioner Bair.

HUMAN RESOURCES

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

The Board met with Laraine Pope to discuss department updates, which included current recruitments, resignations and possible upcoming policy changes.

DISCUSSION & DECISION REGARDING INVOICE OWED TO SICOG FOR ATOMIC CITY DRINKING WATER PROJECT PLANNING- REQUESTED BY KRYSTAL DENNEY-SICOG

Present: Paul Rogers- Prosecuting Attorney
Pamela Eckhardt- County Clerk
Krystal Denney- SICOG

The Board met with Krystal Denney to discuss an invoice owed for the Atomic City Drinking Water Project Planning. Ms. Denney explained that she was involved in working on the Atomic City Drinking Water Project, specifically with the Department of Environmental Quality and the USDA Rural Development Grants. There were services provided under contract that have not been paid for, wherein said contract amount is for \$5,000.00 but SICOG is willing to only bill for the billable hours completed during the project. Therefore, the current amount owed is \$1,968.75.

Clerk Eckhardt stated that she was unaware of this invoice until Krystal Denney got in touch with her. Ms. Denney stated this invoice would cover all work completed up until the time they disincorporated as a city.

The Board had no issues with the submitted request pertaining to the amount owed to SICOG in the amount of \$1,968.75. Clerk Eckhardt stated there is still asset funding available that could cover this cost.

Decision: Commissioner Bair moved to approve payment of the invoice in the amount of \$1,968.75, to be paid from the sale of assets for Atomic City. Commissioner Jackson seconded. All voted in favor. the motion carried.

APPROVAL OF FEDERAL AUDIT REQUIREMENT AGREEMENT WITH WIPFLI

Present: Pamela Eckhardt- County Clerk
Paul Rogers- Prosecuting Attorney

The Board met to approve and sign the Federal Audit Requirement Agreement with WIPFLI. Clerk Eckhardt explained there is no change to the cost but there was a change in the name of the audit and how it is completed.

Decision: Commissioner Jackson moved to approve and sign the Federal Audit Requirement Agreement with WIPFLI. Commissioner Bair seconded. All voted in favor. The motion carried.

REVIEW OF LAW ENFORCEMENT CONTRACT WITH THE CITY OF BLACKFOOT- REQUESTED BY PAMELA ECKHARDT- COUNTY CLERK

Present: Paul Rogers- Prosecuting Attorney
Pamela Eckhardt- County Clerk

The Board met to review the Law Enforcement Contract with the City of Blackfoot, which included structure and amount increase to occur each year.

Clerk Eckhardt explained that she has been working with Legal Counsel, who is agreeable with the idea of a strict 5% increase yearly.

Mr. Rogers stated it would be easier to consolidate all of the small details and initiate a flat fee of 5% increase yearly.

A brief discussion was held in regards to the last two years and the changes that occurred with the contract.

There was no decision on this matter. Clerk Eckhardt will work with Legal Counsel to finalize the contract and prepare for signatures.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MAY 5, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Friday, May 5, 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 \$262,463.47.

PERSONNEL ACTION FORMS

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

Salary Increase Form: Detective
Emergency Communication Officer

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for May 5, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & POSSIBLE DECISION TO COORDINATE WITH THE STATE ON NG911 AND DATAMARK VEP PROGRAMS

Present: Pam Bord- NG911 GIS Contractor
Tom Calton- NG911 GIS Contractor
Wilma Robertson- NG911 Office of Info
Gwen Inskeep- County Surveyor
Wendy Mecham- GIS Manager
David Moore- IPSCC
Gordon Croft- Chief of Police- City of Blackfoot
Marc Carroll- Mayor- City of Blackfoot
Jeff Gardner- Bingham County Sheriff
Jordyn Nebeker- Bingham County Chief Deputy Sheriff
Matthew Galloway- Bingham County Sheriff's Office
Debbie Cunningham- Chief Deputy Assessor & Chief Appraiser
Donavan Harrington- Bingham County Assessor
Erin Hidalgo- Bingham County 911/Sheriffs Office

The Board met to hold discussion and make a possible decision to coordinate with the state on NG911 and Datamark VEP Programs. Chairman Manwaring welcomed all to the meeting and introductions were held.

Wendy Mecham thanked all for being in attendance and stated that the state has come up with a statewide 911 emergency program and she has been in contact in regards to getting them the necessary information they need to get the program running with accurate information.

Wilma Robertson stated in moving into the next generation 911, which is a completely different system than the E911 currently being used and will no longer rely in the telephone lines currently here. There is a couple of different pieces to next generation 911. The major is that it is going to rely completely on the GIS Data to route the calls to the correct location. From this perspective, it is extremely important to have one statewide map that the system can hook into. This would also give the proper zone wherein any emergency service officer will be responding, rather it be Ambulance District, Fire District or Law Enforcement.

During the Legislative Session in 2022, the Office of Emergency Management appropriated funds to get this project running. This data needs to be high quality, with accurate information. The necessary information from Bingham County has been provided and this system will allow the state to see if there are any issues to be fixed ahead of time prior to going live, if approved. Ms. Robertson stated that they would like to have a Bingham County employee who could participate and learn some of the tools and how to update the data properly. Mr. Calton will help on the data and Mr. Moore can assist with the 911 grant portion, wherein it is hopeful to implement the system with little to no interruption to data.

Ms. Robertson stated that Nez Perce County has been working with Mr. Moore for a 911 Grant Funding in order to keep their GIS data update and she would like Bingham County to join the grant. This would assist in getting the funding to have the necessary individuals on board to continue keeping the data updated.

Mr. Moore stated that Bonneville County, through a grant program, has 9 counties hooked into one system that there are no longer answering systems in those 9 counties. Bingham County has a stand alone system, which will hopefully change and would transition to Bannock County, which would also include Power County and Caribou County who are already hooked onto Bannock County. The cost will be higher for NG911 and therefore are trying to transition some of those cost into only paying for one call system but be divided by all counties. Fees themselves will remain the same and with grants, the county will not pay fees for the next two years. There is proposed legislation that will hopefully come through the FY 2024 Legislative Session that will change the 911 fee structure that the Sheriff's will be discussing the next week in Sun Valley, Fire Chiefs will be discussing later in the month and the Idaho Chief of Police Association has already discussed within their group about how this will affect them.

In looking at the new technology, Mr. Moore stated that geospatial will give specific locations and the mapping needs to be consistent throughout the several counties, which will state which floor of a specific building that you may be in when calling 911.

Chairman Manwaring what the county needs to do on the grant side, to which Mr. Moore explained that he is working with Sheriff Gardner and Scott Reese on consolidated grants, get priority in the system and means that when Sheriff Gardner submits the grant, it will go to the top of the list for consideration. Mr. Moore added that he is working to be sure there is no extra cost to the county to connect to Bannock County.

Mr. Moore stated that Nez Perce County has agreed to write the grant for the State with 3 counties not being included, which are Ada County, Bonneville County and Idaho County, but they will need to have a letter of support from each county that will be serviced.

The Board was in favor of joining the NG911 Program and Grant process. Ms. Robertson stated that she will be working with Nez Perce on the grant and will let Lindsey Dalley, Commission Clerk, know when the letter of support is needed.

Mr. Moore stated he is hopeful there will be grant funding and there will be no cost to the county, especially with legislation coming in FY 2024 but he cannot be certain.

Decision: The Board was in favor of joining into the grant and when requested, will provide a letter of support.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider Records that are exempt from public disclosure. Commissioner Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public record. Commissioner Jackson seconded. All in favor. The Board moved into Executive Session at 9:15 a.m. The Board moved out of Executive Session at 9:21 a.m.

Decision: Commissioner Bair moved to approve Bingham County Cremation Case Number 2023-6, per the recommendation made by Laura Lora- Indigent Services. Commissioner Jackson seconded. All voted in favor. The motion carried.


EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 9:23 a.m. The Board moved out of Executive Session at 10:28 a.m.

Decision: Commissioner Jackson moved to use Tyler Robinsons consulting firm for a few weeks to be sure the transition occurs properly within the IT Department. Sheriff Gardner will meet with Paul Rogers, Legal Counsel, to review the contract and make a plan to move forward. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL MONDAY, MAY 8, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, May 8, 2023
County of Bingham)

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

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

Commissioner Bair moved to appoint Commissioner Jackson as Temporary Chairman, due to Commissioner Manwaring being absent. 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 Bair moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson seconded. All in favor. The Board moved into Executive Session at 10:06 a.m. The Board moved out of Executive Session at 10:33 a.m.

Decision: No decision was made at this time.

TREASURERS OFFICE

Present: Tanna Beal- Treasurer
Paul Rogers- Prosecuting Attorney

The Board met with Tanna Beal to discuss department updates, which included review of the Operation of Funds documentation and possible properties to be taken on tax deed.

QUARTERLY UPDATE MEETING WITH TIM SOLOMON- ROCKY MOUNTAIN POWER

Present: Tim Solomon- Rocky Mountain Power
Paul Rogers- Prosecuting Attorney
Tiffany Olsen- Planning & Development Director

The Board met with Tim Solomon to receive a quarterly update from Rocky Mountain Power.

DISCUSSION & POSSIBLE DECISION REGARDING PAY STRUCTURE OF EXEMPT EMPLOYEES

Present: Tiffany Olsen- Planning & Development Director
Paul Rogers- Prosecuting Attorney
Laraine Pope- Human Resources Director
Dusty Whited- Public Works Director

The Board met to hold discussion and make a possible decision regarding pay structure of exempt employees.

Ms. Pope explained that individuals who are exempt are not on the pay scale but if they are not put back on the scale, she is worried about their pay structure and the fact that they are no longer in a structure to receive regular raises. One of the options would be to place the exempt employees back on the pay scale and would receive regular raises. If they remain off of the pay scale, she would like to look at a step structure to be sure that they are receiving raises.

Once the exempt employees were taken off of the pay scales, it was up to the supervisor or department head to complete evaluations to see if the employee would receive a raise.

Mr. Rogers stated that the Board of Commissioners supervise a majority of the exempt employees and he also has five that he also supervises. In 2021, the exempt employees were taken off of the pay scale and now there is an added stress regarding pay increases. Since this happened, it is unfair to the Board because there is not a structure to follow when it comes to addressing a wage increase. His opinion is that all exempt employees should be placed back onto the pay scale.

Ms. Pope added if an employee is doing extraordinary at their job, those employees could be awarded with a merit bonus.

Ms. Olsen stated that she held a conversation with Chairman Manwaring and stated that she had concerns regarding the same. She understands that it was implemented so that individuals that were exempt could receive any amount based upon their performance evaluation rather it was a standard step increase or not. When she took the position as Planning & Development Director, she looked at a pay structure from the position she held in a different county and the structure in Bingham County and mapped out her future goals. Therefore, she was startled when the employees were taken off of the pay scale and she would be happy to be placed back onto the pay scale. There is one other employee in her office who is exempt and was just added when he became the Building Official.

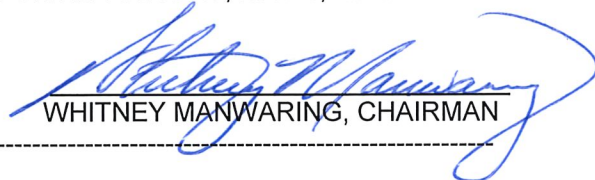
Mr. Whited stated he can see the benefits to each system when they are working properly but he is not sure that he has an opinion either way.

Commissioner Bair stated that the Board has worked hard to increase wages in order to be more competitive.

There was no decision made at this time. The Board requested that Ms. Pope to do research regarding proposed structures of pay for exempt employees or longevity. There will be another meeting scheduled at a later date.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MAY 9, 2023


PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Commission Clerk


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, May 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

DISCUSSION & POSSIBLE DECISION REGARDING AMBULANCE DISTRICT BUDGET

Present: David Lewis- Blackfoot Fire Captain
 Bryon Howell- Blackfoot Fire Chief
 Terry Krehbel- Fire Commissioner Aberdeen Springfield

Paul Rogers- Prosecuting Attorney
 Grahm Anderson- City of Blackfoot Treasurer
 Ken Johnson- Shelley Firth Commissioner
 Lyle Barney- Shelley Firth QRU
 Karl Vollmer- Aberdeen
 Dale Corbridge- Aberdeen
 Kris Corbridge- Aberdeen Fire Chief
 Lavar Jolley- Batallion Chief Firth Fire
 Brandon Jolley- Shelley Firth Fire Secretary

The Board met to hold discussion and decision regarding the Ambulance District Budget.

Clerk Eckhardt stated this has been a long process but is something that Bingham County has looked at since 2019 and with the growth of Shelley, discussion has resurfaced again.

Clerk Eckhardt reviewed the current Ambulance District Budget, wherein she stated the Ambulance District is countywide and the budget is set off of the maximum amount of taxes that can be levied. The Ambulance District was created in 1985, following Idaho Code, overrides were done for several years after which a permanent Ambulance Override Levy was approved by the Bingham County Voters in 2011. That gives the ability to levy to the maximum amount possible and the statutory rate for Ambulance Districts is four hundredths percent (.04% or .0004). The apportionment to the three entities is divided by the taxable value for the school districts.

The school districts were used as opposed to the fire districts or some other way because the school districts cover the entire county. If those were separated into fire districts, there are portions of the county that are a hole, such as the City of Blackfoot is not in the Blackfoot/Snake River Fire District. The school districts were used in order to take the values evenly across the county. The apportionments are divided as follows:

- 1) Blackfoot/Snake River Fire District- Snake River #52, Blackfoot #55, ½ Firth #59- The City of Blackfoot operates the ambulances.
- 2) Shelley/Firth Fire District- Shelley #60, ½ Firth #59, Bonneville #93
- 3) Aberdeen/Springfield Fire District- Aberdeen #58

Clerk Eckhardt stated there is always a balance of \$15,000.00 within the Ambulance District Fund here in the county. Clerk Eckhardt further reviewed the projected revenue for 10-1-22 to 9-30-23, which was as follows:

Property Taxes	\$1,075,976.00
Ag Replacement Monies	\$23,886.00
Personal Property Replacement	\$10,554.00
Sales Tax/Other Revenue	\$99,000.00
Total:	\$1,209,416.00

There is \$20,000.00 kept in the Ambulance Vehicle Purchase Fund, total balance for distribution is \$1,189,416.00.

In looking at the values within the Shelley/Firth area, due to growth, the values and percentage was becoming out of line. Discussion has been held as the Shelley QRU would like to go into an ambulance transport so that they have access to grants and funding, in order to grow. They currently have a contract with the City of Idaho Falls to do ambulance services for the area but the City of Idaho Falls stated they are growing as well and cannot continue to give the best service to the citizens. Clerk Eckhardt stated that Jefferson County QRU is currently having the same issue and that they contract with the City of Idaho Falls as well and have been informed of the same, therefore Jefferson County is looking at becoming an ambulance transport as well.

Clerk Eckhardt explained the first proposal for allocation of ambulance district funds by school, wherein the first proposal has the Firth School District being split between the Blackfoot/Snake River Fire District and the Shelley/Firth Fire District, wherein distribution would be as follows:

ALLOCATING AMBULANCE DISTRICT FUNDS BY SCHOOL DISTRICT

Firth School District is Split

Ambulance District Values

2022 December Values

School District	2022 Net Taxable Value		
Snake River #52	659,284,659		
Blackfoot #55	1,550,459,660		
Aberdeen #58	291,441,420		
Firth #59	390,515,850		
Shelley #60	797,025,815		
Bonneville #93	3,899,804		
Total	3,692,627,208		
		FY 2023	
		\$1,189,416 disbursement	
Snake River/Blackfoot Fire District			
Snake River #52	659,284,659		
Blackfoot #55	1,550,459,660		
1/2 Firth #59	195,257,925		
Total	2,405,002,244	65.1%	\$ 774,310
Shelley/Firth Fire District			
Shelley #60	797,025,815		
1/2 Firth #59	195,257,925		
Bonneville #93	3,899,804		
Total	996,183,544	27.0%	\$ 321,142
Aberdeen/Springfield Fire District			
Total Aberdeen #58	291,441,420	7.9%	\$ 93,964
Total	3,692,627,208	100.0%	\$ 1,189,416

Next, Clerk Eckhardt explained the second proposal for allocation of ambulance district funds by school, wherein the Firth School District is all in the Shelley/Firth Fire District, which was as follows:

ALLOCATING AMBULANCE DISTRICT FUNDS BY SCHOOL DISTRICT

Firth School District is all in Shelley/Firth Fire

Ambulance District Values
2022 December Values

School District	2022 Net Taxable Value		
Snake River #52	659,284,659		
Blackfoot #55	1,550,459,660		
Aberdeen #58	291,441,420		
Firth #59	390,515,850		
Shelley #60	797,025,815		
Bonneville #93	3,899,804		
Total	3,692,627,208		
		FY 2023	
		\$1,189,416 disbursement	
Snake River/Blackfoot Fire District			
Snake River #52	659,284,659		
Blackfoot #55	1,550,459,660		
Total	2,209,744,319	59.8%	\$ 713,650
Shelley/Firth Fire District			
Shelley #60	797,025,815		
Firth #59	390,515,850		
Bonneville #93	3,899,804		
Total	1,191,441,469	32.3%	\$ 381,803
Aberdeen/Springfield Fire District			
Total Aberdeen #58	291,441,420	7.9%	\$ 93,964
Total	3,692,627,208	100.0%	\$ 1,189,416

Clerk Eckhardt stated there has been conversation held as if the change in percentages should be made gradually or all at once. Due to the decrease of funding to the City of Blackfoot Contract and the Aberdeen/Springfield Fire District, the county would be able to keep the value whole by using liquor apportionment funding that is received. No matter which proposal is approved, both entities will be kept whole.

Clerk Eckhardt explained the document showing calls of service that was provided by the Bingham County Sheriff's Office 911 center, which showed the number of called for each agency.

There is currently a Governors Task Force that is made of EMS, Commissioners and City Officials, wherein a resolution was signed during this legislative session, which states that the Governor has tasked them with looking into options to increase funding for EMS within the State of Idaho, rather than be increasing the levy

rate, which is .04% to increase to .06% so that an Ambulance District could levy more in property taxes or if there would be other funding available. That is a project that is occurring and they are preparing to do legislative proposals this coming legislative session next year.

Commissioner Bair stated the county is limited and can only raise property taxes by 3% but growth has exceeded that. It is really limited and local government has not been able to keep up.

A brief discussion was held in regards to impact fees being placed but there is specific code that is to be followed. Clerk Eckhardt stated the other issue that has occurred is the property tax that was approved which limited growth to 8% total, wherein you can only get up to 8% total for new construction. That really affected the City of Shelley last year due to their amount of growth. They could have done a growth of 23% but had to decrease to 8%, therefore their growth is not paying and that is a limitation that legislation has put on the cities and counties.

Further discussion was held in regards to the concerns of the proposed allocation structures, wherein Commissioner Bair stated if the Shelley/Firth Fire takes on the entire Firth School District, the Blackfoot/Snake River Fire District will lose approximately \$60,000.00 in funding. Chief Bryon Howell, Blackfoot Fire, stated that \$60,000.00 would impact his budget more than the call amount would. They would lose approximately 250 calls to that area, which is not much but if he is still required to mutual aid and cover if the Shelley/Firth District is out on another call, he cannot afford to lose personnel to do so. If he loses personnel, he no longer has the ability to cover that area. Clerk Eckhardt reiterated that values have been stagnant but it is the last three years that the numbers were thrown off due to the growth.

Commissioner Bair stated he would rather continue to split the Firth School District between the two agencies. Commissioner Jackson concurred.

Chief Bryon Howell stated he would be in favor of that in order to give the Shelley QRU a chance to get ambulance services going.

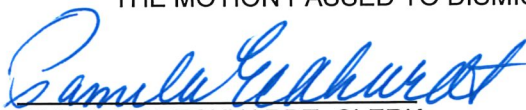
Decision: Commissioner Jackson moved to change percentages but continue to split the Firth School District between the Blackfoot/Snake River Fire District and the Shelley/Firth Fire District. Commissioner Bair seconded and added that the County will increase funding both directions to keep both agencies whole. Both voted in favor. The motion carried.

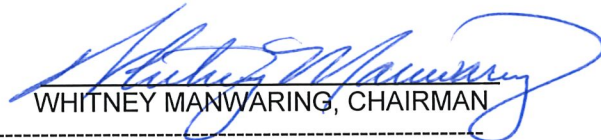
MEETING WITH JAMES ROBERTS, CORONER, TO DISCUSS BUDGET AND EXPENDITURES

Present: James Roberts- County Coroner
Laraine Pope- Human Resources Director
Paul Rogers- Prosecuting Attorney

The Board met with James Roberts, Coroner, to discuss budget and expenditures for the 2022-2023 Fiscal year, specifically the autopsy budget.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MAY 10, 2023


PAMELA W. ECKHARDT, CLERK


WHITNEY MANWARING, CHAIRMAN

Lindsey Dalley- Commission Clerk-----

STATE OF IDAHO)
 : ss. Wednesday, May 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

Cash Warrants were approved in the amount of \$5,641.24.

JAIL MEDICAL

Jail Medical was approved in the amount of \$1,517.54.

PUBLIC WORKS

Excused: Chairman Manwaring
Present: Dusty Whited- Public Works Director
Paul Rogers- Prosecuting Attorney
Tiffany Olsen- Planning & Development Director
Addie Jo Harris- Assistant Planning & Development Director
Troy Lenhart- Road & Bridge Supervisor
Steve Scott- Concerned Citizen
Gwen Inskeep- County Surveyor
David Gillmore- Homeowner
Derrick Going- Solid Waste Supervisor
Chris Street- HLE
Luke Jolley- HLE
Terry Vance- River Run Estates
Randy Adams- Shelley Fire Chief
Kaleb Phelps- River Run Development
James Matthews- Wanzek Construction

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

First, the Board addressed the request submitted by Steve Scott, concerned citizen, to discuss the intersection of 740 West and 100 North, wherein he addressed his concern that there has been a large amount of accidents at said intersection.

There was a turn lane installed on 740 West, which helped but did much. Mr. Scott explained that there are trees that block the view of the intersection on one side, wherein Commissioner Bair stated the county has the ability to cut the trees back and would look into doing so. Conversation was held in regards to the privacy fence that Mr. Scott installed on his property and comes out to within 90 feet of the intersection with chain link the remainder of the way and rather or not it meets the ordinance or needs to be moved. Mr. Scott stated that although he believes he is meeting the requirements, if it needs to be moved, he would do so to assist with safety. Mr. Whited stated the sight distance is 40 feet in each direction.

Mr. Scott explained that there were flags placed on the stop sign, which have faded, along with lines painted on the road that have also faded. There have been efforts made in the past but did not last. Mr. Scott stated that he had suggested installation of flashing stop signs, to which he was informed that the county did not

have that type of signage but Chairman Manwaring informed him that there is a possibility of a grant next year to do so. Mr. Scott stated that he also suggested rumble strips being installed but the county is not in favor of doing so. Lastly, Mr. Scott stated that he suggested a possible 4-way stop, which could help with a decrease in accidents.

Mr. Whited stated that he had gone out and looked at the intersection, wherein the trees were trimmed. A traffic study was conducted and in turn the speed limit on Pioneer all of the way through was changed to 45 mph. There is a grant that the county had applied for in regards to flashing stop signs, which has been awarded and LHTAC will purchase a number of those signs for all entities that were awarded of the grant. At that time, the county will receive those signs and Mr. Whited added that this particular intersection is already on the list of roads to install a sign but it depends on the number of signs received and the amount of locations to be placed. Mr. Whited stated that he would also contact the Sheriff's Office and have them gather the amount of accidents that have occurred at this intersection. Mr. Whited will be in contact with Mr. Scott to keep him updated on the status of this matter.

Next, discussion was held in regards to the cost for paving of 315 feet of 695 East in Shelley, wherein Mr. Whited stated that he put together a cost estimate of what it would cost for the county to pave the specific portion of 695 East, in house, which is for the amount of \$45,355.04 and is higher than the cost that would be paid to Depatco for \$40,690.00. Mr. Whited stated his recommendation would be to pay \$40,690.00, as invoiced by Depatco to get the portion of the road completed.

Director Olsen stated at the previous meeting, the Board did approve up to \$40,690.00, which was representative of an estimation of feet to the first approach.

Decision: Commissioner Jackson moved to amend the previous motion wherein \$40,690.00 was approved to \$41,271.45, to allow Depatco to complete the project of paving for 695 East in Shelley. Commissioner Bair seconded. It is unknown which Fund said cost would be paid from and will be decided at a later date. Both voted in favor. The motion carried.

Next, discussion was held in regards to the Development Agreement for River Run Estates Subdivision, Division 2, wherein Director Olsen stated there are a few changes that have been made or have been added since the previous meeting in November. On page 1, it was indicated a synopsis that the county did attempt to enter into a Development Agreement in November but the Developer chose to wait until this spring and did not have a Development Agreement but did pursue construction, along with explanation of the relocation of the ditch. Director Olsen explained that the agreement also states that the Developer accepts the responsibility for an acknowledged risk that may be sustained by commencing construction activity for improvements within the proposed right-of-way in relation to future acceptance by Bingham County. It is also noted that the Developer understands there is a no tolerance standard and Bingham County is fully required to abide by the terms of the agreement. Once the Development Agreement is signed and has a set of construction plans that have been prepared by HLE and approved by the Developer, Public Works and the Board, those will be the only plans that are followed and adhered to.

Discussion was held in regards to the relocation of the ditch, wherein she met with Dusty Whited, Public Works Director, and Gwen Inskip, County Surveyor, to discuss if the movement of the ditch would be considered a substantial change to the plans. Within Title 10 of Bingham County Code, it states if there is a substantial change, the matter would go back to the Planning & Zoning Commission to be heard. Director Olsen stated in her review of this changes, wherein the intent was to provide irrigation water to those that are to receive water. Director Olsen stated that she does not believe this is a substantial change, as all lots will receive water and the county did ask the Developer to obtain signatures from the parties that are outside of the subdivision that currently receive water from the ditch, to be sure they understand that the delivery is still going to be made and are aware that the ditch is being relocated.

Discussion was held in regards to Title 10.6.8, which refers to easement access, wherein Director Olsen stated that she could not prove that there are more than four parcels using the same stretch from start to finish for access. She can show there are four to a point, a 76-foot gap and another four parcels. As the

Preliminary Plat was approved last May, the county worked with the fire chief on this matter to where a turnaround was not required but the emergency vehicles could have access and have it paved as county road. Knowing now that Mr. Griffith will not be using the access, the request is a determination as to if the county will enforce the road to be built to county standards to the west or if it will be allowed to be maintained as private access with no county road. If that is the determination, the road will come down from 695 and be immediately turned to the east into the cul-de-sac. Commissioner Bair asked Director Olsen for the pros and cons of not portioning off to the west, wherein Director Olsen stated if the Board did not require the west portion of the county road, any future development of this area is going to require the county road to be built at some point. If there were a county road now, the advantage would be the culvert would meet county standards and the right-of-way would be buried. The infrastructure could be left in its current location and be built to county standards or if placed where the right of way would be, in the future it would need to be relocated, which the Developer is aware of.

A brief discussion was held in regards to irrigation, access, and additions that were added into the Development Agreement.

Chairman Manwaring stated that he would be in favor of signing the Development Agreement today, giving the Developer the permission to move forward with the project.

Commissioner Jackson stated that he also is in favor of approving the Development Agreement so as to not hold up construction.

Mr. Gillmore stated when Mr. Phelps and Mr. Vance approached him two years ago to inform him of the development, they were very clear that the area to the west of his house that is now being farmed, will be developed. There were several meetings held to get the zoning changed in order for developing to occur. Mr. Gillmore stated that this is all about money for the Developer, it is not about working together as neighbors. Every discussion held is essentially to save the Developer money, not what is going to be the best thing to do for the homeowners.

Commissioner Bair asked Mr. Vance if there would be an issue in giving Mr. Griffith an access, to which Mr. Vance stated it would interfere with irrigation. Mr. Vance stated they had met with Mr. Griffith who stated he would be fine with the current easement that he has.

Director Olsen further explained additions that were added into the Development Agreement and therefore requested that the Right of Way be minimized. If the road had been included within the construction drawings last fall and had been staked, the county would have been aware and if said road were built last fall, the road would have been there.

Mr. Street stated the county staff has been nothing but amazing during this process and he would like that to be known. The Developer was up against an aggressive deadline and explained that there would be financial ramifications if they lose the contractor. All parties have worked hard as a team to get this agreement before the Board for approval and signature.

The Board was in favor of signing the Development Agreement today in order to allow the Developer to move forward.

Director Olsen stated it would be the recommendation to remove the road to the right of way to the west, determine there are four parcels using the private road and access easement, adjust subdivision boundary per the recommendation of the Bingham County Surveyor to remove the property, update Preliminary Plat and master plan to show all modification by June 1st in order to have a deadline to work against. The construction drawings were redlined back to HLE, which the county would need updated. Knowing the contractor or the Developer is needing either approval or denial to move forward on construction, she would recommend the Development Agreement be approved and execute once all exhibits have been approved by county staff. It is appropriate that the Developer sign the agreement today and provide the bond but the county would not sign until the Board is advised that all exhibits have been approved by county staff.

Decision: Commissioner Jackson moved to remove the county road to the west of 695 East as it has been determined four parcels are using a private road and an easement access. Also, to adjust the subdivision boundary removing the property to the west of 695 East and update preliminary plat and master plan to show all modifications before June 1, 2023. Finally, approve the Development Agreement once all exhibits have been approved by county staff. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Prior Approval for Major Purchase of a Cannon Printer, Copier, Scanner and Fax Machine. Said purchase is in the amount of \$2,660.00, to be paid from Fund: 02-40-803-00. Mr. Whited stated this machine is refurbished but was recommended by Scott Mensching in the IT Department. Commissioner Bair asked Mr. Whited if there would be a service agreement in place for this purchase, to which Mr. Whited stated there was not as the IT Department stated they are trying to get away from doing the service agreement. In the past they have carried an agreement for their equipment, however, the latest recommendation from the IT Department is to not have a service agreement in place. Mr. Whited stated this recommendation was received from IT last week. Mr. Whited stated there is a six-month warranty on the machine.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of a Cannon Printer, Copier, Scanner and Fax Machine in the amount of \$2,660.00, to be paid from Fund: 02-40-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited stated there was a request submitted by Delwyn Mickelsen to waive the Solid Waste Fees for a roadside cleanup project. Mr. Whited stated that the county has waived fees such as this in the past but need final approval from the Board.

Decision: Commissioner Jackson moved to waive the Solid Waste Fees for a roadside cleanup project by Delwyn Mickelsen, which will be done next Tuesday. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Solid Waste Credit Application submitted by LRP Construction, who is requesting a credit in the amount of \$500.00, per month. All references have been checked and Mr. Whited would recommend approval of this Credit Application.

Decision: Commissioner Jackson moved to approve the Solid Waste Credit Application submitted by LRP Construction, for a credit in the amount of \$500.00. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Solid Waste Credit Application submitted by Taylor Cemetery District. The individual who submitted the application currently has several outstanding accounts with the Central Transfer Station and there have been issues with late payments in the past. Mr. Whited stated they base their recommendation on the individual who is submitting the application and will be in charge of getting the account paid. Therefore, at this time, Mr. Whited recommended denial of this application.

Decision: Commissioner Jackson moved to deny the Solid Waste Credit Application for Taylor Cemetery District, per the recommendation of Mr. Whited. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Solid Waste Credit Applications submitted by Black Diamond Paving who is requesting a credit in the amount of \$5,000.00 per month. Mr. Whited stated per the history of the company and previous amounts not paid, he would recommend not approving this Credit Application.

Decision: Commissioner Jackson moved to deny the Solid Waste Credit Application for Black Diamond Paving, who requested a credit of \$5,000.00, due to past history. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the submitted Solid Waste Credit Application submitted by Dump, Dash and Clean, LLC, who requested a credit in the amount of \$1,000.00 per month. Mr. Whited stated he is not aware of the Applicant but did check into the references. One of which refused to give any comment but would advise that the county run a credit check prior to approving the credit. Mr. Whited is not sure if he would recommend approval at this time due to not knowing the history of credit and payments.

Commissioner Bair stated that he is reluctant to approve a Credit Application for an entity where the county is not aware of how their credit history is. Commissioner Bair suggested having the Applicant resubmit in six months in order to show a background of good credit.

Decision: Commissioner Jackson moved to deny the Solid Waste Credit Application for Dump, Dash and Clean, LLC, due to the lack of information on credit history. Commissioner Bair seconded. All voted in favor. The motion carried.

Discussion was held in regards to the protocol followed in regards to the Solid Waste Credit Applications, wherein the Board suggested that Mr. Whited and Mr. Going update the process in order for the county to have additional information and background. Chairman Manwaring stated that he would like to see the Applicants meet in person with Mr. Whited in order to answer any questions that there may be.

Next, discussion was held in regards to the request for repair of fencing on Kennedy Lane, submitted by Winn John, wherein there was a claim submitted that the road grader knocked the fencing over. Mr. Whited explained that Troy Lenhart took photographs of the fence and it was clarified that the fence was within the right-of-way and Mr. Lenhart does not believe that grading the road caused the issue. Mr. Whited added that he spoke with ICRMP, who recommended to not pay for damaged fencing that was in the right-of-way.

Decision: Commissioner Jackson moved to deny the request to replace fencing located on Kennedy Lane, proposed by Winn John, per the recommendation of ICRMP and Mr. Whited. Commissioner Bair seconded. All voted in favor. The motion carried.

Mr. Whited explained the proposed chip seal, micro seal and paving map for the upcoming fiscal year. Once approved, these maps will be placed on the new county website to give citizens the ability to view the project plans.

REQUEST TO REVIEW PROPOSED TRAFFIC PLAN, REDUCTION OF SPEED AND SIGNAGE TO BE INSTALLED IN THE COUNTY RIGHT OF WAY FOR THE CEDAR CREEK WIND PROJECT

Present: Dusty Whited- Public Works Director
 Tiffany Olsen- Planning & Development Director
 James Mathias- Wanzek Construction
 Gary Yancey- Lieutenant for the Bingham County Sheriff's Office

The Board met to review the proposed traffic plan, reduction of speed and signage to be installed in the county right-of-way for the Cedar Creek Wind Project. Chairman Manwaring welcomed all to the meeting, introductions were held and the time was turned over to Mr. Mathias.

Mr. Mathias stated they are completing the construction work for the Cedar Creek Wind Project, wherein they are installing both the roads and turbines. Mr. Mathias stated he is before the Board today to get their approval of the traffic plan and the signage to be installed. The traffic control plan was created by the Idaho Traffic Control in regards to where they would be placing signage. The intent is to slow trucks down through the Basalt, wherein there will be an average of 60 semi loads entering the project per day. Last week there was approximately 120 trucks per day and therefore, there will be a lot of traffic. It is currently posted at 35 mph through town and 50 mph heading towards Goshen.

Mr. Whited stated there are roads included on the maps that are outside of the county's jurisdiction and therefore, Mr. Mathis would need to speak with the City of Basalt and the Idaho Transportation Department.

Discussion was held in regards to complaints that were received pertaining to the trucks approaching the project, wherein a speed study was completed and it was shown that cars on the road are going faster than the trucks.

Lt. Yancey stated that the Sheriff's Office has been watching the area as well and has seen no major issues.

There were no further discussion or concerns at this time.

Decision: Commissioner Jackson moved to approve the proposed traffic plans presented by James Mathias for the Cedar Creek Wind Project. Commissioner Bair seconded. All voted in favor. The motion carried.

PUBLIC HEARING TO RECEIVE TESTIMONY REGARDING PROPOSED INCREASE OF FEES FOR BINGHAM COUNTY PUBLIC WORKS, BINGHAM COUNTY COMMISSIONERS, ASSESSORS OFFICE, PLANNING & DEVELOPMENT AND PROBATION DEPARTMENT

Present: Dusty Whited- Public Works Director
 Donavan Harrington- County Assessor
 Ollie Wimbish- Deputy Prosecuting Attorney
 Tiffany Olsen- Planning & Development Director
 Shawn Hill- Probation Services Director

The Board held a Public hearing to receive testimony regarding the proposed increase of fees for Bingham County Public Works, Bingham County Commissioners, Bingham County Assessor's Office, Bingham County Planning & Development and Bingham County Probation Department. Chairman Manwaring welcomed all to the meeting and introductions were held. Chairman Manwaring clarified for the record that there was no public in attendance of this meeting.

Mr. Whited explained the fee to be added to the Public Works Department Fee Schedule, which pertains to a call-out fee if a citizen were to need emergency assistance, specifically for road closures, during regular business hours, that service will be provided. If after hours, there will be a cost of FEMA rates on the equipment and employee hourly wages, plus benefits, per call.

There was no testimony in favor, in neutral nor in opposition.

Next, Ms. Dalley addressed the fee to be added to the Commissioners Fee Schedule for Application for a Engine Brake prohibited sign to be placed. This Application once completed is submitted to the Board and set for a hearing, therefore, it was proposed to add that fee, as it currently did not reside on a fee schedule. Ms. Dalley stated that she worked with Mr. Whited to update the cost of signage and labor. Further discussion was held and it was decided by the Board that this fee would be added to the Public Works Fee Schedule as that would be the proper department as they complete the service.

There was no testimony in favor, in neutral nor in opposition.

Next, Mr. Harrington explained the changes to be made to the Assessors Office Fee Schedule, wherein he stated the fee increase being sought is as follows:

2023 Proposed Fees

Title of Fee	Current Fee	Proposed Fee
Preliminary Plat Review	\$100	\$200 for preliminary plats not exceeding 20 lots \$200 plus \$10/lot for every lot in excess of 20
Final Plat		
a. Final Plat Review (Idaho Code 50-1305)	\$210 plus \$20/lot	\$300 plus \$25/lot
b. Improvement Plans (Development Drawings) Review and Checking	\$210 plus \$10/lot	Same
c. Plats that require street and utility construction inspections	Fees removed per Resolution 2020-38	Same
Preliminary and Final Plat Reviews that require three (3) or more reviews and checking	\$150/review, added per Resolution 2020-38	Same
Development Drawings that require street and utility construction inspections		
(1) Sewer line inspections	\$15/lot	Same
(2) Water line inspections	\$15/lot	Same
(3) Curb, gutter and sidewalk construction inspection	\$15/lot	Same
(4) Roadway inspections	\$15/lot	Same

There was no testimony in favor, in neutral nor in opposition.

Next, Director Olsen explained the fees to be added to the Planning & Development Division Fee Schedule, wherein she explained her fees would be changed as follows:

PLANNING & DEVELOPMENT FEES
Effective 5/10/2023

Title of fee	Fee
Appeals	\$150 + publication, mailing and survey costs
Comprehensive Plan Text Amendment	\$500 + publication, mailing and survey costs
Comprehensive Plan Map Amendment	\$500 + publication, mailing and survey costs
Conditional Use Permit	\$350
Subdivision Application	\$450
Planned Unit Development	\$650
Variance	\$350
Zoning Amendment	\$550
Property & Division Right Research	\$50 per parcel
Technology Fee	\$25

PLATTING FEES FOR SUBDIVISION DEVELOPERS
(BILLED BY THE COUNTY SURVEYOR)

Title	Fee
Subdivisions, Planned Unit Developments, and Master Plans Preliminary Plat Review	Up to 20 lots - \$200 Over 20 lots - \$200 plus \$10/lot
Final Plat Review	\$300 plus \$25/lot
Preliminary and Final Plat reviews that require three (3) or more reviews and checking	\$150/per review
Improvement Plans/Development Drawings Review and Checking	\$210 plus \$10/lot
Improvement Plans/Development Drawings that require street and utility construction inspections:	
(1) Sewer line inspections	\$15/lot
(2) Water line inspections	\$15/lot
(3) Curb, gutter and sidewalk construction	\$15/lot
(4) Roadway inspections	\$15/lot

BUILDING & INSPECTION FEES

Title	Fee
Main Floor	\$88/SF
Addition	\$78/SF
Additional Floor	\$39/SF
Basement – Finished	\$20/SF
Framed Garage (attached)	\$16/SF
Carport	\$10/SF
Patio or Deck	\$8/SF
Covered Patio/Porch/Deck	\$10/SF
Foundation only	\$8/SF
Pole Building	\$16/SF
Shop	\$20/SF
Pre-manufactured Shed	\$10/SF
Manufactured/Modular Home on Blocks	\$150
Manufactured/Modular Home on Foundation	\$150 +SF Foundation
Move Residence	\$250 +SF Foundation
Flood Plain Development Permit	\$100
Technology Fee	\$25
Addressing Fee	\$100
Building W/O Permit *	Double the Permit Fee
Failure to Request Inspection *	25% of Permit Fee
Re-inspection (when corrections are not prepared or site is not ready for inspection) *	\$100 after the 2 nd failed inspection \$150 after the 3 rd failed inspection
Inspection outside of normal business hours (minimum charge of 2 hours) *	\$50/hr.
Inspections for which no fee is specifically indicated (minimum charge of 1 hour) *	\$50/hr.
Plan Review (Accessory) (credit towards BP Fee upon issuance)	\$100
Plan Review (Commercial)	25% of Permit Fee
Additional Plan Review (minimum charge of 1 hour)	\$50/hr.
Ag Exempt Structures	\$100
Construction Board of Appeal	\$150 + publication and mailing

* Fees subject to discretion of the Planning & Development Director
 * A Building Permit Fee shall be no less than \$100

BUILDING PERMIT VALUATION TABLE (RESIDENTIAL)

Total Valuation	Fee
\$1.00 to \$500.00	\$16.50
\$501.00 to \$2,000.00	\$16.50 for the first \$500.00 plus \$2.20 for each additional \$100.00
\$2,001.00 to \$25,000.00	\$49.50 for the first \$2,000.00 plus \$9.90 for each additional \$1,000
\$25,001.00 to \$50,000.00	\$277.30 for the first \$25,000.00 plus \$7.15 for each additional \$1,000
\$50,001.00 to \$100,000.00	\$455.95 for the first \$50,000.00 plus \$4.95 for each additional \$1,000
\$100,001.00 to \$500,000.00	\$762.85 for the first \$100,000.00 plus \$3.85 for each additional \$1,000
\$500,001.00 to \$1,000,000.00	\$2,243.45 for the first \$500,000.00 plus \$3.30 for each additional \$1,000
\$1,000,001.00 and up	\$3,915.45 for the first \$1,000,000.00 plus \$2.20 for each additional \$1,000

BUILDING PERMIT FEES VALUATION TABLE (COMMERCIAL)

Total Valuation	Fee
\$1.00 to \$500.00	\$20
\$501.00 to \$2,000.00	\$20.62 for the first \$500.00 plus \$2.75 for each additional \$100.00
\$2,001.00 to \$25,000.00	\$61.90 for the first \$2,000.00 plus \$12.40 for each additional \$1,000
\$25,001.00 to \$50,000.00	\$346.60 for the first \$25,000.00 plus \$9.00 for each additional \$1,000
\$50,001.00 to \$100,000.00	\$570.00 for the first \$50,000.00 plus \$6.20 for each additional \$1,000
\$100,001.00 to \$500,000.00	\$953.50 for the first \$100,000.00 plus \$4.80 for each additional \$1,000
\$500,001.00 to \$1,000,000.00	\$2,804.50 for the first \$500,000.00 plus* \$4.10 for each additional \$1,000
\$1,000,001.00 and up	\$4,894.50 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000

HVAC FEE SCHEDULE

Residential	Fee
Total of Above Ground SF space	
PER heat source	
Up to 1,500SF	\$100
1,501SF to 2,500SF	\$150
2,501SF to 3,500SF	\$200
3,501SF to 4,500SF	\$250
Over 4,500SF	\$250 + \$50 for each additional 1,000SF
Additional Zone	\$50 each
Type of HVAC	Fee
New retrofit gas piping with 1 appliance	\$75.00 + \$25 for each additional appliance
Furnace, A.C, Heat Pump, New HVAC appliance (no new gas piping)	\$65 each
Additional Zone	\$50 each
Minor installation (dryer exhaust, bathroom, kitchen exhaust fans)	\$25 each
Wood burning fireplace / Stove installation	\$65
Gas meter re-installation or gas piping change- over	\$50
Hydronic heating system	\$75
Manufactured home gas piping / hook-up	\$50
Commercial	1% Bid Cost (\$200 min.)
Technology Fee	\$25

Lastly, Mr. Hill explained there was only one fee to be added to the Probation Department Fee Schedule, which pertains to a urine testing kit in the amount of \$50.00 per kit, which is changed as follows:



Bingham County Probation Services


Fee Schedule

Department / Process(Reason for Charge)	Fee / Amount	Comments
Juvenile Probation		Formal Probation
Urinalysis Testing	\$5.00 per test	Redwood Toxicology
**Cost of Supervision Fee – if Ordered before July 2019 @ There are times when multiple juveniles from the same family are placed on probation – we have been charging one Cost of Supervision fee.	**\$35.00 per month **\$50.00 per month	** This can be adjusted if requested by parents for hardship – set by CJPO as determined by what the parents feel they can afford (somewhere between zero and
Diversion		Informal Probation
Urinalysis Testing	\$5.00 per test	Redwood Toxicology
Community Service Fee	\$.60 per hour	Set by Idaho Code
**Cost of Supervision Fee @ There are times when multiple juveniles from the same family are placed on probation – we have been charging one Cost of Supervision fee.	**\$35.00 per month	** This can be adjusted if requested by parents for hardship – set by CJPO as determined by what the parents feel they can afford (somewhere between zero and
Youth Court		Informal Probation
Urinalysis Testing	\$5.00 per test	Redwood Toxicology
Community Service Fee	\$.60 per hour	Set by Idaho Code
Cost of Supervision Fee	\$100.00 program fee	
NOTE: There have been times in the past when a parent has requested their child participate in the Short-Stop Program we offer when their child is not on probation and we have charged for the program materials	\$20.00	
Adult Misdemeanor Probation		Formal Probation
Urinalysis Testing	\$5.00 per test	Redwood Toxicology

*Cost of Supervision – Interstate Compact Cases from another State	*\$60.00	* Only Interstate Compact Cases from another State
<u>Redwood Toxicology Laboratories</u> (The prices below are for samples sent to Redwood)		Certified Lab Testing GC/MS – LCMS Confirmations
Full Intake Panel	\$15.00 per test	16 – panel screening
(5747) ETG	\$25.00 per test	Alcohol screening
(8474) Synthetic THC Spice #1 (37 panel)	\$35.00 per test	
(6473) Synthetic THC Spice #2 (19 panel)	\$25.00 per test	
(P80) Designer Stimulant	\$35.00 per test	
(P81) MDPV (bath salts), Mephedrone	\$25.00 per test	Only tests for limited compounds
(5960) Kratom	\$80.00 per test	Legal in most states
(5212) Tramadol	\$40.00 per test	Synthetic opioids
(5243) Dextromethorphen DXM	\$18.00 per test	Cough medicine
(5504) Fentanyl (GC/MS Confirmation)	\$55.00 per test	
(2101) Fentanyl Screening	\$15.00 per test	
(P40) Comprehensive Panel for Prescription drugs	\$40.00 per test	
(1163) LSD – Screening	\$20.00 per test	Light sensitive – sample must be wrapped in foil
Specified Drug GC/MS (THC, meth, etc.)	\$25.00 per test	Individual drug not included above
<u>Genotox Laboratories</u>		
LCMS Urine Kit	\$50.00 per Kit	LCMS urine testing for 109 substances
Copies of documents / Records Requests	Charges will be pursuant to Idaho Code 74-102	

NOTE: Municipay charges for use of a credit card or debit card in the amount of \$3.00 if the total is under \$113 and 2.65% of total if amount is over \$113. It may be perceived that Bingham County is charging this fee but it goes directly to Municipay.

These are the fees collected in all aspects of Bingham County Probation Services.


Director, Shawn L. Hill

5/10/2023
Dated

Chairman Manwaring confirmed there was no testimony in favor, in neutral nor in opposition.

Decision: Commissioner Bair moved to adopt and sign Bingham County Resolution 2023-26, a resolution changing the fees for Bingham County Public Works, Bingham County Assessor's Office, Bingham County Planning & Development and Bingham County Probation Department as

discussed today. Commissioner Jackson seconded. All voted in favor. The motion carried and said Resolution was adopted and signed. A copy of said resolution is available in the Clerk's Office upon request.

PRIOR APPROVAL FOR MAJOR PURCHASE- CLERK ECKHARDT

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase for a Software Assurance Update for FTR, to be completed within Commission Chambers. Said purchase is in the amount of \$2,150.00, to be paid from either fund 01-01-539-00 Clerk Imaging-Contract-Maintenance or 50-00-559-00- PILT.

Commission Clerk, Lindsey Dalley, explained the submitted Prior Approval and stated it is for a standard update that needs to be completed for the recording system in the Commission Chambers.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase for a software assurance update for FTR, to be completed for the Commissioners Office. Said purchase is in the amount of \$2,150.00, to be paid from Fund: 01-01-539-00- Clerk Imaging- Contract-Maintenance. 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 make a decision regarding the submitted Prior Approval for Major Purchase of a toilet to be replaced in the jail. Said purchase is in the amount of \$1,548.28, to be paid from Fund:01-10-506-00- Jail Maintenance. Mr. Marlow gave a brief explanation and stated that these have been on backorder and there is a large waiting period before they arrive. Chairman Manwaring suggested purchasing two (2), if possible to have one on hand when it is needed.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of two (2) toilets used as replacements within the jail. Said purchase is in the amount of \$3,096.48, to be paid from Fund: 01-10-506-00- Jail Maintenance. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MAY 12, 2023

PAMELA W. ECKHARDT, CLERK
Lindsey Dalley- Commission Clerk

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Friday, May 12, 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 \$281,123.64.

PERSONNEL ACTION FORMS

The Board met to make a decision regarding Personnel Action Forms, which were as follows:

New Employee Status Sheet:	Emergency Communications Officer
Salary Increase Form:	Legal Assistant/Victim Witness Coordinator
	Deputy Court Clerk

Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for May 12, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.

PRIOR APPROVAL FOR LEASE PAYMENTS TO BANCORP- REQUESTED BY SHERIFF GARDNER

The Board met to discuss the Prior Approval for Major Purchase for Lease Payments to Bancorp.

Sheriff Gardner explained

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase in the amount of \$172,589.60, to be paid from Fund 05-02-801-00. Commissioner Jackson seconded. All voted in favor. The motion carried

TAX INQUIRIES

The Board met to approved the submitted Tax Inquiry documents submitted by Donovan Harrington-County Assessor, which were as follows:

RP7002300	Year 2023	The parcel was assessed in 2017 and this parcel belongs to Shoshone Bannock- should have been exempt.
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Decision: Commissioner Jackson moved to approve the submitted Tax Inquiry for RP7002300. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MAY 16, 2023

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

STATE OF IDAHO)
 : ss. Tuesday, May 16, 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

PLANNING & DEVELOPMENT UPDATE

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen, Planning & Development Director, to discuss department updates, which included updates pertaining to the Planning & Zoning Commission, Building Division and Economic Development.

DISCUSSION & DECISION REGARDING THE FIRST APPEARANCE PUBLIC DEFENDER CONTRACT- REQUESTED BY CLERK PAM ECKHARDT

Present: Pamela Eckhardt- County Clerk
Sheri Landon- Court Supervisor

The Board met to hold discussion and make a decision regarding the First Appearance Public Defender Contract.

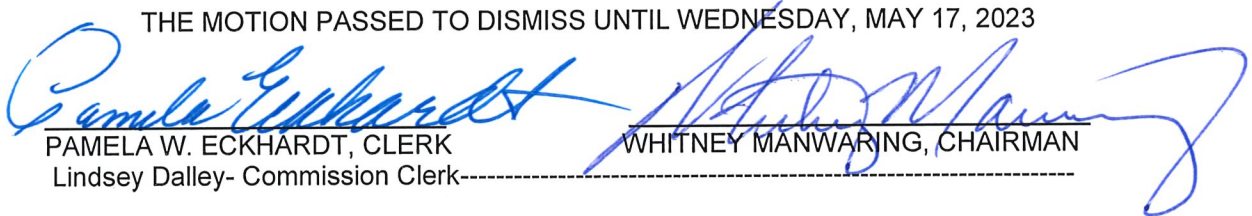
Sheri Landon explained that Mr. McKeown has been the contract 1st Appearance Public Defender since October 2, 2022 but is taking a job in Arizona and will be done the end of May. His contract was for \$1,400.00 per month.

Jeromy Pharis is willing to take the contract on again for \$1,750.00 per month. Mr. Pharis was previously effective in this position, met with arrested individuals prior to their court date and was prepared and consistent. The judges, jail personnel and court staff are supportive of this request.

Clerk Eckhardt stated that the funding is available to cover the increase and she believes that \$1,750.00 is a fair amount to pay Mr. Pharis.

Decision: Commissioner Bair moved to appoint the First Appearance Public Defender Contract to Jeromy Pharis, for the amount of \$1,750.00 per month as presented by Clerk Eckhardt. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MAY 17, 2023


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

STATE OF IDAHO)
: ss. Wednesday, May 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

COLLEGE OF SOUTHERN IDAHO

A Certificate of Residency was approved by the Board and sent to the College of Southern Idaho for the following Bingham County student: Kaitlyn N. Taylor.

COLLEGE OF EASTERN IDAHO

A Certificate of Residency was approved by the Board and sent to the College of Southern Idaho for the following Bingham County student: Matthew W. Munoff.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, and Administrative Documents for May 17, 2023. Commissioner Bair seconded. All voted in favor. The motion carried.

SHERIFF'S OFFICE

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

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

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public record. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 8:16 a.m. The Board moved out of Executive Session at 8:35 a.m.

Decision: Commissioner Bair moved to approve Bingham County Cremation Case 2023-7, in the amount of \$2,000.00 to Hawker Funeral Home. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC WORKS

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

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

First, Mr. Whited explained the submitted Prior Approval for Major Purchase of a flatbed to be added to an existing pickup. Said purchase is in the amount of \$2,400.00 to be paid from Fund: 02-40-803-00.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of a flatbed in the amount of \$2,400.00, to be paid from Fund: 02-40-803-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Prior Approval for Major Purchase of MAG Chloride to keep on hand for the current year. This was a budgeted purchase and is for the total of \$25,000.00, to be paid from Fund: 32-00-659-01.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of MAG Chloride in the amount of \$25,000.00, to be paid from Fund: 02-40-803-00. Commissioner Bair seconded. All voted in favor. The motion carried.

Next, discussion was held in regards to the trade of current tires on the Commissioners truck to a new tire that will be better for driving on the mountain roads. Mr. Whited stated the new tires would be between \$50.00 and \$100.00 per tire after trade-in.

Decision: Commissioner Bair moved to approve and allow Mr. Whited to trade the current tires on the Commissioners Truck for new tires, and the amount owed after trade-in will be paid from Fund: 01-05-439-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

Lastly, discussion was held in regards to mountain roads, wherein Mr. Whited stated that they looked at the mountain roads yesterday and have all of the roads but the top of Wolverine, as there is 15-17 feet of snow and it is not safe for the public. At this time, Mr. Whited recommended that all roads except Wolverine Road from Taylor Creek to the top and Sellers Creek from the Pasa La Coma to the top.

Decision: Commissioner Bair moved to approve Bingham County Resolution 2023-27, a resolution and order changing the use of county roads, to open all mountain roads with an exception of the W Wolverine Road from Traylor Creek to the top and Sellers Creek from Pasa La Coma to the top. Commissioner Jackson seconded. All voted in favor. The motion carried and said resolution was signed as follows:

**BINGHAM COUNTY
RESOLUTION 2023-27**

RESOLUTION AND ORDER CHANGING THE USE OF COUNTY ROADS

Pursuant to Idaho Code §31-714, 67-7109(5) and the Bingham County Snowmobile Trail Ordinance, it is hereby resolved and ordered by the Bingham County Commissioners as follows:

Section 1: Road Use Change. The Following roads shall be opened to use by conventional motor vehicles commencing at 9:00 a.m. on the May 17, 2023:

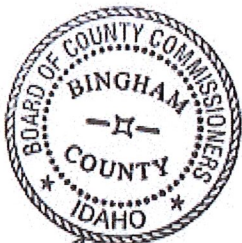
Wolverine & Sellars Creek Road from the mouth of the Narrows at approximately 1606 East Wolverine Road in Section 11, T 2S, R38 EBM to 2550 E 400 N, the intersection of Blackfoot Reservoir Road and Sellars Creek Road. Also, the Taylor Creek Road from the intersection with Wolverine Road north to just south of Blatter Farms at approximately 1735 E 1000 N. Also, from the Blackfoot Reservoir Road/Sellars Creek intersection north to the Bingham County line. This opening also applies from the intersection of the Blackfoot River Road and the Cedar Creek Road at approximately 1510 E 100 N to the Lincoln Creek Road easterly to the Bingham County, Caribou County line. And further east to the Blackfoot Reservoir Road north to the Sellars Creek intersection. Also includes Long Valley Road.

With an exception of the W Wolverine Road from Taylor Creek to the top and Sellars Creek from Pasa La Coma to the top.

Section 2: Notice

Notice of the road use change will be posted at each public entrance to the roadway and advertised in The Idaho State Journal/Post Register. For further information and map locations, contact Bingham County Road and Bridge between the hours of 8 a.m. and 5 p.m., Monday through Friday, 208-782-3173.

DATED: May 17, 2023



BINGHAM COUNTY COMMISSION

Whitney Manwaring
Whitney Manwaring, Chairman

Mark R. Bair
Mark R. Bair, Commissioner

Eric Jackson
Eric Jackson, Commissioner

ATTEST:

Pamela W. Eckhardt
Pamela W. Eckhardt
Bingham County Clerk

PRIOR APPROVAL FOR MAJOR PURCHASE- IT DEPARTMENT

Present: Chris Rhoades- IT Department

The Board met to discuss and make a decision regarding the submitted Prior Approval for Major Purchase of 20 pc's to be used as replacements. Said purchase is in the amount of \$18,989.20, to be paid from Fund 01-14-804-00.

Decision: Commissioner Jackson moved to approve the Prior Approval for Major Purchase of 20 pc's to be used as replacements. Said purchase is in the amount of \$18,989.20, to be paid from Fund 01-14-804-00. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & POSSIBLE DECISION FOR INCREASE IN MONTHLY/YEARLY BUDGET FOR THE SHELLEY SENIOR CENTER- REQUESTED BY STEVEN THYBERG- SHELLEY SENIOR CENTER DIRECTOR

Present: Steven Thyberg- Director- Shelley Senior Center
Paul Rogers- Prosecuting Attorney
Pamela Eckhardt- County Clerk
Paul Rogers- Prosecuting Attorney
Ron Harada- President of the Shelley Senior Center Board of Trustees

The Board met to discuss and make a possible decision for the request for increase in monthly/yearly budget for the Shelley Senior Center.

Mr. Thyberg gave an explanation of changes that have been made within the Senior Center, which included budgeting, meal preparation being healthier and explained with inflation, cost of most items used within the center to provide for the senior citizens has increased.

No Decision was made at this time and Chairman Manwaring informed Mr. Thyberg that this request would be discussed during the budget process.

DISCUSSION REGARDING AGRICULTURE GROUND VALUES- REQUESTED BY DONAVAN HARRINGTON- COUNTY ASSESSOR

Present: Donovan Harrington- County Assessor
Garrett Marshall
Lori Faler- Assessors Office
Debbie Cunningham- Chief Deputy Assessor
Wendy Mecham- GIS Supervisor
Becca Goodwin- Appraiser
Rob Lora- Appraiser

The Board met with Donovan Harrington to discuss agriculture ground values and the upcoming changes to be made to the assessment notices.

MEETING TO RECEIVE UPDATE ON DEVELOPMENT OF THE ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED BURNSTONE QUARRY PLAN OF OPERATION- REQUESTED BY BRYCE ANDERSON- BUREAU OF LAND MANAGEMENT

Present: Bryce Anderson- BLM
Blaine Newman- BLM
Tiffany Olsen- Planning & Development Director
Paul Rogers- Prosecuting Attorney

STATE OF IDAHO)
 : ss. Tuesday, May 23, 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
Pam Eckhardt – Clerk

COMMISSIONERS DISCUSSION REGARDING BUDGET

The Board met to prepare the proposed FY 2024 budgets for the following funds: 01-05 Commissioners, 01-32 Juvenile Detention, 08 Fair, 11 Preventative Health, 25 Veterans Memorial, 49 Opioid Abatement, 50 Payment in Lieu of Taxes, 51 ARPA - American Recovery Plan, and 58 Junior College Fund. The proposed budgets were then submitted to the County Clerk.

DISCUSSION AND DECISION REGARDING WATER USAGE AT NORTH BINGHAM HISTORICAL PARK

Present: Adam French – City of Shelley representative
Jacqi Sullivan – North Bingham Historical Park
Paul Rogers – Civil Attorney
Scott Reese – Bingham County Parks Director
Tyler Draney – Parks Manager

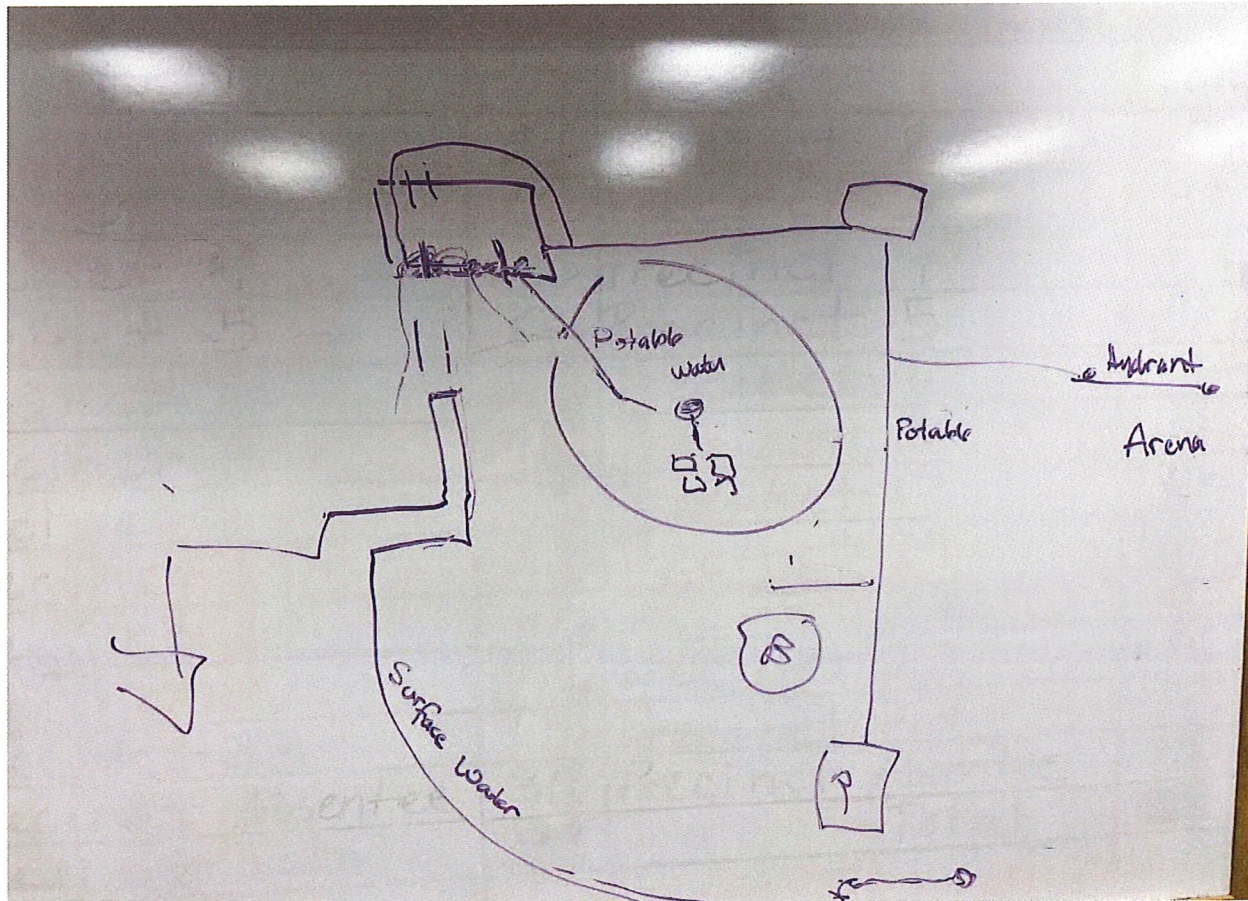
A meeting was held to discuss temporary access to irrigation water at North Bingham Historical Park. Gwen Inskip, county surveyor, has submitted the *Disclaimer of Interest from the Department of Lands* and the County is waiting on the approval of the disclaimer request before the property where the North Bingham Historical Park is located can be deeded to the City of Shelley.

Adam French explained that the City of Shelley is moving ground water rights from a 75-acre field they own to the North Bingham Historical Park. They will need to run a 4" line from the pivot across the County road to the park. The City will do the trenching and repair the road. He asked if the County would be willing to waive the fees. Discussion continued about capping the lines within the well house or an alternative area near the well house.

Scott Reese and Tyler Draney would prefer to have the lines capped outside of the well house. Jacqi drew a diagram of the area on the white board to visualize the plan. Paul Rogers requested the diagram be submitted as Exhibit A. Commissioner Bair clarified with Dusty Whited by phone about the process to request cutting across a county road. Commissioner Bair relayed to Adam and Jacqi that the City public works director can access the forms on our county website and submit to the Public Works department. The County will waive the fees. All agreed that it is important to have the water available to the park during this transition. Adam will check on the status of the water rights transfer and the County agreed the City may temporarily access county water for the gardens.

Commissioner Jackson motioned to approve the irrigation plan according to the diagram submitted as Exhibit A. by Adam French and Jacqi Sullivan. Commissioner Bair seconded. All voted in favor. See Exhibit A below.

EXHIBIT A



DISCUSSION AND DECISION REGARDING PROPERTY LEASE WITH BLAINE HILLMAN AND HAY GROUND ON 5 ACRES OF COUNTY OWNED PROPERTY

President: Tiffany Olsen – Planning and Development
Paul Roger – Civil Attorney
Scott Reese – Parks and Recreation Director

Commissioner Manwaring explained the discussion he had with Blaine Hillman regarding the hay on the five acres the county owns that have been separated from their lease. Mr. Hillman asked if they could harvest the hay crop until construction begins on the potential proposed project.

Ms. Olsen explained the diversion of the water from the farm to the company with the potential proposed project. The water is only an irrigation right, not for year-round use. The potential lessee company will need to procure their own commercial water right. Subsequent hay cuttings should be available since it takes time to work through acquiring water rights.

Decision: Commissioner Bair motioned to allow Hillmans to harvest the first and second crop of hay on the 5 acres removed from their lease at their own expense. Commissioner Jackson seconded. All voted in favor. Paul Rogers, Civil Attorney, will create the temporary agreement for Blaine and Brent Hillman to be able to harvest the hay until construction starts for the potential lessee company.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MAY 24, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. **Wednesday May 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
 Pam Eckhardt – Clerk

The Commissioners attended the jail inspection with Sheriff Jeff Gardner from 8:15 a.m. to 9:00 a.m.

PRIOR APPROVAL FOR PURCHASE OF LAW ENFORCEMENT K-9 DOG AND SHERIFF UPDATE

Present: Sheriff Jeff Gardner

Sheriff Gardner presented the prior approval for a new K-9 dog as their current dog has reached its service age. The cost is \$12,000 for the dog and \$5,000 for the handler instructor course to be paid from the Narcotics Trust and the Sheriff’s Trust.

Decision: Commissioner Jackson motioned to approved the prior approval for a K-9 dog and training for a total amount of \$17,000 to be paid from the Narcotics Trust and the Sheriff’s Trust. Commissioner Bair seconded. All voted in favor.

Sheriff Gardner requested a signature for the Idaho Department of Parks and Recreation boat grant. Commissioner Manwaring signed the document.

APPROVAL OF CANVASS FOR THE MAY 16, 2023 BLACKFOOT RURAL LIBRARY DISTRICT TRUSTEE ELECTION

Present: Megan Kearsley – Bingham County Elections
 Kelli Robbins – Bingham County Elections

Ms. Kearsley presented the election statistics for the May 16, 2023 Blackfoot Rural Library District Trustee Election. This included all security logs, election night logs, and election results.

Decision: Commissioner Bair motioned to approved the canvas for the May 16, 2023 Blackfoot Rural Library Trustee Election as presented. Commission Jackson seconded. All voted in favor.

**Bingham County Results
Blackfoot Rural Library District Election - Seat 4
May 16, 2023**

	Blackfoot Rural Library District	
	Trustee Seat 4	Trustee Seat 4
Precinct	Kathleen Pressler-Hall	Kim Washkow
Blackfoot 1	0	0
Blackfoot 2	2	7
Blackfoot 3	0	0
Blackfoot 4	3	17
Blackfoot 5	0	0
Blackfoot 6	12	1
Groveland 9	78	8
Riverside 17	3	0
Wapello 19	22	6
Fort Hall 20	0	0
Groveland 22	48	8
Blackfoot 23	15	8
Absentee 31	30	10
CO. TOTAL	213	65

APPROVAL OF CASH WARRANTS, CLAIMS AND ADMINISTRATIVE DOCUMENTS

CASH WARRANT in the amount of \$2,000 to SEICCA – South Eastern Idaho Community Action Agency.

CERTIFICATE OF RESIDENCY for Caitlyn Keelin to College of Eastern Idaho.

Decision: Commissioner Jackson motioned to approve the cash warrants, claims and administrative documents. Commissioner Bair seconded. All voted in favor.

APPROVAL OF ALCOHOL CATERING PERMIT FOR GRANDMA'S PANTRY

The Commissioners reviewed an Alcohol Catering Permit from Grandma's Pantry state license #26757 for the Meadowlark Festival to be held at the corner of Duffin Road and 1200 South in Aberdeen June 2 - 4, 2023.

Decision: Commissioner Jackson motioned to approve the Alcohol Catering Permit for Grandma's Pantry for June 2-4, 2024. Commissioner Bair seconded. All voted in favor.

WEEKLY UPDATE MEETING WITH DUSTY WHITED – PUBLIC WORKS DIRECTOR

Present: Dusty Whited – Public Works Director
 Tiffany Olsen – Planning and Development
 Gwen Inskeep – County Surveyor
 Paul Rogers – Civil Attorney

Commissioner Manwaring welcomed all to the meeting. Discussion was held on the payment to Depatco for the road construction for River Run Estates whether the county is to pay Depatco or the developer. Clerk Eckhardt will review the minutes from the previous meeting regarding the development agreement with River Run Estates. Commissioner will go ahead and approve the credit application for Depatco.

Decision: Commissioner Bair motioned to approve the credit application for Depatco for \$5,000 per month. Commissioner Jackson seconded. All voted in favor.

Mr. Whited presented a prior approval for tires for the new walking floor trailer in the amount of \$7,613.52 to be paid from fund 23-70-473-01.

Decision: Commissioner Jackson motioned to approve the prior approval for tires for the new walking floor trailer to in the amount of \$7,613.52 to be paid from fund 23-70-273-01. Commissioner Bair seconded. All voted in favor.

Mr. Whited presented a prior approval for the monitoring at the Fielding Landfill with Valley in the amount of \$14,700.00 to be paid from 23-70-754-06. Discussion on monitoring and testing reports was held.

Decision: Commissioner Bair motioned to approve the contract with Valley to provide monitoring at the Fielding Landfill in the amount of \$14,700.00 to be paid from 23-70-754-06. Commissioner Jackson seconded. All voted in favor.

Discussion was held on the opening for the final portion of Wolverine Road. The item is on the Commissioner Agenda meeting for Friday, May 26 at 8:45 a.m. Mr. Whited is recommending to open.

Mr. Whited then opened the discussion about responsibility for verifying private ditch and road easements. Tiffany Olsen, Planning and Development Director, explained a gap in the process as it relates to the preparation of development agreements and the oversight when it comes to public versus private infrastructure and improvements. Ms. Olsen reviewed the sample in the Commissioner's agenda packet for today's meeting. The County Code does not provide for any verification of the easements, ditches or irrigation systems. Ms. Olsen had previously talked with Dusty Whited if there should be a county employee

oversee private construction of roadways and easements. If so, which department should that be and how should that be done. Similar issues are a concern with irrigation systems and installations. The County Surveyor can verify location of risers and hook ups but she cannot verify that the system is operational. The engineering firm should be the one that verifies the system is operational and functioning properly. Ms. Olsen explained language in a development agreement could be modified and be more specific.

Discussion continued regarding code 10-14-8(B) and 10-14-8(H)(1). Commissioner Manwaring asked Ms. Olsen and Mr. Whited to continue discussing the issue and return with a recommendation at a meeting to be set in three weeks.

The agenda item regarding discussion and possible decision for who is responsible for Traffic Impact Study costs was postponed.

MEETING WITH KATY BERGHOLM AND ALAN JOHNSON – DEPARTMENT OF ENVIRONMENTAL QUALITY – TO RECEIVE ANNUAL UPDATE.

PRESENT: Katy Bergholm – DEQ
Alan Johnson – DEQ
Paul Rogers – Civil Attorney
Dusty Whited – Public Works Director
Tiffany Olsen – Planning and Development Director

Katy Bergholm and Alan Johnson provided the Commissioners with an update on the Department of Environmental Quality in Eastern Idaho for the 7 counties they serve. Katy discussed ARPA funded projects and upcoming funding for grants on air quality project. Alan discussed the engineering group's responsibilities in Eastern Idaho and protecting ground water sources. They are working on compiling best practices for sewer systems, working with stake holders, concerns on proposed subdivisions regarding individual septic systems and recommended minimum acreage.

Other topics discussed included community water systems, landfill monitoring, SWPPP – Storm Water Pollution Prevention Plan on stormwater development and controls, phosphates, and water shed areas.

SEICAA – SOUTHEASTERN IDAHO COMMUNITY ACTION AGENCY – BINGHAM COUNTY UPDATE

PRESENT: Traci Hebdon – Bingham County SEICAA Director
Joe Borich – SEICAA Executive Director

Traci Hebdon, Bingham County SEICAA Director shared the community action services that are offered through Southeastern Idaho and in particular in Bingham County. The goal of the agency is to provide a "hand-up" not a "hand-out", promoting self-sufficiency and greater economic independence. Programs include job search training and assistance, rental assistance, utilities and weatherization assistance. Programs are a short-term or one-time emergency crisis assistance. Joe Borich, Executive Director, continued discussion regarding the funding sources, grants, and donations used to fund the SEICAA programs.

Mr. Borich reiterated that donations from Bingham County are committed to the Bingham County needs. Ms. Hebdon shared the economic impact to Bingham County this year was \$652,000. 49 families were assisted with partial rental assistance with an average assistance of \$385.

The Commissioners presented Ms. Hebdon and Mr. Borich a donation to SEICAA of \$2,000 check from Bingham County.

DISCUSSION AND DECISION REGARDING DEPARTMENT OF MOTOR VEHICLE FEE INCREASE

PRESENT: Donavan Harrington – Assessor
Debbie Cunningham – Chief Deputy Assessor
Roxanna Tapia – Motor Vehicle Supervisor
Paul Rogers – Civil Attorney

Assessor Harrington reviewed House Bill 85, legislation passed this during the legislative session giving County Commissioners the authority to increase fees for administrative fees and title fees. He presented Resolution N. 2023-27 prepared by Paul Rogers, Civil Attorney, for a fee increase for motor vehicle administrative fees from \$6.00 to \$7.15. Title fees will increase from \$14.00 to \$20.00. Concern brought up by Commissioners that this exceeds the 5% increase and requires publication and a public hearing. Paul Rogers joined the meeting for his legal opinion. The decision for the increase in fees was put on hold until after the publishing process per Idaho Code has been completed. A public meeting will then be set. Assessor Harrington will contact Idaho Transportation Department for clarification on deadline for notification of an increase and request an extension if needed.

PRIOR APPROVAL OF ASPHALT CONTRACT FOR 2023

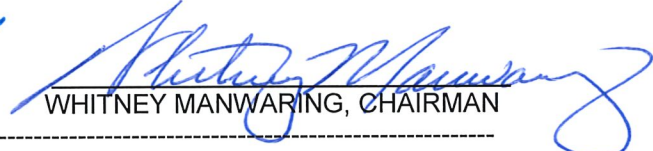
PRESENT: Troy Lenhart – Road and Bridge

Troy Lenhart, Road and Bridge Supervisor, presented the Prior Approval for Major Purchases for a 2023 contract for 1,000 ton of asphalt. Mr. Lenhart had sent three requests out, one was unresponsive, IMC from Pocatello is \$76.85 per ton, Mickelsen Construction is \$77.78 per ton. Mr. Lenhart would like to accept the Mickelson bid, even though IMC was lower per ton as the cost for fuel and hauling it from Pocatello would make it more expensive.

Commissioner Jackson motioned to approve the prior approval for 1,000 ton of asphalt from Mickelsen Construction in the amount of \$77,780 to be paid from fund 32-00-728-03. Commissioner Manwaring seconded. All voted in favor.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, MAY 26, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
: ss. Friday May 26, 2023
County of Bingham)

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

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

CLAIMS

Claims were approved in the amount of \$124,486.39.

PERSONNEL ACTION FORMS

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

New Employee Status Sheet: Roadside Mower

Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms for May 26, 2023. Chairman Manwaring seconded. Both voted in favor. The motion carried.

TAX DEED HEARING

Present: Tanna Beal- County Treasurer

The Board met to hold a Public Tax Deed Hearing. Chairman Manwaring welcomed all to the meeting and turned the time over to Tanna Beal.

Ms. Beal states there are only two properties to be taken on tax deed, wherein one is in Fort Hall and is vacant but not livable and the other is a home that is currently being lived in. The individual living in the home came in and paid \$240.00 but still owes \$400.00. Ms. Beal explained to the individual the additional cost that would be added to the amount owed if the process continues to Tax Deed Auction.

Ms. Beal confirmed that they have followed the proper procedures and have rendered every effort to collect the past taxes due.

Chairman Manwaring stated on the record that the Board is satisfied that the County Tax Collector has fulfilled the requirements of Section 63-1005, Idaho Code, the Board shall without further notice immediately direct the County Tax Collector to issue and record a Tax Deed in favor of the county.

DISCUSSION & DECISION ON OPENING THE REMAINDER OF WOLVERINE PASS

The Board held a meeting to discuss and make a decision in regards to opening the remainder of Wolverine Pass.

Chairman Manwaring stated that the signs have been removed and the public has been using the road. The Public Works Department recommends that the remainder of Wolverine Pass be opened via a resolution signed by the Board.

Decision: Commissioner Bair moved to approve Bingham County Resolution 2023-29, a resolution and order changing the use of county roads, specifically to open Wolverine Road from Taylor Creek to the top and Sellers Creek from Pasa La Coma to the top. Chairman Manwaring seconded. Both voted in favor. The motion carried and said resolution was signed as follows:

**BINGHAM COUNTY
RESOLUTION 2023-29**

RESOLUTION AND ORDER CHANGING THE USE OF COUNTY ROADS

Pursuant to Idaho Code §31-714, 67-7109(5) and the Bingham County Snowmobile Trail Ordinance, it is hereby resolved and ordered by the Bingham County Commissioners as follows:

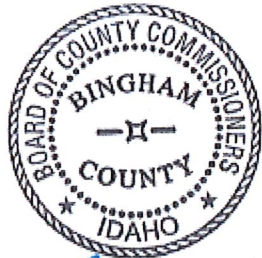
Section 1: Road Use Change. The Following roads shall be opened to use by conventional motor vehicles commencing at 8:45 a.m. on the May 26, 2023:

Wolverine Road from Taylor Creek to the top and Sellers Creek from Pasa La Coma to the top.


Section 2: Notice

For further information and map locations, contact Bingham County Road and Bridge between the hours of 8 a.m. and 5 p.m., Monday through Friday, 208-782-3173.

DATED: May 25, 2023



ATTEST:


Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Mark R. Bair, Commissioner

Eric Jackson, Commissioner

SIGN LETTER OF ENDORSEMENT FOR A GRANT FOR THE BLACKFOOT FIRE DISTRICT

Chairman Manwaring stated that the county received a telephone call from Chief Howell in regards to a letter of endorsement for a grant for the Blackfoot Fire Department to receive funding for equipment.

Decision: Commissioner Bair moved to approve and sign the letter of endorsement for the Blackfoot Fire Department for a grant to receive funding for equipment. Chairman Manwaring seconded. Both voted in favor. The motion carried.

SIGN TEMPORARY AGREEMENT WITH BLAINE & BRENT HILLMAN FOR USE OF 5-ACRES OF COUNTY PROPERTY

The Board met to approve and sign a Temporary Agreement with Blaine and Brent Hillman for use of 5-acres of county property.

Chairman Manwaring stated that Blaine Hillman informed him of the hay currently growing on the property that was removed from the current Hillman Lease, to be used for another project. Bingham County owns approximately 155 acres at 900 to 947 E and approximately 750 North, Shelley, Idaho. Of which, approximately 129 acres is leased out to Blaine and Brent Hillman. Mr. Hillman asked Chairman Manwaring if the county would allow him to harvest the first hay crop, which is why this matter is before the Board today.

Discussion was held and the Board was in agreement to allow Mr. Hillman to harvest hay off of the 5-acres that is not part of the already leased 129 acres.


The location of the hay to be harvested is at the northwest quarter of the south half of the northwest quarter of section 27, township 2 south range 37 E, being approximately 5-acres.

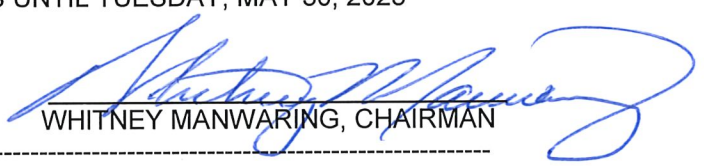
Bingham County is allowing Blaine Hillman to harvest the first hay crop during late spring- early summer of 2023. Additionally, Blaine Hillman has the allowance to harvest a second crop of hay from the same 5-acres conditional on if he provides the watering of the crop. After the second crop is harvested, this Agreement will automatically terminate.

This Agreement does not prohibit Bingham County, or any that have been given permission by Bingham County, to enter onto the 5-acres of real property at any time. Blaine Hillman will organize harvesting with Bingham County to avoid having individuals needing the 5-acres at the same time Blaine Hillman needs to have the proper harvesting equipment on the 5-acres.

Decision: Commissioner Bair moved to approve and sign the 2023 Crop Harvesting Temporary Agreement with Blaine and Brent Hillman for use of the 5-acres and allow them to keep the hay at no cost. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY, MAY 30, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday May 30, 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 RETAIL ALCOHOL LICENSE FOR JOURNEY'S END GOLF COURSE

The Board met to approve and sign the Retail Alcohol License for Journey's End Golf Course in Shelley.

Decision: Commissioner Jackson moved to approve the Retail Alcohol License for Journey's End Golf Course in Shelley. Commissioner Bair seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION TO COMBINE ELKS LODGE FLAG DAY CEREMONY AND THE CEREMONY HELD AT PATRIOT FIELD ON JUNE 14, 2023, FOR FLAG DAY

The Board met to hold discussion and make a decision to combine the Elks Lodge Flag Day Ceremony with the ceremony held at Patriot Field in June 14, 2023. The Board had no major concerns in regards to this request.

Decision: Commissioner Bair moved to allow the ceremony held at Patriot Field on June 14, 2023, to be combined with the Elks Lodge Flag Day Ceremony. Commissioner Jackson seconded. All voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 2:17 p.m. The Board moved out of Executive Session at 2:30 p.m.

Decision: Commissioner Jackson moved to allow Human Resources to offer the Building Maintenance Specialist position at an N13, Step 4, with the ability to offer up to an N13, Step 6. Chairman Manwaring seconded. Both voted in favor. The motion carried.

DISCUSSION & POSSIBLE DECISION REGARDING MCTUCKER FISHING & BOATING ACCESS AGREEMENTS AND PROPOSED CHANGES

Present: Darin Schneider- Fish & Game
 Paul Rogers- Prosecuting Attorney
 Troy Lenhart- Road & Bridge Supervisor
 Scott Reese- Parks & Recreation
 Patrick Kennedy- Fish & Game
Via Zoom: Michael Hilliard- Board of Reclamation

The Board met to hold discussion and make a possible decision regard McTucker Fishing & Boating Access Agreements and proposed changes. Chairman Manwaring welcomed all to the meeting and introductions were held.

Discussion was held in regards to the Agreement in place between all entities in regards to the functions of McTucker ponds. Mr. Hilliard stated he sees no issues with the current Agreement in place and believes that things have gone well.

Chairman Manwaring stated during the onsite meeting held recently, discussion was held in regards to a proposal to relocate the boat ramp. This would require a Hydrologist to conduct an assessment to see if they could come up with a proper design for the project. Mr. Kennedy stated that the boat ramp is current in McTucker Creek and in the fall the creek gets extremely low. It looks as though the Snake River is migrating away from McTucker Creek and in the past there have been side channels upstream from McTucker Creek/Snake River Confluence that fed McTucker Creek and provided water/flow. It also provided opportunities for float anglers to float from Tilden or Ferry Butte, downstream in the Snake River and take one of the side channels to get to McTucker boat ramp. When it is low, Fish and Game cannot stock the reservoir as they normally do and that is why they stock McTucker Creek, which becomes a popular fishery. There are a lot of anglers wading in the area and the only other way to access is from the reservoir, which is approximately 8 miles to the nearest boat ramp or 13 miles to Ferry Butte. There is one pocket of gravel at the bottom of the boat ramp where you could put a boat in but would be going fast until you get to the Snake River, there may be individuals wading, which causes a safety concern.

Further discussion was held in regards to the proposed relocation of the boat ramp, wherein Mr. Kennedy stated they would like to move the boat ramp downstream to the main stem of the Snake River, which would help alleviate concerns but it may not be possible. There are requirements such as an assessment to be completed by a Hydrologist, to see if this would be beneficial and come up with a design. Therefore, they would like general buy in to move forward with exploring this option through a professional assessment.

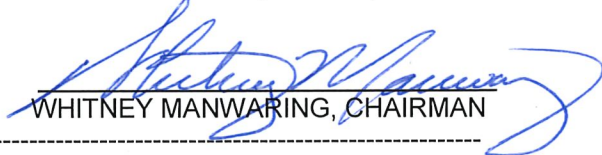
Mr. Schneider explained a parcel of property, claimed to be Bingham County owned, that is located in the middle of a parcel owned by the Bureau of Reclamation, which is notated specifically for a road and is 3/4 of a mile long. Troy Lenhart stated that would be the existing road from the old bridge. Mr. Schneider provided the Board with photographs of the parcel, a copy of the deed and explained that it is estimated at .7 of a mile with the deeded section it would be .75 of a mile. If there could be a land swap completed between the Bureau of Reclamation and Bingham County, that would then be county property to cover the roadway. Mr. Lenhart stated if the county maintains the road, it would be placed on the state maintenance, giving the county reimbursement for any maintenance completed on the road throughout the year.

The Board was in favor of allowing Fish & Game to gather further information and create a formal proposal to the Bureau of Reclamation. Mr. Kennedy stated it would be approximately one year to have assessment and design complete but it would be the expenses associated with the project. Mr. Kennedy will seek grants to assist with those expenses.

Decision: Commissioner Jackson moved to proceed in gathering information for the relocation of the dock, Fish & Game will submit grants to get the assessment completed and assist with expenses. Commissioner Bair seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY, MAY 31, 2023


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


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday May 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

PAYROLL

Payroll was approved in the amount of \$702,554.03.

Decision: Commissioner Bair moved to approve Cash Warrants, Claims, Administrative Documents for May 31, 2023. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF BINGHAM COUNTY PUBLIC DEFENDER FIRST APPEARANCE CONTRACT FOR JEROMY PHARIS

The Board met to approve the Bingham County Public Defender First Appearance Contract for Jeromy Pharis.

Decision: Commissioner Jackson moved to approve the Bingham County Public Defender First Appearance Contract for Jeromy Pharis. Commissioner Bair seconded. All voted in favor. The motion carried.

APPROVAL OF COMMISSIONER MINUTES FOR MARCH 2023

The Board met to approve the Commissioner Minutes for March 2023.

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

SHERIFF'S OFFICE

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

The Board met with Sheriff Gardner and Chief Deputy Nebeker to discuss updates within the Sheriff's Office, which were as follows:

- Jail population
- Bancorp/Leased Vehicles
- Front Door Security Policy and Protocol
- Recent Officer Involved Shooting update
- Jail Expansion Update
- McTucker Boat Ramp Proposal discussion

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider Personnel Matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Bair seconded. All in favor. The Board moved into Executive Session at 9:07 a.m. The Board moved out of Executive Session at 9:13 a.m.

Decision: Commissioner Jackson moved to approve the offer to the Solid Waste Applicant at an N14, Step 1, with authority to go up to an N14, Step 3. Commissioner Bair seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Derrick Going- Solid Waste Supervisor
Via Phone: Dusty Whited- Public Works Director

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

First, Mr. Whited explained the submitted Prior Approval for Major Purchase of Solid Waste tires, to keep as inventory. Said purchase is in the amount of \$3,103.12, to be paid from Fund 23-70-473-01.

Decision: Commissioner Bair moved to approve the Prior Approval for Major Purchase of Solid Waste tires in the amount of \$3,103.12, to be paid from Fund 23-70-473-01. Commissioner Jackson seconded. All voted in favor. The motion carried.

Next, Mr. Whited explained the Child Pedestrian Safety Agreement, which is in regards to a grant received from LHTAC. Once this agreement is signed by both the county and LHTAC, they will send a fully executed copy along with a check in the amount of \$250,000.00. Any amount that is not spent, will need to be returned to LHTAC. Mr. Whited stated this plan for this funding is to put it towards work on the walking path in

Shelley, install two flashing beacons at the crossing of the subdivision and another set at North Bingham Park. They will also place new crosswalks across the road.

Decision: Commissioner Jackson moved to approve and sign the 2023 Local Children Pedestrian Safety Program Agreement as presented by Mr. Whited. Commissioner Bair seconded. All voted in favor. The motion carried.

PLANNING & DEVELOPMENT

Present: Tiffany Olsen- Planning & Development Director

The Board met with Tiffany Olsen to discuss department updates, which were as follows:

- Planning & Zoning Commission calendar schedule
- Building Division
- Broadband grant opportunities
-

HUMAN RESOURCES

Present: Laraine Pope- Human Resources

The Board met with Laraine Pope to discuss updates within the Human Resources Department, which included current recruitments, resignations, update on the dress code policy and evaluations.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses	\$457,378.10	Weeds.....	\$6,655.70
Road & Bridge	\$276,907.37	Emergency Communication.....	\$37,051.56
Airport.....	\$21.93	Road & Bridge Special	
Justice Fund	\$394,251.54	Projects.....	\$1,945.01
District Court.....	\$143,748.96	Waterways.....	\$5,173.34
Preventative Health.....	\$151,681.75	PILT.....	\$1,250.00
Historical Museum.....	\$28,566.50	ARPA Funds.....	\$277,240.55
Parks & Recreation.....	\$18,323.56	Treatment Court Fund	\$3,645.67
Revaluation.....	\$39,378.05	Consolidated Elections.....	\$2,892.24
Solid Waste	\$213,569.89		
Veterans Memorial.....	\$170.48		

THE MOTION PASSED TO DISMISS UNTIL FRIDAY, JUNE 2, 2023

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

WHITNEY MANWARING, CHAIRMAN