

BLACKFOOT CITY COUNCIL MEETING
MAY 1, 2011
7:00 P.M.

Mayor Virtue welcomed those in attendance and invited everyone to join him in the Pledge of Allegiance. Roll call was taken and those in attendance were: Councilman Cammack, Councilman Hulse, and Councilman Jensen, and Councilman Woodfin.

Mayor Virtue requested the agenda be modified with the following: approval for a Wake Board Competition on July 28th, an agreement between Idaho Parks and Recreation and the City, and Resolution No. 317 – BURA Downtown Expansion from last month. Councilman Woodfin moved to amend the agenda as previously stated. Councilman Hulse seconded. All were in favor.

Mayor Virtue welcomed the Boy Scouts that were attending and asked them to introduce themselves. Mayor Virtue presented the consent agenda which consists of the following: minutes from the Council Meeting on 4/3/12, the payables, and an airport lease renewal for Title Financial Corporation. Councilman Jensen moved to approve the consent agenda as presented. Councilman Woodfin seconded. All were in favor.

Mayor Virtue stated the first item on the agenda was a bid approval for the financing of a 2012 Groundsmaster 5900 lawn mower. Heather Bingham, City Treasurer, presented the bid from Summit Financial for \$69,143.00. After setting aside \$16,000.00 in this year's budget, we will need to finance \$55,000.00. Summit Financial offered us a rate of 4.99% totaling \$60,584.00 which would be paid in three equal payments over the next three years. Councilman Jensen moved to approve the purchase and financing of the new lawn mower. Councilman Cammack seconded. All were in favor.

Mayor Virtue stated the City is close to starting the East Airport Road project from Teeples Drive to Highland Drive. He gave information regarding the Local Highway Technical Assistance Council (LHTAC) agreement that was signed and stated it was a no-cost agreement for the City. LHTAC will allocate and oversee funding of the project. Councilman Cammack moved to accept the LHTAC agreement signed by the Mayor. Councilman Hulse seconded. All were in favor.

Mayor Virtue stated the next item on the agenda was approval for merit increases for City employees. The funds have been budgeted and held for the first half of the fiscal year until the council could review the budget numbers. The raises would be retroactive to their anniversary dates. Heather Bingham, City Treasurer, explained that all departments have kept their budgets significantly under run and the City's budget is only at 44.8% for this current fiscal year. Mayor Virtue explained that the council and department managers have been very frugal and have stayed within their budgets. The City as a whole has not increased the property levy rate for the last three years. Councilman Woodfin commended the department heads for their hard work of keeping things under budget. He also moved to release the funds for merit increases retroactive to anniversary dates.

Councilman Hulse seconded and also commented on how impressed he was with the department heads' budgets. All were in favor.

Mayor Virtue presented Ordinance No. 2103 for the zone change from R2 to R3 on Fisher Street and South Street that was approved at the April 3rd City Council meeting. City Attorney Dan Acevedo explained that the Findings of Fact had already been approved and he would suggest waiving the reading as it is mostly the legal description.

ORDINANCE NO. 2103

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R2 TO R3 ON THE PROPERTY DESCRIBED BELOW; PROVIDING FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO AS FOLLOWS:

SECTION 1: That the zoning of the following described property located in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R2 to R3:

A portion of the SW ¼ SE ¼ of Section 3, and NW ¼ NE ¼ of Section 10, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Beginning at the Southwesterly corner of Block 65 of Danilson's Addition to the City of Blackfoot, Bingham County, Idaho, thence in a Southwesterly direction along the Southeasterly side of Stout Avenue a distance of 191 feet, thence in a Southeasterly direction at right angles to said Stout Avenue a distance of 145 feet to the point of beginning, thence in a Southeasterly direction at a right angle to said Stout Avenue 135 feet, more or less, to the Northwesterly direction along said Northwesterly line of Fisher Avenue 125 feet to the S. line of South Street, thence in a Northwesterly direction at a right angle to said Stout Street, thence in a Northwesterly direction at a right angle to said Stout Avenue 135 feet, more or less, to a point Northeasterly parallel with Stout Avenue 125 feet from the point of beginning, thence in a Southwesterly direction parallel with Stout Avenue 125 feet to the point of beginning.

SECTION 2: That the Blackfoot City Zoning Map be amended to reflect this zone change.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this 1st day of May, 2012.

CITY OF BLACKFOOT, IDAHO

By: _____

Mike Virtue, Mayor

ATTEST: _____

Suzanne McNeel, City Clerk

Councilman Jensen moved to approve Ordinance No. 2103 and waive any required readings. Councilman Woodfin seconded. Motion passed unanimously on a roll call vote:

Councilman Cammack – Yes
Councilman Hulse – Yes
Councilman Jensen – Yes
Councilman Woodfin – Yes

Mayor Virtue presented Resolution No. 317 for the BURA Expansion for Downtown which was also from the April 3rd meeting.

RESOLUTION NO. 317

A RESOLUTION OF THE CITY OF BLACKFOOT, IDAHO EXPANDING THE DOWNTOWN URBAN RENEWAL AREA BOUNDARIES TO INCLUDE AREAS IN THE PROXIMITY OF THE DOWNTOWN DISTRICT AND BOTH NORTH AND SOUTH OF THE DOWNTOWN DISTRICT; DETERMINING THE PROPERTY DESCRIBED IN SAID AREA TO BE A DETERIORATED, OR DETERIORATING AREA OR A COMBINATION THEREOF; AND DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT.

THIS RESOLUTION, made on the date hereinafter set forth by the City of Blackfoot, that has created the Downtown Urban Renewal Agency, which was authorized under the authority of the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code. The Downtown Urban Renewal Agency is a duly created and functioning urban renewal agency for the City of Blackfoot, Idaho, hereinafter referred to as the "Agency."

WHEREAS, the Agency has investigated and discussed the feasibility of expanding the Downtown Urban Renewal Agency to include areas in the proximity of the Downtown District, both North and South of the Downtown District along the old highway; and

WHEREAS, the Agency has passed a resolution recommending that the City of Blackfoot expand the Downtown Urban Renewal area boundaries as set forth in this resolution; and

WHEREAS, the City of Blackfoot hereby accepts the Agency's recommendation,

NOW THEREFORE BE IT RESOLVED THAT:

1. The City of Blackfoot has determined that areas in the proximity of the Downtown District and both North and South of the Downtown District along the old highway contains a substantial number of deteriorated or deteriorating structures, has a predominance of defective or inadequate street layout, has faulty lot layout in relation to size, adequacy, accessibility, or usefulness, contains unsafe and unsanitary conditions, has deterioration of site and other improvements, and has conditions which endanger life or property by fire or

other causes. Such conditions constitute deteriorated or deteriorating areas as defined by Chapter 20, Title 50, of the Idaho Code, and, therefore, such area is appropriate for an urban renewal project.

2. The City of Blackfoot hereby expands the Downtown Urban Renewal Area to include the areas in proximity of the Downtown District and north and south of the Downtown District along the old highway, more particularly described in Exhibit "A" attached hereto. It is also highlighted on a map of the City of Blackfoot, as shown in Exhibit "B" attached hereto.
3. The City of Blackfoot hereby designates the expanded Downtown District as appropriate for an urban renewal project.
4. The expanded Downtown District shall be lengthened for an additional ten (10) year period.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 1st day of May, 2012.

Mayor Mike Virtue

ATTEST:

Suzanne McNeel, City Clerk

Councilman Woodfin moved to approve Resolution No. 317 and waive any further readings. Councilman Cammack seconded. Motion passed unanimously on a roll call vote:

Councilman Cammack – Yes
Councilman Hulse – Yes
Councilman Jensen – Yes
Councilman Woodfin – Yes

Mayor Virtue asked to modify the agenda again to discuss the lease of property at the Airport that has been turned over to the City. Councilman Jensen moved to modify the agenda and add the discussion of the lease of property at the airport. Councilman Cammack seconded. All were in favor. Mayor Virtue gave a short history of the property. He stated an agricultural service company who was leasing the property recently tried to sell the business and couldn't, so they abandoned it and turned it over to the City, including the pumps and tanks. The City posted the property into two separate leases and we received two separate bids. We received a bid to lease the office, the hanger, and the

lot for \$800 per month from Visser and Dan Asgotto bid \$300 for the other hanger property. Mayor Virtue stated those were the only bids but he believes that is a practical amount. It would give the City revenue of \$9600 on one and \$3600 on the other, which is about \$13,200 new revenue to the City. The City will also receive all of the fuel revenue as well, so the revenue from the fuel that is sold will go to the City for improvements at the airport. There was limited discussion on how selling the fuel would work. Councilman Jensen moved to approve a contract for \$800 per month with Visser and \$300 with Dan Asgotto, for the properties as described. Councilman Hulse seconded. All were in favor. The motion passed unanimously.

Mayor Virtue presented details regarding the proposed Wakeboard Competition. A company out of Utah wants to do a wakeboard competition on Saturday, July 28th. They are requesting the use of Jensen Grove Lake be dedicated for the wakeboard competition from 8:00 am to 4:00 pm. Councilman Hulse stated it would be a good idea to require boat ramp fees. They would also have to carry their own liability insurance. Council members discussed different options, but felt it could bring in a lot of people to Blackfoot. Mayor Virtue said he would let the Utah Company know there was no opposition to them having the competition.

Mayor Virtue stated the Idaho State Parks and Recreation Department has requested the use of the old BMX track area on the north end for an ATV training area. It has been a weed patch for quite a while and has not been used. He stated they have requested the city sign an MOU, not a contract. They will be responsible for cleaning up the area and maintaining it. It will be an ongoing thing, as long as both sides agree. Councilman Woodfin moved to give the Mayor the ability to sign the Memorandum of Understanding for the ATV Training on the old BMX Park. Councilman Jensen seconded. All were in favor. The motion passed unanimously.

Mayor Virtue turned the time over to Councilman Hulse. Councilman Hulse explained he has had people approach him about allowing laying hens in City limits. The benefits would be that the hens would help keep the bugs away from their gardens, they would have fresh eggs, and they would be able to teach their children to take care of the hens. Mayor Virtue read the current ordinance that states that no farm animals are permitted within City limits unless you are in a designated RA or A zone. City Attorney Dan Acevedo explained this issue should really start at the Planning & Zoning level since it is a land use issue. Police Captain Kurt Asmus explained there are a lot of chickens already in the city and they have not had many complaints. He stated if the ordinance is similar to the Idaho Falls ordinance it should be fine. He strongly encourages a limitation on the number of laying hens allowed; otherwise it might get out of control. It was decided that Rex Orgill would submit an application for this issue to the Planning & Zoning.

Mayor Virtue stated the next item was a zone change from the Planning & Zoning Meeting on April 24, 2012. City Attorney Dan Acevedo read the Findings of Fact and Conclusions regarding a zone change from M-1 and C-3 to R-3 from 442 to 790 NE Main, to also include 20, 21, and 22 E. Jackson St.

FINDINGS OF FACT, CONCLUSIONS

AND RESOLUTION ADOPTED

BY THE

PLANNING AND ZONING BOARD

CITY OF BLACKFOOT

April 24, 2012

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on April 24, 2012, the Board held a public hearing on the request of the City of Blackfoot to change the zone from 442 to 790 NE Main back to the alley from C3 to R3 and M1 to R3 pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony was heard and evaluated by the Board. Upon reviewing the matter with the Planning Administrator, reviewing the relevant City Code, hearing any testimony in the public hearing, and reviewing any documents submitted by the applicant and by any other interested parties, the Board finds and concludes as follows:

FINDINGS and CONCLUSIONS:

1. The property currently is zoned C3 and M1. The applicant has requested a designation of R3.
2. The property was intended by the City Council to be R3 at an earlier meeting several years ago.
3. The proposed zone change complies with and advances the goals and objectives of the Comprehensive Plan.
4. The proposed amendment to the zone will not adversely affect other property in the vicinity.
5. The proposed zone will not adversely affect the public health, safety or welfare.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council amend the zoning of the property from 442 NE Main to 790 NE Main to also include 20, 21, and 22 on East Jackson Street.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the planning and zoning board on April 24, 2012.

Secretary of Planning & Zoning Board

City of Blackfoot, Idaho

Mayor Virtue closed the council meeting and opened a public hearing regarding the zone change. There was no testimony for or against this issue. Mayor Virtue closed the public hearing and reconvened council meeting. Councilman Jensen moved to accept the Findings of Fact and Conclusions as presented, and also to approve Ordinance No. 2104 as presented and waive any further readings. Councilman Cammack seconded. Motion passed unanimously on a roll call vote:

Councilman Cammack – Yes
Councilman Hulse – Yes
Councilman Jensen – Yes
Councilman Woodfin – Yes

ORDINANCE NO. 2104

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM C3 TO R3 AND M1 TO R3 ON THE PROPERTY DESCRIBED BELOW; PROVIDING FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO AS FOLLOWS:

SECTION 1: That the zoning of the following described property located in Blackfoot, Bingham County, Idaho, be and hereby is, changed from:

C3 to R3

Parcel A:

Lots 5-12 of Block 1 of Elmwood Addition, to the City of Blackfoot, Bingham County, Idaho, according to recorded plat thereof.

Parcel B:

Lots 1-12 of Block 2 of Elmwood Addition, to the City of Blackfoot, Bingham County, Idaho, according to recorded plat thereof.

M 1 to R 3

Parcel C:

Lots 1-12 of Block 3 of Elmwood Addition, to the City of Blackfoot, Bingham County, Idaho, according to recorded plat thereof.

Parcel D:

Lots 1-12 Block 4 of previously vacated Elmwood Addition, vacated in Miscellaneous book B, page 104, recorded on March 26, 1894, commonly still known as Lot 1-12 Block 4 of Elmwood Addition, City of Blackfoot, Bingham County, Idaho, according to recorded plat thereof.

SECTION 2: That the Blackfoot City Zoning Map be amended to reflect this zone change.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this 1st day of May, 2012.

CITY OF BLACKFOOT, IDAHO

By: _____

Mike Virtue, Mayor

ATTEST: _____

Suzanne McNeel, City Clerk

Councilman Jensen requested a discussion regarding Grove City Ditch Company be put on next month's agenda.

Councilman Cammack moved to adjourn. Councilman Jensen seconded. All were in favor. The meeting was adjourned at 7:38 p.m.

City of Blackfoot

Mayor Mike Virtue

Attest:

City Clerk Suzanne McNeel