

Blackfoot City Council Meeting
September 4, 2012
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 Brown, Councilman Hulse, Councilman Jensen and Councilman Woodfin.

Mayor Virtue presented the consent agenda which consists of the following: minutes from 8/7/2012 and 8/21/2012, and the payables. Councilman Jensen moved to approve the consent agenda as presented. Councilman Brown seconded. All were in favor.

Mayor Virtue presented the request from a local family to start up a recycling business. The cost for pickup would be \$5.00 and they would pick up your recyclables every two weeks. The reality of recycling is anything that is picked up, the City does not have to pay for at the transfer station. Mayor Virtue asked if there could be a problem with making the constituents aware of its availability. He felt it would help boost the awareness to recycle and that there is a recycling service available in Blackfoot. Council Hulse stated he has seen a lot of the blue recycling containers and constituents that he has visited with are excited about the recycling service. Councilman Brown also agreed to let the constituents know of the recycling service available. He suggested the possibility of placing a sign in the city so it would help to encourage the community to recycle. All the Council members agreed.

Mayor Virtue opened up the discussion about Jensen Grove becoming a Smoke Free Environment. Mayor Virtue reiterated that the City of Boise is smoke free, Idaho Falls is dealing with defining an ordinance for the same purpose, and Idaho State University has just made their campus smoke free. Councilman Jensen questioned the need to become totally smoke free. He has been studying other cities ordinances for smoke free suggestions, some of them have designated parks or areas like playgrounds where you have to be 20 feet away from that area before you are allowed to smoke. Mayor Virtue feels that at Jensen Grove it would be hard to designate areas that are and are not smoke free. Councilman Woodfin's concerns would be how the law would be enforced. There is only one law enforcement officer on patrol at Jensen Park. Mr. Brown stated at Lagoon they have designated tables in certain locations set up. He stated it does not necessarily keep smokers in that designated area. Attorney Dan Acevedo commented that it is always easier to enforce if things are kept clear with no gray areas. Councilman Woodfin stated he felt that a public hearing was needed. Mayor Virtue agreed to set up a public hearing for the next council meeting to allow the public to voice their suggestions.

Mayor Virtue presented the proposed Hen Ordinance. Attorney Acevedo informed the council that changes had been made to the original hen ordinance and discussed the proposed changes. Councilman Jensen asked about the change that was made regarding the existing fence. Councilman Woodfin expanded that they did not want to allow the common fence to be used as part of the coop and they would need to have the coop set back five feet on all sides of a fence or common fence. Councilman Jensen suggested the ordinance exclude the back fence if it borders an alley in the definition. Mr. Acevedo made the changes to the ordinance and presented it to the council. Councilman Woodfin moved to adopt Ordinance No. 2108 with the addition of C& D to

the ordinance and the changes to C that the City Attorney made and waive all readings. Councilman Hulse seconded. On a roll call vote:

Councilman Brown –	Yes
Councilman Hulse –	Yes
Councilman Jensen –	Yes
Councilman Woodfin –	Yes

ORDINANCE NO. 2108

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING CHAPTER 4 OF TITLE 11 REGARDING THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS WITHIN THE CITY; PROVIDING FOR THE EFFECTIVE DATE OF SAID CHANGE.

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

SECTION 1: That Chapter 8 of Title 11 of the Blackfoot City Code be amended as follows:

10-04-08 SPECIAL SUPPLEMENTARY DISTRICT REGULATIONS

P.

9. Notwithstanding any restrictions contained in the Blackfoot City Code to the contrary, the keeping of not more than six (6) domestic hen chickens is permitted within the rear yard of any single family dwelling or duplex, provided that the following requirements are observed:

- a. Eggs produced by such hens shall not be sold for pecuniary gain or profit.
- b. Such hens shall not be slaughtered on the premises or raised or sold for slaughter or for pecuniary gain or profit.
- c. The hens must be contained in the rear yard by suitable fence, chicken coop, or both. The fence and/or chicken coop must be constructed and maintained in such a manner that they prevent the chickens from leaving the rear yard. The fence and/or chicken coop must be set back at least five feet from the property line on all sides. Notwithstanding the forgoing, the fence may be place on the property line adjacent to an alleyway at the rear of the property.
- d. The chickens must be maintained in such a manner that they do not become a nuisance as that term is defined in the Blackfoot City Code.
- e. For the purposes of this sub-section, the term "rear yard" means a residential yard lying between the rear lot line and the nearest foundation line of the main building and extending across the full width of the lot. In the case of a corner lot where the building fronts on a side street, the rear yard may be established from the rear of the house to the side property line.

SECTION 2: That the effective date of this Ordinance shall be the 4th day of September, 2012.

PASSED AND APPROVED by the Mayor and City Council this 4th day of September, 2012.

CITY OF BLACKFOOT, IDAHO

By: _____

Mike Virtue, Mayor

ATTEST: _____

Suzanne McNeel, City Clerk

Mayor Virtue presented the Water Project Bond Ordinance. City Attorney Dan Acevedo requested time to look over the ordinance. Mr. Acevedo replied he had reviewed the proposed ordinance and gave a brief review of the Water Storage Tank project and the 4 million dollar bond from DEQ. He read the summary of Ordinance No. 2107 to the council. After the summary was read, Councilman Jensen moved to adopt Ordinance No. 2107 Bond Ordinance for the water project and waive any further readings. Councilman Hulse seconded. On a roll vote:

Councilman Brown – Yes
Councilman Hulse – Yes
Councilman Jensen – Yes
Councilman Woodfin – Yes

SUMMARY OF
ORDINANCE NO. 2107

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A WATER REVENUE BOND, SERIES 2012, IN A PRINCIPAL AMOUNT OF \$4,000,000, FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUISITION OF IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

A summary of the principal provisions of Ordinance No. 2107 of the City of Blackfoot, Bingham County, Idaho, adopted on September 4, 2012, is as follows:

Section 1: Defines the terms and phrases used in the ordinance.

Section 2: Describes the water improvement project to be constructed with the proceeds of the Bond authorized by said Ordinance, and states that an amount of \$4,000,000 of the cost thereof is to be paid from the sale of the Bond of the City described in Section 3 and authorized by a judgment in Case No. CV 2009-632 in the Seventh Judicial District of the State of Idaho on May 4, 2009, confirming the City's determination that the expenditure of \$4,000,000 is an ordinary and necessary expense of the City.

Section 3: Describes the City of Blackfoot Water Revenue Bond, Series 2012 (the "Bond"), and provides for the terms of payment and the maturity of the Bond.

Section 4: Provides for the manner and method of execution of the Bond.

Section 5: Provides for the place and manner of payment of the Bonds.

Section 6: Appoints the City Treasurer as Bond Registrar.

Section 7: Provides for the prepayment of the Bond.

Section 8: Provides for water rates and charges.

Section 9: Pledges the Net Revenues of the domestic water system for the payment of the Bond.

Section 10: Establishes the "City of Blackfoot Water Project Capital Improvement Fund."

Section 11: Establishes the City of Blackfoot Water Revenue Fund, and provides for the use of revenues from the Water Revenue Fund.

Section 12: Establishes the "City of Blackfoot Water Revenue Bond Fund" and provides for deposits and payments into the Water Revenue Bond Fund from water system revenues.

Section 13: Creates a special Debt Service Reserve Fund and provides for deposits into the Reserve Fund.

Section 14: Provides for the disposition of surplus funds.

Section 15: Establishes the conditions of and limitations on the issuance of additional bonds or other obligations.

Section 16: Provides for the investment of surplus funds.

Section 17: Provides certain general covenants of the City with the Registered Owner of the Bond.

Section 18: Provides certain special covenants of the City with respect to the exclusion of interest on the Bond from income taxation.

Section 19: Provides for method of amending the Ordinance and adopting supplemental ordinances.

Section 20: Recites that the Bond is issued pursuant to the Idaho Revenue Bond Act.

Section 21: Provides for remedies of the Registered Owner of the Bond.

Section 22: States that the Ordinance constitutes a contract with the Registered Owner of the Bond.

Section 23: Provides for severability.

Section 24: Repeals prior inconsistent ordinances, to the extent of any inconsistency.

Section 25: Authorizes the Mayor, City Clerk, and City Treasurer to execute any additional documents necessary to sell and deliver the Bond.

Section 26: Provides for the publication of the Ordinance or a summary thereof and the effective date of the Ordinance.

The full text of Ordinance No. 2107 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.

DATED this 4th day of September, 2012.

CITY OF BLACKFOOT

Mayor

ATTEST:

City Clerk

Councilman Jensen moved to adjourn. Councilman Woodfin seconded. All were in favor. The meeting was adjourned at 7:34 p.m.

City of Blackfoot

Mayor Mike Virtue

Attest:

City Clerk Suzanne McNeel