

BLACKFOOT CITY COUNCIL MEETING

May 5, 2015

7:00 P.M.

Pledge of Allegiance

Mayor Paul Loomis welcomed those in attendance and invited everyone to join him in the Pledge of Allegiance.

Roll Call

Roll call was taken and those in attendance were: Councilman Brown, Councilman Gardner, Councilman Jensen, and Councilwoman Simpson.

Consent Agenda

Mayor Loomis presented the consent agenda, which includes the following: Minutes 04/07/2015, Payables, Airport Lease Agreement. Councilwoman Simpson moved to approve the consent agenda as presented. Councilman Gardner seconded. All were in favor. Motion passes.

Update

Mayor Loomis stated that BURA passed a resolution to help the City refurbish the parking lot on West Bridge, the lowest bid was for \$64,000, which is lower than the anticipated amount of \$80,000. He then stated that the Lawrence Lane project has continued to progress. The sewer is in and the water is currently being placed. Paving is expected to begin within the next 2-3 weeks.

Fair Housing Coloring Month Contest

Mayor Loomis then spoke of the failure of the Primary Clarifier. The clarifier has been looked at and determined that it is beyond repair. The next step is to refit a drive in the primary clarifier. The City received a bid of \$64,000, which was negotiated down to \$56,000. This should be mobilized and onsite to begin the refitting within the next few weeks. Due to the pressure that is being placed on the rest of the system, the WWTP is not accepting separate truckloads of sewage.

The Mayor along with Heather Schild presented the Fair Housing Coloring Month Contest and its winners and awarded them all prizes. The Mayor thanked Wal-Mart for sponsoring all of the prizes for this contest.

Planning & Zoning Annexations: Collard Property, Hamilton Property, and Turnpaw Property on Riverton Road

Mayor Loomis asked Rex Orgill, Planning and Zoning, to come forward and discuss proposed properties being annexed into the City. Mr. Orgill said the Planning and Zoning held a public hearing the week previous concerning the aforementioned properties to be annexed. Annexation decisions were made according to all legal regulations such as Category A and enclave properties. Testimony of the families and property owners were taken and the record is to show that they were not in favor of the annexation. After discussion it is the decision of Planning & Zoning to not recommend the annexations to the City because the water system is not there to

connect it to the City. It was stated that the water line should be installed this summer through the aid of a grant for Public Works.

Mayor Loomis asked if there were any questions from the Council. Councilwoman Simpson asked if the water line not being in place was the only reason the annexations were not being recommended. Mr. Orgill responded yes because the services would not be there to provide to the annexed locations. Councilwoman Simpson asked Richard Mangum when the water project was anticipated to begin and finish. Mr. Mangum replied that Harper Leavitt and he would be going to the site within the next week to take shots of the site so they could create and submit a design plan. He stated the project would be finished later this summer. Councilman Brown asked Mr. Orgill if this non-recommendation was for all of the properties. Mr. Orgill said yes. Mayor Loomis asked Attorney Garrett Sandow for the basis and statute of this recommendation. Mr. Sandow stated there were no legal impediments but that of the facts that Planning & Zoning took into consideration as far as the water supply not being there to connect. Mayor Loomis asked if the City had previously annexed properties with no sewer or water connection. Councilman Jensen stated that Mitchell Lane was annexed and it did not have sewer or water connection. He then if both 1622 Riverton Road and 1734 Riverton Road were in City limits. Mr. Sandow responded yes. Mr. Orgill was asked where the water line currently ends to which he stated that it ends at 1525 Riverton Road. Max Collard, property owner of 1622 Riverton Road, was asked if he was on the sewer line. He stated he was on the sewer line but not the water since he has his own well. The water line currently stops before his property but he is unsure of what sort of water line this actually is. Mr. Mangum stated it is a 10" water main line. Mayor Loomis asked for a motion to move to public hearing. Councilman Jensen motioned to move to public hearing. Councilman Gardner seconded. All were in favor. Motion carries.

Max Collard 1622 Riverton Road – He stated the property boundary is wrong as shown on the map and has not been corrected. It is currently showing his property includes an area that he does not own but which holds buildings instead. He wanted to know why the City is looking at annexing these properties. He has been at that property for 30 years and the water line has just barely reached where it is now. The water is not important to him. He is currently connected to the sewer line but if he had a preference he would not be on it. He stated the sewer line has been sinking and he has previously had to dig it up and fix it, which cost him thousands of dollars. He stated it is not an advantage to be connected to it. He said the land to be annexed is just agricultural land and that there is no gain or benefit to the City by annexing it. There would be an 80% tax increase on the landowner. There is agricultural land all the way around it and that land will not be developed. He stated he does not see the need to go out and grab the agricultural properties that will not benefit the City. He understands that legally the City can annex these properties but why would they want to do so. Is it really right to grab these properties and place a great burden on the property owners? He stated this land grabbing is bullying. He asked the City to reevaluate these annexations because it is placing a great burden on them.

Councilman Jensen added the only way a City could grow is through annexations. He then stated that whether these were the right properties for that is a different question.

Linda Collard 1622 Riverton Road – Mrs. Collard stated this land was purchased in 1994. She stated this is a hard area to rent and they currently do not charge much. These annexations will double their taxes. She said they would not be able to afford paying these taxes because it is not feasible to raise the rent. She also mentioned that even if the City were to bring the water line down the street, not one person with a well would attach to it. She then stated a lot of the property being annexed is a part of the floodplains and will not be developed. It will never develop; it will stay like it is. She asked if it is worth it to annex these properties to get 3 houses and a rental. She stated that she does not think it is worth it. She would like the City to rethink this annexation and not do it.

Rande Carson 1815 Riverton Road – Mr. Carson stated his larger concerns are over the increase in taxes that he would see if annexed into the City. He is currently in the county and is not enthusiastic about the thought of paying that. What could the City offer the annexes that would be worth the large jump in taxes? He stated they, the property owners, are not getting much out of the annexations.

Mayor Loomis stated they might not be receiving much more in terms of services; they will receive more in terms of property management from Planning & Zoning in the areas surrounding his property. Mr. Carson responded there is no development there. The properties have already been developed for their use as agricultural land. He also stated that he agreed with Mrs. Collard that it is not a good investment to bring the water line further down the road since these properties already have wells and would not connect to it. Mayor Loomis stated there is a larger plan to loop the water line down around frontage road to bring better pressure to the fire hydrants which will ultimately bring the City's insurance down. Mr. Carson also stated he has a concern with the water line because there is a potential that he will lose the ability to pump from his well and could limit the amount of pumping from the well per day. Also a change in rules from the County to the City could make it difficult for him to fulfill the purpose for which his land was originally purchased due to the limitation of type and quantity of animals allowed in City limits. For his type of property and use, it is better to be under the County. The Mayor stated as an original owner, he would be grandfathered in and he could continue using his property as normal. Mr. Carson asked if that would be the same for anyone who bought the property from him. Mayor Loomis responded no. Mr. Carson was unhappy about this answer. Councilwoman Simpson stated this property use could change at some point in time depending upon whether he would sell it or pass it on to his children. It would be their choice. She stated this property could be prime for development in the future. Mr. Carson stated there is no current interest from him or outside sources for development. Councilman Brown asked if his property was in the floodplain area to which Mr. Carson responded no it is not.

Jerry Hamilton - She stated she was there representing her parents who live on the Turnpaw property. Her parents have lived on that property for 8 years now. She read a letter from them, which stated concerns about the tax increase if the annexation is approved. They said they would be forced to sell their home because they do not have the additional funds to pay this increase and their age would prohibit them from going out and getting jobs to earn enough to pay the increase. They feel their home is being

cherry picked and wants to know who is really benefiting from this annexation. This home was supposed to be a retirement home but they will be forced to sell with the annexation.

Mayor Loomis informed Ms. Hamilton of the opportunity for circuit breaker that would help relieve some of the tax burden.

Ms. Baker stated her family does not wish to live in Blackfoot and would move from their home if the annexation occurs. Their decision on the purchasing the home in the first place was to be outside of the City. She also stated that looking at the option for circuit breaker, her parents would not qualify for relief from these taxes through circuit breaker. She also mentioned that an exception was made for the Baker & Thomas properties and the City surrounds them. Her parents are not surrounded. She says it is unfair to make that exception for one and not all.

Councilman Jensen stated he wished he had voted differently on that annexation.

Councilman Brown motioned to move out of public hearing. Councilwoman Simpson seconded. All were in favor. Motion carries.

Councilwoman Simpson asked if City property sells at a higher rate. Mayor Loomis said yes, City property is considered more valuable. Councilman Brown stated while the property owners have stated that they receive nothing from this annexation, they in fact already have. He said their homes have received more value by being located next to the City. He asked at this point is it equitable for the neighborhood to have some properties located in the City and some in the County. He stated that flood plain property is hard to develop. Councilman Jensen asked if the large area, that asked to be annexed, had been converted over to a subdivision since there had been plans to do so previously. Mr. Orgill responded that while they had gone through the final approval portion they did not continue with the process at that time. Councilwoman Simpson motioned to approve the annexations. There was no second. Motion does not carry.

Mayor Loomis asked for guidance from the Council concerning this issue. Councilman Brown stated it is his opinion that the City should look toward areas of prime development for annexation. Councilman Gardner agreed with Councilman Brown and stated if the Fairchild's development goes into place, then it might be worth revisiting and annexing. Mayor Loomis stated if the City tried to annex the property later, it might not be annexable if it has been developed according to County regulations. But the Council has made a decision and the City will respect that.

Authorization for the Chamber of Commerce to Act as an Agent for Coordination of Fireworks for the 4th of July

Mayor Loomis stated that while the Chamber of Commerce already coordinated the fireworks, they have never been given a resolution to do so and ensure liability issues. Mr. Sandow stated this is something that has not been done in the past but would be good for Council to do once a year to be clear as to what is being done. The Mayor also mentioned that while the liability is with and has been with the City, the Chamber of

Commerce is open to litigation without this. Councilman Brown moved to approve the authorization for the Chamber of Commerce to act as an Agent for Coordination of Fireworks for the 4th of July. Councilman Gardner seconded. All were in favor. Motion carries.

Approve Nomination to the Urban Renewal Board

Mayor Loomis stated with the resignation of Kenneth Ashcraft, the nomination of Wayne Mikesell to serve on the BURA Board is presented before Council. He then asked for a motion to approve this nomination.

Councilman Jensen motioned to approve the nomination of Wayne Mikesell to serve on the BURA Board. Councilman Brown seconded. All were in favor. Motion carries.

Discussion on the Swimming Pool

Mayor Loomis said there has been some concern with the water temperature of the swimming pool and research has been done on that. The Mayor asked Councilman Jensen to speak of the concerns that he has regarding this problem. Councilman Jensen stated the controls at the swimming pool were off in what they read. For example when the temperature was set at 85 degrees it was really at 82 degrees. He said this is typical of this equipment when it is not calibrated on a regular basis. He said at this point he does not see an issue since the problem was found and the temperature has been brought back up but at some point someone should be brought in to calibrate the equipment. There was no further discussion.

Ordinance to Change 4-2-7 Allow Beer and Wine to be Served on Sundays

Mayor Loomis asked Mr. Sandow to explain the ordinance. Mr. Sandow stated this ordinance came up a month previous when the Corner Bar asked to be allowed a special permit to serve alcohol during the Talladega NASCAR Race event on a Sunday. It was previously discussed this was archaic and odd to not allow a beer and wine bar to sell alcohol on Sundays. Mr. Sandow distributed a proposed ordinance that clarified that the sale of beer, liquor, and wine are all subject to City, County, and State code; the previous version did not address County code. There was also the removal of restrictions for the allowed hours to sell of alcohol for the exception of that alcohol may not be sold between 1 am to 7 am.

Mr. Sandow read Ordinance No. 2131 into public record.

Councilman Jensen moved to approve Ordinance No. 2131 as presented and waive any further reading. Councilwoman Simpson seconded. Mayor Loomis requested a roll call vote.

Councilman Brown - Yes
Councilman Gardner - Yes
Councilman Jensen - Yes
Councilwoman Simpson - Yes

All were in favor. Motion carries.

ORDINANCE NO. 2131

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING CHAPTER 2 OF TITLE 4 REGARDING SUNDAY SALES OF BEER AND WINE, AND 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 2 of Title 4 be amended as follows: 4-2-1 A. ADOPTION OF STATE LAW AND COUNTY ORDINANCE: A. Adoption of State Law and County Ordinance: With the exception of the hours of sale for beer, wine and liquor, which shall be subject to State, County and City laws or ordinances, whichever is more restrictive, there hereby is adopted for the purpose of governing the licensing, sale and use of alcoholic beverages within the city, the laws of the state, being particularly Idaho Code title 23, as presently in effect or as may be amended hereafter by the legislature of the state, county commission, and/or by city council, as may be contained in that certain volume "Idaho Liquor and Beer Laws," revised through acts of the legislature, published by authority of the department of law enforcement, liquor law division, as the same may be revised by the legislature, county commission, or by the city council. The same hereby are adopted and incorporated herein as an ordinance of the city as fully as though set forth in full herein. 4-2-7 B. Restricted Hours of Sale. It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer, wine or liquor, whether conducted for pleasure or profit, to sell, dispense or give away beer, wine or liquor for consumption on the premises, or off the premises, or to permit the consumption of such on the premises during the following hours: 1. All days of the week Monday through Saturday from one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. 2. Sunday from one o'clock (1:00) A.M. through Monday at seven o'clock (7:00) A.M. Notwithstanding the foregoing, if New Year's Eve falls on a Sunday, beer and wine may be sold for consumption on the premises between eight o'clock (8:00) P.M. on New Year's Eve and one o'clock (1:00) A.M. of the New Year's Day. On Super Bowl Sunday, beer and wine may be sold for consumption on the premises between ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. 4-2-7 D. Restaurant Exception: Beer and wine may be served on Sunday from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. to be consumed on the premises under the following conditions: 1. The restaurant must meet either the definition stated in subsection A of this section. Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5" 2. Beer and wine may be served only with a meal. A meal must be served and sold to each patron who also has been served beer or wine. 3. No alcohol may be served or drunk at the bar located within the restaurant, but must be consumed at a table normally used for eating a meal. 4-2-7 E. Beer/Wine Exceptions: 1. Beer and wine may be sold by licensed retailers for consumption off the premises on Sundays between the hours of ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. 2. Beer and wine may be sold at the Blackfoot City Golf Course for consumption on the premises on Sundays between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. SECTION 2: That the effective date of this Ordinance shall be the 5th day of May, 2015. PASSED AND APPROVED by the Mayor and City Council this 5th day of May, 2015.

CITY OF BLACKFOOT, IDAHO By: _____
Paul Loomis, Mayor

ATTEST: _____
Suzanne McNeel, City Clerk

Ordinance Change to 8-13-18(E) Allow Airport Hangar Lessees to Sub Rent Hangars

Mayor Loomis stated this change in Ordinance would allow hangar lessees to sub rent their hangars without approval from the City. Mr. Sandow explain that the current City ordinance does not allow lessees to sub rent their hangars to 3rd parties. Even though this is the case, it is happening on a regular basis. Mr. Sandow said the new ordinance would be as follow and read Ordinance No. 2132 into public record.

Councilman Brown moved to approve Ordinance No. 2132 as presented and to waive any further readings. Mayor Loomis requested a roll call vote.

Councilman Brown - Yes
Councilman Gardner - Yes
Councilman Jensen - Yes
Councilwoman Simpson - Yes

All were in favor. Motion carries.

ORDINANCE NO. 2132

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING CHAPTER 13 OF TITLE 8 REGARDING RESTRICTIONS ON SUB-LEASING AIRPORT HANGARS, AND 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 13 of Title 8 be amended as follows: 8-13-18 LEASING OF SPACE FOR HANGAR. E. No lease may be assigned without the written approval of the city. Leases of an airport hangar may be assigned or sub-leased by Lessee to a third party. Any such assignment or sub-lease shall be subject to all duties, obligations and restrictions contained within City Code, the original lease agreement, Federal, State, or County laws or regulations. SECTION 2: That the effective date of this Ordinance shall be the 5th day of May, 2015. PASSED AND APPROVED by the Mayor and City Council this 5th day of May, 2015.

CITY OF BLACKFOOT, IDAHO By: _____
Paul Loomis, Mayor

ATTEST: _____
Suzanne McNeel, City Clerk

Surplus Water Meter Device to Another Municipality

Mayor Loomis asked Richard Mangum to come forward and explain about the transfer of a surplus water meter device to the City of Salmon. Mr. Mangum explained that he came across a request on a website by the City of Salmon for parts for a 400 Meter

Reader, which the City has and does not use anymore since the City has moved to a Windows based program. He stated that he has been in contact with Salmon and would like to surplus this item over to them. He contacted Mr. Sandow and was told that he should seek approval through the Council first. He restated the City has no use for this device and would be worthless at auction. Councilman Jensen moved to approve the transfer of the surplus device to the City of Salmon as requested. Councilman Brown seconded. All were in favor. Motion carries.

Financial Report

City Treasurer, Heather Schild briefly presented the financial report to the Council. Ms. Schild presented the change in investments to the Council, as per what had been asked by the Council during the Budget Meeting. Money was moved from the LGIP into the Diversified Bonds Fund, which pays better. Edward Jones presented a good bond to Ms. Schild, so two payables previous she moved \$129,000 into said bond. \$15,000 was used to reimburse Edward Jones for bringing the bond up to par, which is not unusual. She stated the City is currently only drawing from the LGIP.

In terms of sales of Airport fuel, the City currently sells 50,000 gallons of gas per year with one of the lowest prices in the area. Year to date, the City has made \$6,476.80.

She said that the Mayor went to a Department of Commerce Meeting that day and spoke with several people concerning the Block Grant, which is currently sitting on the Governor's desk. He was informed that the Governor rarely changes recommendations and the City is the top slated project. Ms. Schild then gave the financial report.

Mayor Loomis asked for a motion to move into executive session. Councilman Jensen motioned to move into executive session per Idaho State Code 67-2345(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement; Councilman Gardner seconded. Mayor Loomis requested a roll call vote.

Councilman Brown -	Yes
Councilman Gardner -	Yes
Councilman Jensen -	Yes
Councilwoman Simpson -	Yes

All were in favor. Motion carries. The Council moved into executive session at 8:25 p.m.

Councilman Brown moved to come out of the executive session. Councilwoman Simpson seconded. All were in favor. Motion carries. Council moved out of executive session at 8:48 p.m.

Councilman Brown motioned to adjourn. Councilman Gardner seconded. All were in favor. Motion carries. Meeting adjourned at 8:49 pm.

City of Blackfoot

Mayor Paul Loomis

Attest:

City Clerk Suzanne McNeel