

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
January 3, 2017**

PLANNING WORK MEETING

A meeting was held with City Councilmembers and City Planning & Zoning to discuss the Mobility Institute Workshop that was attended by several City representatives as well as others from the community. The Mobility Institute assists cities in the western states in formulating transportation and mobility plans. In working through discussions during the conference, it was realized that there is more than one issue being faced by our City, among them being the fact that the train bisects the City, there is limited downtown parking, the downtown area is in need of revitalization and the City pool requires renovations. The recommendations from the Mobility Institute consultants was that Blackfoot should focus on capitalizing and leveraging assets. Further discussion identified that branding and marketing will be critical for the City's future success, and that this project will need to move forward as a community project, supported by a multi-faceted funding approach.

PLEDGE OF ALLEGIANCE

Mayor Loomis welcomed attendees and invited one of the Boy Scouts to lead the Pledge of Allegiance.

ROLL CALL

Roll call was taken and those in attendance were: Councilman Brown, Councilman Gardner and Councilwoman Simpson, Councilman Jensen was delayed and not in attendance.

AMEND AGENDA

Mayor Loomis requested that the agenda be amended to add the discussion of snow removal in the City. Councilman Brown motioned to amend the agenda as requested, Councilman Gardner seconded; all were in favor, motion carried.

CONSENT AGENDA

Mayor Loomis presented the consent agenda which includes the following: Minutes from 12/6/16 and Payables. Councilman Gardner motioned to accept the Consent Agenda, Councilman Brown seconded; all were in favor, motion carried.

HOLLY POWELL, CITY TREASURER

Treasurer Report

Ms. Powell reported that the on-site audit is coming to a close, with the hope that the results will be available in time for the January 24, 2017 budget meeting with Council.

Approval to Accept TAP Grant from ITD

Melody Halstead informed Council that the City was approved for a TAP grant to be used for installation of a hawk system to improve the Main Street cross walk at the Potato Museum. This system will provide safe passage for individuals walking downtown. This grant is for a 7.34% cash match, with the City being responsible for investing \$20,000 into the project, which includes a fee of \$3500 to the ITD for the administrative services that they have provided toward this project. Also, the City will take on 100% of the liability for any project cost overruns. Attorney Sandow read the proposed resolution No. 350 into record. Councilman Brown motioned to approve Resolution No. 350 and waive all future readings, Councilman Gardner seconded; roll call was taken and all were in favor, motion carried.

RESOLUTION OF THE CITY OF BLACKFOOT
NUMBER 350

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Blackfoot, hereafter called the City, for development and construction of SH91, Int., W Pacific St; and

WHEREAS, the State is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the State involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, the State can only pay for work associated with the State Highway system; and

WHEREAS, the City is full responsible for its share of project costs; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A020(296) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the City.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 3rd day of January, 2017.

Mayor Paul Loomis

ATTEST:

Suzanne McNeel, City Clerk

I, Suzanne McNeel, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 350 adopted at a regular meeting of the City Council held on the 3rd day of January, 2017 and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 3rd day of January, 2017.

Suzanne McNeel, City Clerk

KURT HIBBERT, PLANNING & ZONING

Approval of LNR West Final Plat

Mr. Hibbert presented a status summary of the LNR West final plat and associated Code. Mr. Hibbert recommended approval of the final plat with three conditions: 1) completion and finalization of the

development agreement; 2) the final construction plans need to be submitted to the Public Works Department for approval; and 3) a surety bond be completed, for the value of the improvements through construction. Councilman Brown motioned to approve the LNR West Final Plat, with conditions that the development agreement is completed and finalized, the final construction plans are submitted to the City for approval and a surety bond is obtained for the value of the improvements, Councilman Gardner seconded; all were in favor, motion carried.

Attorney Sandow then read the Findings, Facts and Conclusions into record. Councilman Gardner motioned to approve the Findings, Facts and Conclusions, Councilman Brown seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
CITY COUNCIL OF THE
CITY OF BLACKFOOT
January 3, 2017

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the City Council of the City of Blackfoot on January 3, 2017, the Council considered the request by Fairchild Construction for final plat subdivision approval for the first phase of a subdivision located on Riverton Road to be known as LNR West Subdivision. During the meeting public comment was heard and evaluated by the Council. Upon reviewing the matter with the Planning Administrator, reviewing the relevant City Code, hearing any public comment in the meeting, reviewing the Findings of Fact and Conclusions of the City Council meeting of October 4, 2016, reviewing the Findings of Fact and Conclusions of the Planning and Zoning Board of September 27, 2016, , and reviewing documents submitted by the applicant and by any other interested parties, the City Council hereby adopts the Findings of Fact and Conclusions that were approved by Council on October 4, 2016, and the Findings of Fact and Conclusions that were approved by the Planning and Zoning Board on September 27, 2016.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The City Council hereby approves the Final Plat of the first phase of the subdivision located on Riverton Road to be known as LNR West Subdivision as presented and contingent upon the following:

1. Completion and execution of a Development Agreement, including elements of the required Construction Improvement Agreement, as required by Blackfoot City Code 12-4-1 et seq.
2. Obtaining a bond for development of the subdivision as required by City Code.
3. All final construction plans presented to the City and approved prior to any construction being initiated.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the City Council on January 3, 2017.

City Clerk

Petition from Katrina Elliott Regarding the Installation of a Septic Tank on Property

Mr. Hibbert summarized the petition from Ms. Elliott regarding installation of a septic tank on a large property, on which Ms. Elliott is planning to build a home. This petition is compliant with current City Code. Councilman Brown motioned to approve the petition, Councilwoman Simpson seconded; all were in favor, motion carried.

MAYOR PAUL LOOMIS

2017 City Council Meeting Conflicts

City Clerk Suzanne McNeel identified two conflicts with regularly scheduled City Council meetings in July and November 2017. The recommendation is to cancel the July 4th meeting and conduct a budget workshop on July 5th, as well as cancelling the November 5th meeting that falls on Election Day. Councilman Gardner motioned to approve the recommendation, Councilwoman Simpson seconded; all were in favor, motion carried.

Reappointment of Lucien Frederick to Library Board

Mayor Loomis requested Council's support in the reappointment of Lucien Frederick to the Library Board. Councilman Gardner motioned to support the reappointment, Councilwoman Simpson seconded; all were in favor, motion carried.

State ITD Taxiway Grant Approval

Mayor Loomis explained that the ITD usually commits a 3% initial award; however, the ITD committed 4.2% for our Taxiway Grant. Attorney Sandow read into record proposed Resolution No. 351 accepting the ITD Taxiway Grant and allowing the Mayor to sign the Grant on behalf of the City. Councilman Gardner motioned to approve Resolution No. 351 and waive all further readings, Councilman Brown seconded; roll call was taken and all were in favor, motion carried.

RESOLUTION OF THE CITY OF BLACKFOOT
NUMBER 351

Resolution number 351 of the City of Blackfoot, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics, in the maximum amount of \$23,432.00 to be used under the Idaho Airport Aid Program, Program number: F178U02, Project number: AIP-013-014 the development of the McCarley Field Airport; and

Be it resolved by the Mayor and City Council of the City of Blackfoot, Idaho (herein referred to as the "City" as follows:

Sec. 1. That the City shall accept the Grant Offer of the State of Idaho in the amount of \$23,432.00, for the purpose of obtaining State Aid under Program Number: F178U02, Project Number AIP-013-014 in the development of the McCarley Field Airport; and

Sec 2. That the Mayor of the City of Blackfoot is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Acceptance) on behalf of the City. The City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 3rd day of January, 2017.

Mayor Paul Loomis

ATTEST:

Suzanne McNeel, City Clerk

I, Suzanne McNeel, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 351 adopted at a regular meeting of the City Council held on the 3rd day of January, 2017 and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this 3rd day of January, 2017.

Suzanne McNeel, City Clerk

Review of Garbage Bill – Scott Stufflebeam/Jennifer Tatum

Attorney Scott Stufflebeam, who represents his daughter, Jennifer Tatum, explained when his daughter and son-in-law initiated utility service with the City, they did not receive documentation that itemized their bill. As such, for the last four years, they have been paying for two garbage cans when, in fact, they have only had one. Attorney Stufflebeam’s clients are requesting a monetary reimbursement or credit for overpayments for the last four years, and are petitioning City Councilmembers to make an exception to our policy of reimbursing a maximum of three months (90 days.)

Mayor Loomis provided comment that the 90-day policy is a best practice that does not unduly burden either the citizen or the City, should there be an error. He went on to explain that ensuring the utility bill is correct is a shared responsibility with the homeowner and the City; the City’s fee schedule is published annually, as well as discussed during public meetings, so all citizens have the opportunity to identify the charges that are on their bill.

Councilmembers discussed and addressed questions to the Mayor, City Clerk and Attorney Sandow regarding past practices and the available options.

Councilwoman Simpson motioned to maintain our 90 day policy and not make an exception in this situation, Councilman Brown seconded; all were in favor, motion carried.

Public Hearing on Splash Pad Grant Application

Mayor Loomis stated that the City is not pursuing the splash pad grant at this time, as it is not completed to our satisfaction.

Proposed Ordinance Regarding Setting Temporary Speed Limits

Attorney Sandow discussed proposed Ordinance No 2151, that included criteria discussed at the December City Council meeting, with the inclusion that any reduction of speed limits, in excess of ten day increments, would require a resolution by the City Council. Councilwoman Simpson motioned that the City adopt Ordinance No 2151 and waive all further readings, Councilman Brown seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2151

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 7-2-2C(1) OF TITLE 7, REGARDING TEMPORARY SPEED LIMITS MAY BE SET BY CHIEF OF POLICE, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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

SECTION 1: That Section 7-2-2C(1) of Title 7 be added as follows:

7-2-2C(1) Chief of Police Authorized to Set Temporary Speed Limits:

At such times that a special event is being held within the city, which creates high volumes of pedestrian and/or vehicle traffic, the Chief of Police is authorized to temporarily reduce speed limits near the special event in his discretion for the safety of all participants, visitors and attendees. Any such reduction shall not exceed ten (10) days. When the Chief of Police determines that a temporary speed limit reduction is necessary, he or she shall notify the City Council and Mayor as soon as reasonably possible by telephone, electronic mail, in person, or other similar means of communication. During the period of time so described, the speed limit set by the Chief of Police shall be the speed limit for such streets or portions thereof so long as proper signs giving notice have been erected. Any reduction in a speed limit in excess of ten (10) days shall have prior City Council approval by resolution per City Code 7-2-2(C).

SECTION 2: 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 3rd day of January, 2016.

CITY OF BLACKFOOT, IDAHO

By: _____
Paul Loomis, Mayor

ATTEST: _____
City Clerk

Public Hearing on Proposed Ordinance Regarding Fire Department Cost Recovery

Councilman Brown motioned to move into public hearing, Councilman Gardner seconded; all were in favor, motion carried and the meeting was moved into public hearing. There was no public comment regarding the proposed Fire Department Cost Recovery ordinance. Councilwoman Simpson motioned to

close public hearing and move into regular session, Councilman Brown seconded; all were in favor, regular Council meeting resumed. Councilman Brown motioned to approve proposed Ordinance No 2152 and waive all further readings, Councilwoman Simpson seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 4 TO CHAPTER 8D OF TITLE 1 TO ESTABLISH A MITIGATION COST SCHEDULE AND RECOVERY SYSTEM TO ALLOW THE CITY TO RECOVER COSTS INCURRED BY THE CITY IN RESPONDING TO CERTAIN INCIDENTS, 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 Section 1-8D-4 be added as follows:

1-8D-4(A). Title, Purpose, Authority to Establish a Mitigation Costs Schedule and Recovery.

1. In order to protect the City from extraordinary expenses resulting from the utilization of City resources in response to certain public safety or fire emergency incidents, this ordinance, entitled Public Safety Emergency Response Cost Recovery, authorizes the imposition of charges to recover costs incurred by the City in responding to such incidents.
2. The mitigation cost shall be charged or billed to the responsible party, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. The claim for mitigation costs may be charged or billed to the insurance coverage of the owner of a vehicle, owner of property, or other responsible parties where an authorized agent of the City, County, or State, or a court of competent jurisdiction determines the owner, owners, and/or responsible party or parties is/are at fault, allocating all or some of such costs jointly and severally. In some circumstances, a responsible party may be charged or billed directly.
3. The City of Blackfoot shall initiate recovery of mitigation costs for the delivery of emergency services by the fire department for personnel, supplies, and equipment taken to the scene of emergency incidents involving powerlines or underground pipelines. Only incidents involving negligent, intentional and/or illegal conduct shall be assessed mitigation costs. Fees shall be set by City Council by resolution.
4. The City may recover all mitigation costs in connection with a public safety or fire emergency incident, as allowed herein, from any or all responsible parties jointly or severally. The Fire Chief or his or her designee shall, pursuant to the resolution setting forth applicable fees, determine the total mitigation costs and shall determine whether to assess any, all, or part of such costs against any of the responsible parties. The Fire Chief or his or her designee may allocate mitigation costs among and between any responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party any other legal liability. If the Fire Chief determines not to assess all or a portion of mitigation costs against a responsible party, such determination shall not in any way limit, reduce, or extinguish the liability of the responsible party to any other parties.
5. After determining to assess mitigation costs against a responsible person, the Fire Chief or his or her designee shall mail an itemized invoice to the responsible party at its last known address. Such invoice shall be due and payable within thirty (30) days of the date of the mailing. Any amounts not paid in full within the thirty (30) days shall accrue interest as allowed by Idaho code. If a responsible party

shall appeal the claim of mitigation costs, such costs, if upheld, shall be due and payable thirty (30) days after the date of determination of the appeal.

6. Any responsible party who receives an invoice for mitigation costs shall have an opportunity to meet with the Fire Chief or his or her designee to request a modification of mitigation costs. The responsible party shall request in writing within ten (10) days from the date of the invoice assessing the mitigation costs. If after meeting with the Fire Chief or his or her designee the responsible party is still not satisfied, he or she may request an appeal to City Council as set forth herein.

7. Any responsible party aggrieved by the determination of being a responsible party and/or the assessment of mitigation costs who desires an appeal to City Council shall submit the request in writing to the City Clerk within thirty (30) days from the date of the invoice assessing the mitigation costs. The City Clerk shall place the matter on the next City Council agenda. All determinations of City Council shall be deemed final.

SECTION 2: 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 3rd day of January, 2017.

CITY OF BLACKFOOT, IDAHO

By: _____
Paul Loomis, Mayor

ATTEST: _____
City Clerk

Discussion Regarding Snow Removal

Mayor Loomis provided Councilmembers with an update on snow removal within the City, specifically the amount of snow that was received this year in comparison to recent years. Mayor Loomis also briefed Council regarding an add-on to graders, called an end gate, that will temporarily hold the snow furrow back and could be used when passing driveways and mailboxes. Vaughn Key, Streets Superintendent, provided additional detail to Council regarding this device. Mr. Key explained that if this device was retrofitted onto our current graders, we would lose the use of one of the two blades for plowing; therefore, it is currently not a viable option. A small dump truck was purchased this year for, among other things, use in snow removal; future options may be to engage a local construction firm to assist in snow removal and installation of a brine mixing station. Mayor Loomis also reinforced the fact that the City will assist the disabled or elderly should they need assistance moving snow.

Council then discussed various options for handling the volume of snow that we are experiencing this year, and requested that the City pursue engaging a third party to assist as needed. Also discussed was the potential to register private snow removal companies, so they understand and acknowledge City Ordinance.

EXECUTIVE SESSION

Councilman Brown motioned to move to Executive Session pursuant to provisions of Idaho Code 74-206, subsection 1(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; (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; all were in favor, motion carried and the meeting was moved into Executive Session. Councilman Brown motioned to move into General Session, Councilman Gardner seconded. All were in favor, motion carried and the regular meeting resumed at 8:45 PM.

ADJOURNMENT

Councilman Brown motioned to adjourn the meeting, Councilman Gardner seconded; all were in favor. The meeting was adjourned at 8:45 PM.

City of Blackfoot

Attest

Mayor Paul Loomis

City Clerk, Suzanne McNeel

Prepared By

Lisa J Tornabene