

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM JANUARY 5, 2021**



PLEDGE OF ALLEGIANCE

Mayor Carroll called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

ROLL CALL

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

CHANGE IN AGENDA

Councilman Brown motioned to amend the agenda to add the Executive Session pursuant to provisions of Idaho Code 74-206, subsection 1 (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need, Councilwoman Simpson seconded; all were in favor, motion carried.

CONSENT AGENDA

Councilman Brown motioned to approve the Consent Agenda, consisting of Minutes from September 1, 2020, September 8, 2020, October 6, 2020, December 1, 2020 and December 15, 2020, Payables and an Airport Lease transfers for Frank Vouk, Councilman Jensen seconded; all were in favor, motion carried.

MAYOR MARC CARROLL

Discussion Regarding City Code 6-1-9 Noises Creating Public Disturbance – Bill Bohl

Mayor Carroll introduced Bill Bohl, who requested to address Council regarding suggested changes recommended to City Code 6-1-9.

Mr. Bohl addressed Council and explained that he has lived at his residence on Nicole Drive since October 1990; however, since June 2020 he has had to endure the hum of an industrial fan, both audible inside and outside of his home. The noise begins at 6:15 AM and continues through the day for 16 hours, six days/week. He has reported this persistent noise pollution to City officials, including Councilwoman Simpson, and feels as though he exhausted his options. He is addressing the Council in an effort to mitigate the existing noise and recommend changes to City Code so there is no question as to when a sound is considered a public nuisance. Mr. Bohl feels as though the current Code is enforceable, but some areas should be better defined. He specifically recommends that A.4 'Noise From Buildings...' is interpreted to be only residential buildings and suggests the following: ...sounds of any type which emanate from any private or commercial building or private property or any structure including private homes.'

Mr. Bohl also recommends adding section D to provide the following definitions:

Unreasonable: Any audible sound or repetitive or continuous pattern persisting more than a total of 60 minutes in a 24-hour period that can be heard more than 50 feet from the source.

Public Disturbance: A noise will be considered a public disturbance if the same noise originating from the same source is identified and reported to any City official as being annoying or unreasonable by two or more residents not living in the same household. The noise need not be witnessed by a Law Enforcement Officer.

Annoying: Sounds, as described above, from any private or commercial property that are audible from a distance more than 50 feet from the source.

Mr. Bohl believes that decibel levels should not be a determining factor in evaluating what should be considered annoying, as he believes that a noise does not have to be loud to be annoying and feels that the duration of the sound should be used as a factor to judge whether or not it is annoying.

In addressing questions from Council, Mr. Bohl stated the source of the noise is Milestone Manufacturing. Mr. Bohl wants the company to continue their business but would request they complete sound mitigation. Planning & Zoning

Administrator, Kurt Hibbert, acknowledged there have been similar sporadic complaints regarding Milestone Manufacturing over the past four years. He also informed Council that he and Mayor Carroll met with the owner of Milestone, who informed them they recently installed new exhaust fans and committed to them that, once business slowed down after harvest, they would review the situation and consider a noise mitigation strategy. Mr. Hibbert also discussed that Milestone shortened the hours and length of time that the fans operate and seems to have made some effort to do so.

Additional discussion centered around potential sound mitigation solutions and other options. Next steps will be that Mayor Carroll and Mr. Hibbert will meet with the owners of Milestone to discuss options for sound mitigation.

Proposed Lease Agreement with Idaho Power – Material and Equipment Staging Area

Mayor Carroll provided background information on this request by Idaho Power to use a small City-owned property, from January 1, 2021 to May 1, 2021, for materials storage. Councilman Brown motioned to approve the proposed lease agreement with Idaho Power, Councilwoman Simpson seconded; all were in favor, motion carried.

Proposed Contract with JUB Engineers to Evaluate Options and Design of New West Bridge Street Bridge

Councilman Brown motioned to approve the professional services agreement with JUB Engineers, Councilman Jensen seconded; all were in favor, motion carried.

COVID-19 Update

Mayor Carroll provided a Covid-19 update with statistics from Southeastern Idaho Public Health (SIPH). Currently, Bingham County is on a downward trend with 743 active cases, confirmed and probable. Vaccinations are being administered to the community's priority population at Bingham Memorial Hospital.

EXECUTIVE SESSION

Councilman Jensen motioned to move into Executive Session pursuant to provisions of Idaho Code 74-206, subsection 1(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need, Councilman Brown seconded; roll call was taken and all were in favor, motion carried and Executive Session began at 7:57 PM. Councilman Brown motioned to move back to the Regular Meeting, Councilman Jensen seconded; all were in favor and the regular meeting resumed at 8:12 PM.

ADJOURNMENT

The City Council meeting was adjourned at 8:12 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Lisa J Tornabene