

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM MARCH 2, 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 Gardner, Councilman Jensen and Councilwoman Simpson (via Zoom).

AMEND AGENDA

Mayor Carroll requested the consent agenda be amended to allow discussion of an alcohol license for the Teton House. Councilman Jensen motioned to approve the requested amendment, Councilman Gardner seconded; all were in favor, motion carried.

III-A ANNUAL REPORT – AMY MANNING, III-A EXECUTIVE DIRECTOR

Ms. Manning provided highlights of the last benefit year and the fact that the number of agencies and covered employees has increased, as had the staff at III-A. Benefit enhancements were reviewed as were Trust financial information and contract changes with several agencies. Ms. Manning thanked City leaders for allowing Suzanne McNeel to serve on the III-A Board of Directors and Chair the Legislative Committee. Ms. Manning then reviewed the current service providers, COVID-19 impacts to the Trust and administrative updates. Looking forward, III-A has been implementing additional strategies regarding mental health and recently launched a new program for First Responders.

CONSENT AGENDA

Councilman Jensen motioned to approve the Consent Agenda, consisting of Minutes from February 2, 2021, Payables and discussion of an alcohol license for the Teton House, Councilman Brown seconded; all were in favor, motion carried.

CITY TREASURER REPORT – GRAHM ANDERSON

Mr. Anderson addressed Council and provided the Treasurer's Report, specifically, the financials as of February 28, 2021, showing expenses by department. All data collection is complete for the audit, and the City Auditor, Morgan Hatt, has submitted his findings for a second review by a third-party CPA. Mr. Anderson expects the results to be returned within two weeks, at which time there may be adjustments. Currently, scheduling is on-track for presentation of the 2020 audit report at the April City Council meeting. At this time, Mr. Anderson reported that 2021 accounts have been reconciled through mid-January. Mr. Anderson requested that Councilmembers inform him if they would like additional information provided in the Treasurer Report.

March will kick-off budget planning for 2022 with Department Heads.

MAYOR MARC CARROLL

Noise Address – Milestone International/Ramona Mitchell

Ms. Mitchell, a co-owner of Milestone International, addressed Council and explained their world-wide Company produces equipment for the potato industry. She stated she is proud to be from Blackfoot and feels strongly about supporting the local community. She was extremely surprised to read an article in the January 2021 newspaper that Milestone International was not a civic-minded company.

Ms. Mitchell reviewed the materials provided to Council and explained that Milestone had only six days, since June 2020, that they have worked 16-hour days, and paint booth fans were operated for 8 hours on those days. Ms. Mitchell also provided Council with information from the American Academy of Audiology regarding levels of noise, and the paint booths, at 20 feet distance, operate in the moderate range. There have been no changes or updates to the fans since 2012, other than routine maintenance. Ms. Mitchell explained that they installed a new air compressor in June 2020. After they met with Mayor Carroll and Kurt Hibbert in the fall of 2020, the Milestone team built an insulated wall around

the air compressor and are within compliance with every Federal, State and City ordinance. Ms. Mitchell stated they are unable to do anything further. Ms. Mitchell thanked the City Council for their time.

In addressing a question from Mayor Carroll, Ms. Mitchell stated the oldest building on site was constructed in 1946 and Milestone has been in business since the 1960's. After review of documents provided by Milestone, Councilman Jensen feels as though the compressor was installed correctly and it is not the source of excess noise. Councilman Jensen feels perhaps placing rubber pads underneath the feet of the compressor, if they are not already there, as that might help with vibration. Ms. Mitchell will take that information back to her engineers.

West Bridge Street Sewer Line Replacement 2021 – Rex Moffat, WWTP Superintendent

Mr. Moffat presented Council with a request for funding to replace a broken collection main sewer line on West Bridge Street. Replacement would be from manhole to manhole, and not a patch in the line. Funding for this break was not forecasted and would require a transfer of monies from the WWTP Capital Improvement Fund in the amount of \$72,500. After a short discussion, Councilman Brown motioned to approve that \$72,500 in WWTP Capital Funds be utilized for this line replacement, Councilman Gardner seconded; all were in favor, motion carried.

Canal Crossing at WWTP 2021 – Rex Moffat, WWTP Superintendent

A secondary entrance was created for the WWTP in order to facilitate construction. A pipe was placed into the existing canal and it was covered with sufficient topsoil to provide the appropriate weight rating. This secondary entrance to the WWTP has proven to be of great benefit. Mr. Moffat reviewed the bids with council and requested approval from Council to utilize \$40,000 from the WWTP Capital Improvement Fund to upgrade the temporary entrance to a permanent entrance. A subsequent request will be made for funding to pave the new entrance. Councilman Jensen motioned to approve the canal crossing improvement as presented, utilizing \$40,000 from the WWTP Capital Improvement Fund, Councilman Gardner seconded; all were in favor, motion carried.

Reappointment of BURA Board Members

Mayor Carroll explained that, during review Attorney Sandow discovered that terms are expired for all of the BURA Board Members. As such, Mayor Carroll requested that Council reappoint the following individuals to the BURA Board for a three-month period: Bart Brown, Whitney Manwaring, Chase Mcallister, Wayne Miksell, Jason Moulton and Scott Reese. A plan will be developed to establish a staggered appointment schedule for the BURA Board of Directors. Attorney Sandow added that under current BURA by-laws, commissioners serve until a successor is appointed, so there is not an adverse issue with this, but it would be best to stagger the commissions. Councilman Gardner motioned to reappoint the named individuals to the BURA Board for a 3-month period, Councilwoman Simpson seconded; Councilman Brown, Councilman Gardner and Councilwoman Simpson were in favor, Councilman Jensen was opposed, motion carried.

Grant Match Approval for Community Review – Kurt Hibbert, Planning & Zoning Administrator

Mr. Hibbert discussed the Phase 2 of the Community Review with Council, where the three priorities, as selected by the Citizens of Blackfoot, are Housing and Homelessness, Recreation, and Image & Identity. At that time, the University of Idaho provided the City with the ability to obtain a \$6,000 grant, that would be divided equally among the three focus areas, to jump start fundraising efforts. The grant was approved, and Mr. Hibbert presented a request for approval of matching funds from Council. After discussion, Mayor Carroll stated that the monies would come from the General Fund.

Dr. Scott Smith presented briefly to Council, explaining that although the community has the Bingham Crisis Center in Blackfoot, grant funding for that facility is pending the facility be utilized only for domestic violence or sexual assault. Other than that, the closest homeless shelter is in Pocatello, and that is at near capacity on a nightly basis. The need in Blackfoot is a growing problem that needs to be addressed. Councilman Gardner motioned to approve a \$6,000 match to the Implementation Grant, Councilman Brown seconded; all were in favor, motion carried.

COVID-19 Update

Mayor Carroll informed Council that Bingham County has been showing a relatively consistent downward trend in new cases; however, there was a slight uptick in the past week. There is concern from SIPH that this may be due to the

COVID-19 variants that may develop into another upward trend. City Hall, the Library and Fire Station have been closed to public access and at this time are being considered for reopening to the public on March 15; however, this will continue to be evaluated. In addition, a recent communication from Governor Little's office announced that FEMA has allocated \$39 MM to help with the vaccination process in Idaho.

ATTORNEY GARRETT SANDOW

BURA Revenue Bond

Attorney Sandow explained that the BURA has been working on three major projects, the M & H Building, the New Frontier and the Milmore building, which are cornerstones of the Downtown District. To complete the necessary blight remediation, BURA pursued a Revenue Bond in the amount of \$1.814 MM that should be finalized in early April. Attorney Sandow would like to address any questions from Council at this time and, although not a requirement, he feels approval by Council is important to show their support for this project. Mayor Carroll explained this would extend BURA district for an additional three years for tax purposes. Councilman Gardner motioned to support the BURA Revenue Bond, Councilman Brown seconded; Councilman Brown, Councilman Gardner and Councilwoman Simpson were in favor with Councilman Jensen abstaining, motion carried.

PLANNING and ZONING – KURT HIBBERT, PLANNING & ZONING ADMINISTRATOR

Proposed Ordinance Establishing Term Limits for members of the Planning & Zoning Commission

Mr. Hibbert presented an amendment establishing and staggering term limits for Planning & Zoning Commissioners. Councilman Jensen motioned to adopt the Planning & Zoning Board findings and proposed Ordinance No. 2201 and waive all required readings, Councilman Gardner seconded; roll call was taken, all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
February 9, 2021

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 26, 2021, the Board held a public hearing on the request of the City of Blackfoot to amend the Ordinance regarding term limits for planning and zoning commissioners. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. No testimony was presented in the public hearing. Upon reviewing the matter, the Board found and concluded as follows:

FINDINGS:

1. That the prior Blackfoot City Code does not comply with State code with regard to the term limits for planning and zoning commissioners. The proposed additions to the city code are attached hereto and incorporated by reference.
2. That in order to properly comply with State code, this ordinance needs to be amended as presented by the City Planning and Zoning Administrator.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed amendments to the Planning and Zoning Commission ordinances, regarding the term limits of commissioners should be adopted as presented. These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 9th day of February, 2021.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

ORDINANCE NO. 2201

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING SECTION 11-2-3 (A) REGARDING THE TERM LIMITS FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION; 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 11-2-3(A) of the Blackfoot City Code be amended as follows:

11-2-3 PLANNING AND ZONING COMMISSION:

A. Members; Appointment: The planning and zoning commission shall consist of a total of seven (7) members, to be appointed by the mayor and confirmed by the city council.

1. Each commission seat will be for a three-year (3) term, with two (2) commissioners appointed in years one and two and three commissioners appointed in year three.
2. Vacancies occurring otherwise than through the expiration of terms shall be filled in the same manner as the original appointment. Should a seat become vacant mid-term, a new commissioner will be appointed to fill the remaining term of the vacant seat.
3. No person shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the city council adopted by motion and recorded in the minutes.

SECTION 2: That the effective date of this Ordinance shall be after passage and publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this 2nd day of March, 2021.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Proposed Ordinance Regarding the Approval Process for Planned Unit Developments (PUDs)

Mr. Hibbert explained that this amendment to the existing ordinance would require that Planned Unit Developments be reviewed by Council. Councilman Brown motioned to adopt the Planning & Zoning Board findings and proposed Ordinance No. 2202 and waive all required readings, Councilman Gardner seconded; roll call was taken, all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
February 9, 2021

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 26, 2021, the Board held a public hearing on the request of the City of Blackfoot to amend the Ordinance regarding approval of planned unit developments. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. No testimony was presented in the public hearing. Upon reviewing the matter, the Board found and concluded as follows:

FINDINGS:

1. Based upon the recommendations provided and reflected in the minutes, the prior Blackfoot City Code should be amended to provide for planned unit developments to be approved by City Council, instead of the planning and zoning commission. The proposed additions to the city code are attached hereto and incorporated by reference.
2. That in order to properly protect land uses within the City, this ordinance needs to be amended as presented by the City Planning and Zoning Administrator.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed amendments to the Planning and Zoning ordinances, regarding the approval of planned unit developments should be adopted as presented.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 9th day of February, 2021.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

ORDINANCE NO. 2202

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 11-6A-5-E-3 REGARDING THE APPROVAL PROCESS FOR PLANNED UNIT DEVELOPMENTS; 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 11-6A-5-3 of the Blackfoot City Code be added as follows:

11-6A-5-E-3 PLANNED UNIT DEVELOPMENTS:

When the Planning and Zoning Commission has completed its action on a proposed planned unit development (PUD), the planning and zoning administrator will forward the PUD to the Mayor, recommending that it be submitted to the city council for approval or denial. The city clerk shall place the request for the PUD on the next available city council agenda.

SECTION 2: That the effective date of this Ordinance shall be after passage and publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this 2nd day of March, 2021.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

COUNCILMAN CHRIS JENSEN

Discussion on Second Amendment Protection

Councilman Jensen provided Council with the Resolution that Bingham County Commissioners passed that confirms protection of 2nd Amendment rights. Councilman Jensen would like to discuss if the Council should document something similar for the City of Blackfoot. Attorney Sandow explained that the Idaho State Constitution currently protects 2nd Amendment rights, but the question is what happens should Federal Legislation impose on the State Constitution and rights under the 2nd Amendment. Councilman Gardner feels that Council should not pre-empt something that is not necessary at this time, Councilman Brown agrees.

Chief Scott Gay stated approximately eight Idaho jurisdictions have already passed a similar resolution. Chief believes that doing so sends a message to the State showing support for, and our belief in, our citizen's rights under the 2nd Amendment.

Councilman Gardner expressed his support of the 2nd Amendment and wants to ensure that our Citizens are protected while at the same time does not want to encourage individuals to flock to Blackfoot for the wrong reasons. Councilman Jensen feels as though the City should make their position clear through legal and moral actions. Councilwoman Simpson is not interested in pursuing it further. Councilman Brown views both sides equally. Attorney Sandow is willing to work with Chief Gay to bring up at a future meeting. At this time, Council determined that no action will be taken at this time, and it may be readdressed at a future date.

EXECUTIVE SESSION

Councilman Brown 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. (c) To acquire an interest in real property which is not owned by a public agency; Councilman Gardner seconded; roll call was taken, all were in favor, motion carried, Executive Session began at 8:46 PM.

Councilman Jensen motioned to move back to the Regular Meeting, Councilman Brown seconded; roll call was taken, all were in favor and the regular meeting resumed at 9:31 PM.

MAYOR MARC CARROLL

Proposed Salary Chart Progression Change

Mayor Carroll reviewed the recommendation resulting from the recent salary survey that was completed in August 2020. At that time, the consultant recommended that a separate salary scale be established for the Police Department, as this is a best practice. As an interim measure, the Mayor is recommending that Police Officers move through the salary progression table at an aggressive rate. Councilman Jensen motioned to approve the interim salary progression chart as presented, Councilman Brown seconded; roll call was taken, all were in favor, motion carried.

Vehicle Take-Home Policy

In order to provide our sworn Police Officers with the same benefits, as well as being consistent with other jurisdictions and provide retention incentive, Mayor Carroll requests that Council approve a new Vehicle Take Home Policy. Councilman Jensen motioned to approve the draft Vehicle Take Home Policy in the Police Officer Operations Manual, with the provision that the vehicles are for Police business use only and not for personal use, Councilman Gardner seconded; roll call was taken, all were in favor, motion carried.

ADJOURNMENT

The City Council meeting was adjourned at 9:40 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Lisa J Tornabene