

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM MARCH 5, 2019**



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.

FAIR HOUSING PROCLAMATION

Mayor Carroll discussed the Fair Housing Proclamation declaring April 2019 Fair Housing Month in Blackfoot. Councilman Brown motioned to approve the Fair Housing Proclamation, Councilwoman Simpson seconded; all were in favor, motion carried.

III-A ANNUAL REPORT

Amy Manning, III-A Executive Director, presented the annual report of the Trust for Council. The Trust is very healthy at this time. When asked about growth, Ms. Manning stated the III-A is growing, and will continue to grow, at a cautious rate.

CONSENT AGENDA

Councilman Jensen motioned to approve the Consent Agenda, consisting of the Minutes from January 5, 2019 and Payables, Councilman Brown seconded; all were in favor, motion carried.

HOLLY POWELL, CITY TREASURER

Proposed Update of Investment Policy

Ms. Powell advised Council that she updated the City's Investment Policy. She highlighted changes, which include changing language referring to the City's 'cash management account' and clarifying where investment funds originate. In addition, now included is a distinction regarding restricted accounts and the utilization of those funds. Also, Ms. Powell added information on the responsibilities of City leadership as it relates to City investments and updated the objectives of the Policy.

Attorney Sandow read proposed Resolution No. 380 into record. Councilman Brown motioned to approve Resolution No. 380 as presented and waive all further readings, Councilman Jensen seconded; roll call was taken and all were in favor, motion carried.

**RESOLUTION OF THE CITY OF BLACKFOOT
NUMBER 380**

A RESOLUTION PROVIDING FOR ADOPTION OF AN UPDATED CITY OF BLACKFOOT INVESTMENT POLICY.

The undersigned, Mayor Marc Carroll, does hereby certify that the following is a true and correct copy of a resolution adopted at the City Council Meeting of the City of Blackfoot on the date indicated below:

WHEREAS the City of Blackfoot has from time to time, excess cash in its Cash Management Account that could and should be earning interest while it is not needed to cover immediate expenditures; and

WHEREAS, the City previously adopted an Investment Policy set forth in Resolution No. 333, adopted on or about July 1, 2014; and

WHEREAS, the City desires to update the Investment Policy to consolidate investments under a single investment manager, better identify accounts and investments, define responsibilities, development of budgets, clarify objectives and goals, and provide definitions of allowed investments; and

BE IT THEREFORE RESOLVED THAT:

1. That the Investment Policy, attached hereto as Exhibit "A," is hereby adopted and it shall supersede all prior Investment Policies in their entirety.
2. This policy may only be amended by approval of City Council.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 5th day of March, 2019.

Mayor Marc Carroll

ATTEST:

City Clerk

MAYOR MARC CARROLL

Appointment of Library Board Member

Mayor Carroll introduced Alan Munson to Council and recommended that Mr. Munson be approved to sit on the Library Board as its new member. Councilman Jensen motioned to approve the nomination, Councilman Gardner seconded; all were in favor, motion carried.

GARRETT SANDOW, CITY ATTORNEY

Proposed Ordinance Amending the Requirement of Roberts Rules of Order

Attorney Sandow informed Council that another Idaho city, with an Ordinance similar to ours, was being challenged in that they did not follow Robert's Rules of Order exactly as written. As such, Attorney Sandow has revised the City of Blackfoot Ordinance to better reflect the actual utilization of parliamentary rules as they relate to the City of Blackfoot Meetings.

Attorney Sandow read proposed Ordinance No. 2176 into record. Councilman Jensen motioned to approve Ordinance No. 2176 as presented and waive all further readings, Councilwoman Simpson seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2176

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING SECTION 2(A) TO CHAPTER 6, TITLE 1, REGARDING PARLIAMENTARY RULES AT CITY COUNCIL MEETINGS, 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 6, Section 2(A) of Title 1 be amended as follows:

1-6-2(A) Parliamentary Rules: Except as may be inconsistent with the provisions of this section, the parliamentary rules and law for the conducting of regularly scheduled council meetings shall be guided by as set forth in "Robert's Rules of Order," current edition. The failure to comply with "Robert's Rules of Order" shall not invalidate any action taken by Council.

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 5th day of March, 2019.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Proposed Ordinance Regarding Parking by Courthouse Square Lot

Attorney Sandow briefed Council, stating that semi-tractors/trailers currently park in the City-owned lot adjacent to Courthouse Square. This proposed Ordinance instructs drivers to register their vehicles with City Hall in the event they need to be contacted for an emergency or removal of their vehicle. This Ordinance would also allow the City to have control over the parking.

Attorney Sandow read proposed Ordinance No. 2177 into record. Councilman Jensen motioned to approve Ordinance No. 2177 as presented and waive all further readings, Councilman Brown seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2177

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 19 TO CHAPTER 4, TITLE 7, REGARDING THE PARKING OF SEMI-TRACTORS AND TRAILERS ON PARKING LOT NEXT TO THE RAILROAD TRACKS AND DIRECTLY WEST OF COURTHOUSE SQUARE, PROVIDING FOR THE PENALTY FOR A VIOLATION OF THIS SECTION, 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 4, Section 19 of Title 7 be added as follows:

7-4-19: Parking on lot next to Railroad Tracks: The City has a right of way upon a bare lot that lies directly east of the railroad tracks, south of Judicial Street and directly west of Courthouse Square Park. The City will allow the parking of semi-tractors and trailers on the lot under the following conditions:

A. All owners and/or drivers must register for a complimentary permit at City Hall or on-line, and obtain a “hang tag” from City Hall that must be displayed on the semi-tractor / trailer while it is parked on the lot.

B. All semi-trucks and trailers are not to cause any disturbance to others, and all units must be parked south of the entrance to the parking lot. All parking must be done in such a manner as to allow others to also use the lot for parking. No parking shall be allowed for more than three (3) consecutive days, excluding holidays.

C. All owners and/or drivers must keep the lot clean from all trash, garbage, refuse, or other items left on the lot.

D. The City shall not be responsible for any theft, vandalism, or other damage to personal property while vehicles are parked on the lot.

E. All permits are valid for one year from the date of issuance and must be renewed annually.

F. During the winter months, the lot is used by the City for snow storage. At such times as the lot is used for snow storage, all parking of semi-trucks / trailers must cease or relocate based upon notice and direction from the City.

G. Any peace officer may remove, or cause to be removed and impound, any vehicle parked in violation of this section with the owner and/or driver responsible for all towing and storage fees as set forth in City Code 7-4-14, 7-4-15, and 7-4-16.

H. The City reserves the right to further restrict or prohibit parking at any time.

I. Any person who violates the provisions of this section is guilty of an infraction in an amount to be set from time to time by Resolution of City Council or by Blackfoot City code.

Any person who violates this section more than three (3) times within a two (2) year period is guilty of a misdemeanor and punishable as set forth in Blackfoot City Code.

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 5th day of March, 2019.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

KURT HIBBERT, PLANNING & ZONING ADMINISTRATOR

Proposed Approval of Residential Ranchette (R1-R) Zone

Mr. Hibbert provided Council with background on the Residential Ranchette Zone, and the fact that this would clarify the rights that some of the property owners felt they had regarding the keeping of farm animals within City limits. Councilman Jensen motioned to approve the Planning & Zoning Board's Findings, Facts and Conclusions and waive all required readings, Councilman Gardner seconded. Roll call was taken and 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 26, 2019

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on February 26, 2019, the Board held a public hearing on the request of the City of Blackfoot to add to the residential City zoning to include a residential and agricultural zone to be designated as an R1-R zone. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. During the public hearings testimony in favor of the proposal was heard and evaluated by the Board. No testimony against the proposal was presented. Upon reviewing the matter and any testimony in the public hearing, the Board found and concluded as follows:

FINDINGS:

1. That there are certain areas of the City, and in the impact area around the City, which have historically been utilized for small scale agricultural uses. The new zone better reflects and is more compatible with those uses.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed R1-R zoning be adopted as an additional zoning category for the City of Blackfoot.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on 26th day of February, 2019.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilman Jensen motioned to approve Ordinance No. 2178 and waive all required readings, Councilman Brown seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2178

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 7(H) TO CHAPTER 4, TITLE 11, REGARDING THE ADOPTION OF A R1-R ZONE, AMENDING SECTION 5 OF CHAPTER 4, TITLE 11, REGARDING THE DEFINITION OF RESIDENCE USE DISTRICTS, 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 4, Section 7(H) of Title 11 be added as follows:

R1-R district regulations:

1. Homes for the mentally and physically handicapped, as provided in Idaho Code section 67-6531, shall be permitted.
2. Setback requirements for primary structures are:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Five feet (5')
 - c. Rear yard: Twenty feet (20')
3. Setback requirements for primary structures on a corner lot are:

- a. Front yard: Thirty feet (30')
 - b. Side yard: Five feet (5'). The side yard on the intersecting street must have a twenty foot (20') setback
 - c. Rear yard: Twenty feet (20')
4. The height of structures is limited to fifty feet (50').
5. Minimum area requirement of one (1) acre.
6. The minimum lot width at the building line is seventy-five feet (75').
7. The total area that may be covered by buildings is forty percent (40%) of the lot.
8. Two (2) off-street spaces and additional parking as required in the parking regulations, section [11-4-14](#) of this chapter.
9. For signs, see home occupation regulations, subsection [11-4-8](#) of this chapter.
10. Farm Animals in the City and Impact Area: No farm animals are permitted within the city limits, except in the R1-R zoning district. The keeping of farm animals in the city limits must adhere to the following limitations:
 - a. An accumulative total of four (4) cows and horses will be allowed per acre. This accumulative total of animals applies to year-round hosted animals and does not apply where seasonal/rotational grazing of pasture areas support an increased density on the Property until the available feed is fully utilized. After feed is used, the increased density of animals shall be removed to comply with the accumulative levels listed above.
 - b. An accumulative total of eight (8) sheep, goats and pigs will be allowed per acre.
 - c. An accumulative total of one hundred (100) penned rabbits and chickens will be allowed per acre;
 - d. Area requirements specified are exclusive of land used for other livestock or other uses such as buildings, lawns, gardens, etc.;
 - f. Area requirements for animals not listed shall be determined by the zoning administrator based upon the area requirements of the closest related animal.

SECTION 2: That Section 5, Chapter 4, Title 11, be amended as follows:

11-4-5: Residential Use Districts: The official schedule of district regulations is divided into ~~twelve (12)~~ thirteen (13) groups: residence, combined residence, mobile home residence, multi-family residence, larger multi-family residence, residential acreage, agriculture, residential ranchette, neighborhood commercial, community commercial, service commercial, light industrial and heavy industrial.

SECTION 3: That Sub-Section (H) of Section 5, Chapter 4, Title 11, be added as follows:

11-4-5(H) **Residential Ranchette (R1-R):** The purpose of establishing the Residential Ranchette Zone is to promote and maintain a single-family residential neighborhood that protects animal rights as part of allowed uses. The purpose is to preserve areas of land where small acreage including domestic farm animals may be kept within the city limits and the impact area. The zone also includes residential uses for handicapped and elderly persons up to eight (8) as referenced by Idaho Code section 67-6531.

SECTION 4: 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 5th day of March, 2019.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Proposed Ordinance for Large Scale Commercial Development

Mr. Hibbert informed Council that, at Council direction, he streamlined the original proposed Ordinance for Large Scale Commercial Development, removing descriptive language and the entire last section of the original document. Councilman Brown motioned to table this discussion, Councilman Gardner seconded; all were in favor, motion carried.

REX MOFFAT, WWTP SUPERINTENDENT

Sewer Availability Fees for State Hospital South (SHS) Skilled Nursing Addition

Mr. Moffat explained that sewer availability fees are paid by property owners to be able to connect to the City's WWTP system. These fees are placed into a Capital Improvement Fund for future improvements in the system. Ultimately, the new skilled nursing addition will house 59 beds; however, initially only 36 beds will be available. After discussion, Councilman Brown motioned to charge State Hospital South sewer availability fees consistent with 36 beds until such time that funding is available to

fully staff the facility or their licensing changes, Councilman Gardner seconded; all were in favor, motion carried.

Councilman Gardner motioned to approve credit to the SHS account for overpayment of monthly usage fee charges for beds that will be moved from the old facility to the new facility, Councilman Jensen seconded; all were in favor, motion carried.

ADJOURNMENT

Councilman Brown motioned to adjourn the meeting, Councilman Jensen seconded; all were in favor. The meeting was adjourned at 8:00 PM.

City of Blackfoot

Mayor Marc Carroll

ATTEST:

City Clerk Suzanne McNeel

Prepared by:

Lisa J Tornabene