



**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM JUNE 7, 2022**

PLEDGE OF ALLEGIANCE

Mayor Carroll led the Pledge of Allegiance. Following the Pledge of Allegiance, Mayor Carroll informed the Council there was an airplane crash and asked Chief Gay to give an update on the status of incident. Chief Gay said the crash happened at 3:10 p.m. today. The two individuals that were involved in the plane crash accident are being treated. Mayor Carroll moved on and called the work session budget meeting to order at 5:27 P.M.

ROLL CALL

Those in attendance were: Councilman Brown, Councilman Gardner, Councilman Jensen, and Councilwoman Simpson.

CITY TREASURER – GRAHM ANDERSON

Budget Work Session

City Treasurer, Graham Anderson explained he would be giving an overview of some of the changes that will be impacting the budget. Mr. Anderson went over detailed changes for each of the fifteen departments and began with talking about fees for sanitation going up due to the tipping fees going up at the transfer station and to cover salaries to be competitive in the market. There were a few changes added to this budget that were requested or needed. There will be plans for fee increases in the WWTP department and are waiting for FCS's recommendations and presentation. CDL training will be offered to help the city get new employees. There will be a meeting with FCS held on June 21, 2022, to go over the rate increases. The Water Department is needing to look into hiring a water treatment specialist, this will need to be looked at and discussed. The Parks and Recreation budget no longer has an expense for the swimming pool and had a good year with income from golf. Changes for the golf course include switching merchant service companies to save on costs, golf cart maintenance should go down with the leases, implementing a security system as the golf course currently does not have one. Areas in the Parks and Rec department need maintenance; Jensen Grove greenbelt needs a sealcoat, recreation supplies, and the baseball fields need maintenance as well. The library and City Hall building needs a fire alarm system and the rough estimated cost for this is around \$40,000. Changes for the Cemetery were only the cost of training for the new Cemetery Sexton. The Columbarium project and Sprinkler System project will be pushed to next year's fiscal year budget. The Airport will be restructuring some of the admin airport duties that will be taken on by an administration assistant at City Hall, this will mean that the airport will no longer have to carry a percentage of wage and will not expand the cost to any other department as the duties will be taken on by a current employee at City Hall. The Streets Department has increased costs on computer software, equipment, increase in fuel, and vehicle leases. For Ambulance there has been an increase in costs due to training. The City of Blackfoot started working on a partnership with Fort Hall on a training academy for new hires, a new ambulance and equipment. Changes added to the budget for Building and Zoning are plans to implement an abatement program and sidewalk program, computer software increase, and maintenance on the map machine. The Fire Department budget changes include a vehicle lease, a brush truck and a bay door as items that are needed. The changes to the Police budget include preventative maintenance cost increase, fuel cost increase, increase on the animal shelter, and increase in the county contract.



Changes to the Administration budget include potentially switching to full size utility bills instead of the smaller postcard style bills for better communication and more outreach to the community. The Administration department has looked into ideas to implement for employee retention.

The General Fund is about \$193,000 short in total, Mr. Anderson said that before making cuts on the budget, it was at about \$584,000 over the revenue projections and there are still more cuts to the budget that need to be made. Mayor Carroll talked a bit about inflation and said that there could potentially be about \$100,000 increase on the wage and salary line per 1% increase to the COLA.

Adjournment of Budget Work Session

The City Budget work session adjourned at 6:58 P.M.

BLACKFOOT REGULAR CITY COUNCIL MEETING

ROLL CALL

Roll call was taken and those in attendance were: Councilman Brown, Councilman Gardner, Councilman Jensen, and Councilwoman Simpson. The City Council meeting began at 7:07 P.M.

SWEARING IN NEW POLICE OFFICERS – TROY SMITH AND JAMES CLAPIER

Troy Smith and James Clapier were officially sworn in as new police officers of the City of Blackfoot Police Department.

Councilman Jensen made a motion to add item D. to the agenda for recognizing Brian Bates as State of Idaho Wastewater Collection Operator of the Year. Councilman Brown seconded the motion; all were in favor, motion carried.

RECOGNIZING BRIAN BATES AS STATE OF IDAHO WASTEWATER COLLECTION OPERATOR OF THE YEAR

WWTP Superintendent, Rex Moffat presented Brian Bates with an award in recognizing Mr. Bates as the State of Idaho Wastewater Collection Operator of the Year.

CONSENT AGENDA

Councilman Jensen made a motion to approve the consent agenda as presented including the minutes from 4/19/2022 and 05/03/2022, payables, firework permits, airport lease transfers to Jed or Jared Taylor, and the assignment of airport lease to Tadd Jenkins. Councilman Gardner seconded the motion; all were in favor, motion carried.

CITY TREASURER - GRAHM ANDERSON

Treasurers Report

Mr. Anderson did an overview of the monthly expense to budget percentages for each department and then moved on to talk about the bank and investment accounts. Currently the bank and investment accounts are showing the following balances: Moreton Investments: \$2,513,828.01, LGIP: \$6,868,609.18, DBF: \$2,715,979.98, Zions Sweep: \$7,723,805.17, Zions Checking: \$11,287.00. Calendar items for the next few months include round 3 of budget meetings, July 5, 2022, is the Tentative Budget Proposal, July 19th is the Budget Hearing, and August 2, 2022, is the Budget Appropriations Ordinance meeting. ARPA projects include Champions Gate, this project has been



completed, the cost of the project was \$322,737.86. The Radio Meters project is in progress, some of the radio equipment needed has begun to arrive. The Downtown Sewer Upgrade project is still in progress and needs a contractor to come in and do 12 spot repairs, 1 pipe length of open trench repair, 7 manholes replaced and then re-camera the lines. The bid process is currently on hold. The city was awarded the grant for the RV dump station and will be available to move forward with the second part of the engineering for the dump station.

MAYOR MARC CARROLL

Discussion and Vote on Whether to allow Bird Rides Inc. to Establish Motorized Scooters in Blackfoot

Mayor Carroll received a letter from Bird Rides Inc. regarding the possibility of establishing motorized scooters in Blackfoot. Mayor Carroll expressed that he is a little on the fence on the idea of bringing these scooters to Blackfoot, when he first heard about this, he thought this would be ideal for Jensen Grove. Generally, they are kept on sidewalks, not on streets and the speed of the scooters can be governed. The company would have an individual who would oversee gathering them up each night, charging them and return them to their designated area. The age requirements for riding a scooter are 18 years of age or older. One main concern would be that the city doesn't have wide enough sidewalks in some parts of the city.

Councilman Brown made a motion to approve the Bird Rides Inc. Agreement and give the mayor the authority to cancel if we have reason. Councilman Jensen seconded the motion; all were in favor, motion carried.

TABLED ITEMS

1. Proposed Ordinance Amending Commercial Zoning Districts
2. Proposed Ordinance Regarding Accessory Structures

Councilman Jensen made a motion to take items 1 and 2 off the tabled items and add to the agenda. Councilwoman Simpson seconded the motion; all were in favor, motion carried.

Councilman Gardner made a motion to move forward in finalizing the draft with item No. 1 amending commercial Zoning District. Councilman Brown seconded the motion; all were in favor, motion carried.

Councilman Jensen explained that in a previous meeting item No. 2 for the proposed ordinance regarding accessory structures was being looked at being amended to specifically state that accessory structures are smaller than the primary structure. Councilman Jensen has searched through at least fifty different city codes and has yet to find one that specifically states anything about the size of the accessory structure being a smaller size. Councilman Jensen and other council members agreed that what would make more sense would be that the combined footprint of all the accessory structures together including the main dwelling should not exceed the maximum zoning allowed in the zoning district. Councilman Jensen added that you can have them anywhere in the yard except in the front yard. Attorney Sandow said the city code currently has a maximum lot coverage requirement and this part is covered, however, the use table has a different percentage of coverages, and this would need to be updated and would like to take this back to Planning and Zoning to be relooked at.



Councilman Jensen made a motion to reject the initial proposal by Planning and Zoning to change the definition, request Planning and Zoning to correct verbiage, and to look into distance between structures. Councilman Gardner seconded the motion; all were in favor, motion carried.

PLANNING AND ZONING – KURT HIBBERT

Findings of Fact from P&Z for R-1 Zone Recommendation

Attorney Sandow explained that previously there was a discussion regarding considering two different proposals from the Planning and Zoning Board on amending the definition of the minimum lot size required in an R1-R Zone (Rural Ranchette), which is now designated as RR Zone. The Findings of Fact and Conclusions were given to the Councilmembers to review.

Councilman Jensen made a motion to adopt the findings of fact that designate RR Zone for one acre to allow animals and use R-1 Zone or LDR-1 Zone definitions for all other purposes. Councilman Brown seconded the motion; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
CITY COUNCIL
OF THE
CITY OF BLACKFOOT
June 7, 2022

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the City Council of the City of Blackfoot on May 3, 2022, the Council considered two different proposals from the Planning and Zoning Board on amending the definition of the minimum lot size required in an R1-R Zone (Rural Ranchette), which is now designated as a RR Zone. The issue was whether the lot size minimum was one acre for animals and the typical R-1 zoning for other purposes, or alternatively, whether the minimum lot size was one acre absolutely. After two separate public hearings the Planning and Zoning Board recommended the minimum lot size to be one acre absolutely in a Rural Ranchette Zone. Both of those Findings were presented to and considered by the City Council.

Based on the testimony, documents, relevant ordinances, evidence presented, and a review of the findings adopted by the Planning and Zoning Board, the City Council finds as follows:

Findings and Conclusions:

1. Prior to the additional of the Rural Ranchette zone, it was illegal under City zoning laws to have any horses, cows, livestock or other farm animals, unless such use was grandfathered as a pre-existing use prior to the adoption of the zoning ordinances.



2. The additional Rural Ranchette zone was originally brought to the City Council in order to allow larger lots (one acre or more) to have horses, cows, livestock or other farm animals with certain limitations. The Rural Ranchette zone was adopted to preserve these animal rights.
3. Shortly after adopting the Rural Ranchette zone, an application for a Planned Unit Development was presented to Council by Kendall Murdock. The density of the development became an issue due to the definition of the minimum lot size in the text of the ordinance being one acre.
4. The issue arose because pursuant to the Planned Unit Development section of the Blackfoot City Code, the residential density allowed shall be calculated by dividing the gross area set aside for residential uses by the minimum lot size per dwelling unit required by the zone in which the site is located.
5. The proposed site was currently zoned R-1R, which per the text of the code required a minimum lot size of one acre. However, with the staff recommendation, it was the Council's position that the minimum lot size in an R-1R zone was to protect animal rights, and not to prohibit residential growth. Lot sizes for development purposes were to remain as in an R-1 zone. With an R-1 zone, the minimum lot size is 6,000 to 7,000 square feet, but with infill adjustments and density adjustment allowances, the lot size proposed in the Kendall Murdock PUD complied with City Code.
6. A lawsuit was filed due to the ambiguity in the text of the Rural Ranchette zoning definitions.
7. In order to avoid similar debates in the future, the Council desires to amend the lot size definition in the Rural Ranchette zone to more fully comply with Council's original intent.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

Based upon the above findings, the City Council disagrees with the recommendations of the Planning and Zoning Board, and finds that it was the original intent of the City Council to approve the Rural Ranchette zoning ordinance to protect animal rights. It was not the intent of Council to restrict residential growth. Therefore, it is the vote of City Council to amend the Rural Ranchette zone to clarify the one acre lot size is for animal rights only, and that lot sizes shall be governed by R-1 and/or LDR-1 zoning for all other purposes.

These findings of fact, conclusions, and resolution formally were adopted a majority vote of the City Council on this, the 7th day of June, 2022.

City Clerk
City of Blackfoot, Idaho



Proposed Ordinance Approving the R-1R Zone

Attorney Sandow read Ordinance No. 2224 that is to amend section 11-4-7(H)(5) regarding the minimum lot size in an R1-R Zone.

Councilmember Jensen made a motion to approve Ordinance No. 2224 and waive further readings. Councilwoman Simpson seconded the motion; on a roll call vote, all were in favor, motion carried.

ORDINANCE NO. 2224

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING SECTION 11-4A-7(B)(3) REGARDING THE MINIMUM LOT SIZE IN AN R1-R or RR ZONE; 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 11-4A-7(B)(3) of the Blackfoot City Code be amended as follows:

11-4A-7(B) R1-R District Regulations:

3. Lot Area: For purposes of allowing farm animals, a minimum area of one acre is required. For residential development or other residential uses, lots sizes are required to comply with the R-1 and/or LDR-1 zoning requirements. Minimum lot area requirement is one (1) acre.

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 7th day of June, 2022.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Executive Session

Councilman Jensen made a motion to move into Executive Session pursuant to provision of Idaho Code 74-206, subsection 1 (a) to consider hiring a public officer, employee, staff member or individual agent



wherein the respective qualified individuals are to be evaluated in order to fill a particular vacancy or need. (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. Councilwoman Simpson seconded the motion; on a roll call vote all were in favor and the Council moved into Executive Session at 7:58 P.M.

Councilwoman Simpson made a motion to move out of Executive Session and move back into the Regular Meeting. Councilman Brown seconded the motion; all were in favor on a roll call vote, and the Regular Meeting commenced at 8:15 P.M.

MAYOR MARC CARROLL

Approve Appointment of Chief of Police

Before approving the appointment for the position of Chief of Police, Mayor Carroll acknowledged and expressed that Police Chief, Scott Gay has done a lot of tremendous things in the several years that he was the Chief of the Police Department. Mayor Carroll thanked him for his years of service and wished him well in his retirement. Chief Gay's last day will be June 30th, 2022. Mayor Carroll nominated Captain Gordon Croft as the next Chief of Police.

Councilman Jensen made a motion to approve Captain Gordon Croft as the next Chief of Police, effective as of 6-30-2022. Councilman Gardner seconded the motion; on a roll call vote, all were in favor, motion carried.

ADJOURNMENT

The City Council meeting was adjourned at 8:20 P.M.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Patty Ojeda