



**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM JULY 6, 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 (via phone) and Councilwoman Simpson.

CONSENT AGENDA

Councilman Brown motioned to approve the Consent Agenda, consisting of the minutes from 6/1/2021, 6/09/2021 and Payables, Councilman Gardner seconded; all were in favor, motion carried.

CITY TREASURER – GRAHM ANDERSON

Presentation of the Proposed 2022 FY Budget

City Treasurer Grahm Anderson explained to the Council that the Legislature has made changes that impacted budgets and how they are looking going forward. House bill 389 recently passed and this bill changes the way that things are done with the budgeting process, annexation, new construction and how foregone will be applied. Mayor Carroll stated the preliminary budget numbers can stay the same, but they cannot go up. Councilman Brown reiterated that most of the increases are due to salary increases and benefits. Mr. Anderson explained there will be a few big increases that will show as expenses for the upcoming WWTP projects that will be offset by ARPA funds. A couple of things that will be kept the same is the COLA Increase of 2.2% plus a 1% merit. On the benefits side, last year there was 7% budgeted, this year with talking to the insurance and benefits group, they recommend it be raised to 10% to make up for any unforeseen deficiencies and increases in claims. The city has recently received 1.2 million of the awarded 2.4 million from ARPA funds. L-2 forms were just recently released, County Clerk Pam Eckhart is working with Mr. Anderson on this and they will not be completely finalized until the middle of August. He then provided a broad snapshot overview of the preliminary budget numbers to the council and stated this amount is what will be published as the public hearing will be held on July 20, 2021.

Councilman Gardner motioned to approve the proposed FY 2022 budget and move to public hearing, Councilman Brown seconded the motion; all were in favor, motion carried.

STREETS SUPERINTENDENT – VAUGHN KEY

Change in Sanitation Tipping Fees

Streets Superintendent, Vaughn Key stated that he received word that tipping fees will not be what they were proposed to be. They are three dollars per ton higher than originally proposed. Tipping fees were previously at \$50 and are now going to \$68.



Councilman Gardner moved to amend the motion to approve the proposed Fiscal Year 2022 budget with the correction of the new sanitation tipping fees. Councilman Brown seconded the motion; all were in favor, motion carried.

CITY ATTORNEY GARRETT SANDOW

Proposed Ordinance Regarding the Illegality of Turning Water Services On/Off without Authorization

The water department has run into problems over the years due to City residents turning on and off their own water and breaking the shut off valves and not letting City employees know. This issue has resulted in heated arguments between City residents and City employees when City water department employees asked residents to not tamper with the water meters, as they are property of the City. There is currently no wording in the ordinance that states that only City employees should be authorized to turn municipal water services on or off. City Attorney Garrett Sandow proposed to add an ordinance that would make it a misdemeanor for a person who is not a city employee to turn water services on or off. Residents should not tamper with the water meters or turn their own water on or off. The city currently does have an ordinance in place that states that water meters should not be tampered with, however, it does not specifically clarify that turning the water on or off is considered tampering with the water meter. The proposed Ordinance No. 2207 is to add a special section with clarification to the original ordinance.

Councilman Brown motioned to approve Ordinance No. 2207 as presented and to waiving any further reading. Councilman Gardner seconded the motion. Roll call was taken and those in favor were: Councilman Brown, Councilman Gardner, Councilman Jensen (via phone) and Councilwoman Simpson. All were in favor; motion carried.

ORDINANCE NO. 2207

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 32(C) TO CHAPTER 1, TITLE 9, REGARDING THE ILLEGALITY OF TURNING WATER SERVICE ON OR OFF WITHOUT AUTHORIZATION; AND FOR 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 32(C) be added to Chapter 1, Title 9, as follows:

9-1-32(C). Unauthorized Use of Shut off Valve: It shall be unlawful for any person to turn a municipal water service on or off without authorization from the City's water department. A violation of this section shall be considered a misdemeanor.

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 6th day of July, 2021.



CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Proposed Zone Code Amendment Ordinance

Proposed Ordinance No. 2208 deals with the residential use districts that the Council and Planning and Zoning have worked on for several months. There have been no changes to the content of the rules and regulations. This amendment will repeal what is currently sections 1-6 and will add the new content as sections 1-6.

Councilman Gardner moved to approve Ordinance No. 2208 as presented and waive any further readings. Councilwoman Simpson seconded the motion. Roll call was taken and those in favor were: Councilman Brown, Councilman Gardner, Councilman Jensen (via phone) and Councilwoman Simpson. All were in favor; motion carried.

ORDINANCE NO. 2208

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, REPEALING THE CURRENT CHAPTER FOUR OF TITLE 11 (Use Districts and Regulations) SECTION 1 THROUGH SECTION 6, and ADDING A NEW CHAPTER FOUR OF TITLE 11, SECTION 1 THROUGH SECTION 6, REGARDING THE REGULATION OF THE ZONING REQUIREMENTS IN THE RESIDENTIAL AREAS, PROVIDING FOR NEW RESIDENTIAL ZONES TO BE AUTHORIZED, 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 the current Zoning regulations of the City are fairly cumbersome and difficult to determine the rules and restrictions for each particular zone. In an effort to add simplicity and greater flexibility in the zoning of the City it is necessary to repeal the current zoning system and add an entirely new zoning scheme.

SECTION 2: That under the new zoning scheme, there are certain zones that are identical to the old zoning, but with new names. Those primary name changes are as follows:

- R1 zoning will now be Low Density Residential (LDR 1)
- R2 zoning will now be Medium Density Residential (LDR 2)
- R3 zoning will now be High Density Residential (LDR 3)



SECTION 3: That the current Title 11, Chapter 4, Sections 1 through 6 shall be repealed in its' entirety.

SECTION 4: That the new Title 11, Chapter 4, Sections 1 through 6, attached hereto as Exhibit "A" shall be adopted in its' entirety.

SECTION 5: 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 6th day of July, 2021.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

PLANNING AND ZONING – KURT HIBBURT
Proposed Zone Change at 955 Lansing from RA to R1

The proposed is a zone change from RA to R1 to make room for a single-family home subdivision to go in on this lot.

Councilman Brown motioned to approve the change from RA to R1 for 955 Lansing. Councilman Gardner seconded the motion. All were in favor; motion carried.

Proposed Findings of Fact

Councilman Gardner motioned to approve the proposed Findings of Fact and Conclusion to move from RA to R1. Councilwoman Simpson 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
July 6, 2021

FINDINGS AND CONCLUSIONS:

At the duly scheduled meeting of the City Council of the City of Blackfoot on July 6, 2021, the Council considered the request by Clayton Homes for approval of a zone change for real property located at 955 Lansing, Blackfoot, Idaho. Upon reviewing the matter with the Planning Administrator, reviewing the



relevant City Code, reviewing the recommendations of the Planning and Zoning Commission, and reviewing documents submitted by the applicant and by any other interested parties, the City Council hereby adopts the following Findings of Fact and Conclusions:

1. The current zone of the property is RA (residential agriculture), and the applicants have requested a zone of R1 as set forth in their application.
2. Based upon the information provided by the City officials, adequate water and sewer services, in both quantity and quality, are available for the property as an R1 zone. It appears that the City would be able to provide and maintain existing and future required capabilities of public utilities.
3. The Council determines that adequate transportation exists for the proposed zoning request.
4. School district officials indicate that the local school district will not be adversely effected.
5. An R1 zone is consistent with the comprehensive plan and complies with current city codes.
6. An R1 zone will maintain and preserve compatibility of surrounding zoning and development.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The City Council approves the zone change from RA to R1 as presented.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the City Council on July 6, 2021.

City Clerk

Ordinance No. 2209

Ordinance for change in the zone from RA to R1 on 955 Lansing.

Councilman Brown motioned to adopt Ordinance No. 2209 changing the zoning from RA to R1 and to waive any further readings. Councilman Gardner seconded the motion. Roll call was taken and those in favor were: Councilman Brown, Councilman Gardner, Councilman Jensen (via phone) and Councilwoman Simpson. All were in favor; motion carried.



ORDINANCE NO. 2209

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R-A TO R-1 ON THE PROPERTY DESCRIBED BELOW; PROVIDING FOR THE EFFECTIVE DATE.

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

SECTION 1: That the zoning of the property described in Exhibit "A" attached hereto, located at 955 Lansing Street, in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R-A to R-1.

SECTION 2: That the Blackfoot City Zoning Map be amended to reflect this zone change.

SECTION 3: 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 6th day of July, 2021.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

EXHIBIT A:

**Legal Description: T3S R35E SEC 04 T-17402
(RP1300203)**

Proposed Subdivision at 676 W. Court St.

A zoning action was approved on the high density R3 zone change previously on a proposed subdivision at 676 W. Court St. An approval of the plat map is proposed and recommended by the Planning and Zoning department. Construction on this has begun. It is alright if construction begins without a plat but at their own risk. If the construction does not align with the plat, then the construction company will be required to correct any issues and would need to adjust the lines. Also, the Planning and Zoning department will not issue Occupancy or Certificates of Occupancy until its platted and they will not be able to sell them separately. Councilman Brown mentioned an email from Renette Loosli regarding questions of water, sewer, garbage, and parking. Councilman Brown asked if there is compliance with parking on this plat map. Kurt Hibbert, stated they are in compliance with parking, adding that infiltrators will be going in and will be buried so that the parking can be on top of where the swell was. This way there will be extra parking available for visitors. The homes that will be built will be single



family town homes that will be sold individually. Councilman Jensen asked if there are currently development agreements, Mayor Carroll stated they will be coming.

Councilman Brown motioned to adopt the Planning and Zoning Findings of Fact and approve the subdivision. Councilman Gardner seconded the motion. All were in favor; motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
July 1, 2021

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on May 25, 2021, the Board held a public hearing on the request of Russell Robison to review the subdivision to be known as Robison Townhomes and to be located at 676 E. Court Street, for recommendation of approval or denial to City Council, pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony in favor was heard and evaluated by the Board. One patron provided testimony w neutral to the request and was primarily concerned with setbacks, water service, privacy fences, parking, and similar issues. No testimony was provided in opposition to the request. After the May 25, 2021 hearing, the matter was tabled to allow more information to be provided regarding parking, fire department approval, and other similar issues. That information was provided at the June 22, 2021 meeting to the satisfaction of the Board. Thereafter, upon reviewing the matter with the Planning Administrator and his Staff Report, made a part hereof by this reference, reviewing the relevant City Code, hearing any testimony in the public hearing, and reviewing any documents submitted by the applicant and by any other interested parties, the Board finds and concludes as follows:

FINDINGS and CONCLUSIONS:

1. The applicant has worked with the water department and has made arrangements for upgrades to the water system and with that, the proposed subdivision has made adequate provision for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed.
2. Adequate provisions have been made for a public sewerage system and that the existing municipal system can accommodate the proposed sewer flows.
3. Proposed streets are consistent with the transportation element of the comprehensive plan and comply with current city design criteria.



4. After reviewing the matter with the fire department, it appears the proposed subdivision will be in compliance with applicable fire codes.
5. Adequate provisions have been made for storm water collection, retention and/or conveyance. Facilities are sized according to city drainage policy and design criteria.
6. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.
7. The area proposed for subdivision is now zoned for the proposed use and the use conforms to or will conform to other requirements found in this code.
8. The developer has made adequate plans to ensure that the community will bear no more than its fair shares of costs to provide services by paying fees, furnishing land or providing other mitigation measures for off-site impacts to streets, parks and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay service availability fees.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council approve the subdivision as presented.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the planning and zoning board on July 1, 2021.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Proposed Phase 2 of Copper's Cove Subdivision

Kurt Hibbert turned the time over to Jeff Steadman. Mr. Steadman shared that they are closing the second phase of Cooper's Cove development that covers the remaining twelve acres with 29 lots in the subdivision. Mr. Steadman said that one of the roads had to be realigned and they will be using an infiltrator storm system. The lots in the subdivision have been in demand and there are only three remaining lots for sale and the others have agreements on them, however, Steadman Construction will not start building those homes until he knows what the market will be on lumber. It was stated the



elevation changes of 6 ½ ft will meet City standards on the proposed street attaching to Hillridge. Councilman Gardner asked if he had considered having the road go through Tana Dr? Mr. Steadman said he does not own the property there or know of anything for sale going out that way. Councilman Gardner asked Mr. Steadman if he thought if it would be worth it to him to have Mr. Hibbert talk with Mr. Tanner who owns the property connecting to Tana Dr. Councilman Gardner expressed concern because of the school and kids crossing through there. Back in 2017 when the original plat was made, there was a discussion regarding this, and he said that he would not provide any of the infrastructure and that it would all fall on either Jeff Steadman or the City. At the time, the city said they didn't want to participate, and this is when Jeff decided to add ¼ of a mile to the subdivision. Mr. Hibbert said he and former Public Works Director, Richard Mangum previously had a conversation with Mr. Tanner Sr. and Jr. and at that point he was very amenable to the ideas, the cost was an issue for him, but he was willing to consider giving the City the land at that time, however, since then Mr. Hibbert has not had any further discussions regarding that. Mr. Steadman said he is not opposed to the idea proposed.

Councilman Brown motioned to adopt the Findings of Fact from the Planning & Zoning board and approve proposed phase 2 of the Cooper's Cove Subdivision. Councilman Gardner seconded the motion. All were in favor; motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
July 1, 2021

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 22, 2021, the Board held a public hearing on the request of Jeff Steadman / Steadman Construction to review the subdivision to be known as Cooper's Cove Subdivision, Phase 2, for recommendation of approval or denial to City Council, pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony in favor was heard and evaluated by the Board. No testimony was provided neutral to the request. One patron requested information on why the subdivision would be connected to Hill Ridge Drive. No testimony was provided in opposition to the request. Upon reviewing the matter with the Planning Administrator and his Staff Report, made a part hereof by this reference, reviewing the relevant City Code, hearing any testimony in the public hearing, and reviewing any documents submitted by the applicant and by any other interested parties, the Board finds and concludes as follows:

FINDINGS and CONCLUSIONS:



1. The proposed subdivision has made adequate provision for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed.
2. Adequate provisions have been made for a public sewerage system and that the existing municipal system can accommodate the proposed sewer flows.
3. Proposed streets are consistent with the transportation element of the comprehensive plan and comply with current city design criteria.
4. Adequate provisions have been made for storm water collection, retention and/or conveyance. Facilities are sized according to city drainage policy and design criteria.
5. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.
6. The area proposed for subdivision is now zoned for the proposed use and the use conforms to or will conform to other requirements found in this code.
7. The developer has made adequate plans to ensure that the community will bear no more than its fair shares of costs to provide services by paying fees, furnishing land or providing other mitigation measures for off-site impacts to streets, parks and other public facilities within the community. It is the expectation that, in most cases, off site mitigation will be dealt with through the obligation to pay service availability fees.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council approve the subdivision as presented.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the planning and zoning board on July 1, 2021.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho



ADJOURNMENT

The City Council meeting was adjourned at 7:55PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared By:

Patty Ojeda