

**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM AUGUST 4, 2020**



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.

CONSENT AGENDA

Councilman Jensen motioned to approve the Consent Agenda, consisting of the minutes from July 7, 2020 and Payables, Councilman Brown seconded; all were in favor, motion carried.

CITY TREASURER – HOLLY POWELL

Public Hearing on Proposed Tentative FY 2021 Budget

Ms. Powell summarized highlights of the 2021 tentative budget, explaining there was a 1.1% increase over 2020. Reserves have been increased in the proposed budget and offsets have been accomplished through flat-lining normal line-items, funding capital projects with carry-forward funds and adjusting buffers that had previously been held to offset changes in benefits.

There will be a Special Council Meeting held on August 18, 2020 at 7:00 PM for a work session to discuss the letter of intent and also to discuss property tax relief.

Councilman Jensen motioned to move into public hearing for the tentative budget, Councilman Gardner seconded, roll call was taken, all were in favor and the meeting moved into Public Hearing at 7:06 PM. With no public comment, Councilman Brown motioned to move into Regular Session, Councilwoman Simpson seconded, roll call was taken and all were in favor, motion carried and Regular Session resumed at 7:08 PM.

MAYOR MARC CARROLL

COVID-19 Update

Mayor Carroll reviewed the current COVID-19 Situational Report and the Regional Response Plan with Council. Specifically, Mayor Carroll discussed that Bingham County is in the Moderate-Risk level and moving into the High-Risk Level when considering case numbers. The one thing keeping the County from moving into the High-Risk level is that Bingham County still has ventilator capacity at the hospital. Mayor Carroll also discussed the potential for a mask mandate and although Maggie Mann at Southeastern Idaho Public Health recommends face coverings, it is very difficult to enforce.

Mayor Carroll explained the City will put into place a mask mandate when there is an inability to social distance. Lisa Tornabene then presented Council with the COVID-19 Policy and Procedures that will be adopted for City of Blackfoot employees, customers, vendors and any other visitors to City offices or workplaces, effective August 10, 2020. Suzanne McNeel then updated Council on the thermographic camera.

Councilwoman Simpson motioned to add an action item to the August 18 meeting agenda regarding a mask mandate, Commissioner Gardner seconded, roll call was taken: Councilman Gardner and Councilwoman Simpson voted in favor, Councilman Brown and Councilman Jensen voted against, the Mayor voted in favor and the action item will be added to the August 18 Special Council Meeting.

Mayor Carroll then entertained a comment from Scott Dederscheck regarding a mask mandate. Mr. Dederscheck expressed that he would support whatever the City administrators determined to be appropriate; however, he feels that the public needs training on the proper use of masks in order for them to be effective.

PLANNING & ZONING ADMINISTRATOR – KURT HIBBERT

Proposed Zone Change at 2020 Cromwell Lane from R-2 to R-3

Mr. Hibbert explained that this zone change, which was recommended for approval by the Planning & Zoning Commission, is being requested in order to construct 68 residential single-family townhomes on the property. The Planning & Zoning Commission believes the proposed zone fits the neighborhood. City Councilmembers discussed citizen feedback that they received concerning the need to improve Lawrence Lane as well as the density of the proposed housing. Collin Hunter, who is developing the property, was in attendance and able to address Council questions regarding his plans including ditch use, water rights and specifics about the units themselves. Mr. Hunter also discussed the fact that he has been discussing the need for affordable housing with local business owners and feels as though these homes will begin to fill that void. Mr. Hibbert addressed questions concerning road width, and assured Council that surrounding roadways will be brought to City Code standards. Chief Scott Gay suggested the addressing issue be corrected on the Lawrence Lane 'spur', as this has been an ongoing safety issue for First Responders. Attorney Sandow requested that all emails received by Council regarding this issue be forwarded to Suzanne McNeel as ex parte communications.

Councilwoman Simpson motioned to adopt the Findings and Facts from the Planning & Zoning Commission, Councilman Gardner seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
July 28, 2020

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23, 2020, the Board held a public hearing on the request of Collin Hunter to change the zone at approximately 2020 Cromwell Lane, Blackfoot, Idaho, from R-2 to R-3 and to consider the recommendations to provide City Council pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony was heard from the Applicant's representative and evaluated by the Board. The matter was discussed with the Planning Administrator with a review of the relevant City Code. No one appeared to provide testimony in the public hearing in opposition to the proposal. After 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 property currently is zoned R-2. The Applicant has requested a designation of R-3, which is consistent with the adjacent properties.
2. That after consideration of the adjacent property zoning, the Commission has determined that a zone of R-3 is appropriate.
3. The proposed zone change to R-3 complies with and advances the goals and objectives of the Comprehensive Plan and is consistent with the uses in the area.
4. The zone change will allow the City to provide and maintain existing future capabilities of public utilities.
5. It appears the amendment to R-3 will not adversely affect other property in the vicinity.
6. The proposed zone will not adversely affect the public health, safety or welfare and does more accurately reflect the historic uses of the area.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council amend the zoning of the proposed area from R-2 to R-3.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on July 28, 2020.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilman Gardner motioned to adopt Ordinance No. 2194 and waive all required readings, Councilwoman Simpson seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2194

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R-2 TO R-3 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 2020 Cromwell Lane, in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R-2 to R-3.

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 4th day of August, 2020.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Exhibit A

OWNER; BAIR DANIEL BAIR KARLI
2020 CROMWELL, BLACKFOOT, ID,
T3S R35E SEC 11 T-449

Proposed Zone Change at 1520 and 1600 Highland Drive from R-2 to C-2

Mr. Hibbert explained this zone change, which was recommended for approval by the Planning & Zoning Commission, is intended to bring an area, that has historically been used as a C-2 Zone, into compliance. Councilman Jensen motioned to adopt the Findings and Facts from the Planning & Zoning Commission, Councilman Brown seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
July 28, 2020

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23, 2020, the Board held a public hearing on the request of Tom Arave to change the zone at approximately 1600-1520 Highland Drive, Blackfoot, Idaho, from R-2 to C-2 and to consider the recommendations to provide City Council pursuant to the application that is attached hereto and made a part hereof by this reference. The matter was discussed with the Planning Administrator with a review of the relevant City Code. No one appeared to provide testimony in the public hearing. After 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 property currently is zoned R-2. The Applicant has requested a designation of C-2 to comply with the historical uses of the property.
2. That after consideration of the historical use of the property, the Commission has determined that a zone of C-2 is appropriate.
3. The proposed zone change to C-2 complies with and advances the goals and objectives of the Comprehensive Plan and is consistent with the uses in the area.
4. The zone change will allow the City to provide and maintain existing future capabilities of public utilities.
5. It appears the amendment to C-2 will not adversely affect other property in the vicinity.
6. The proposed zone will not adversely affect the public health, safety or welfare and does more accurately reflect the historic uses of the area.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council amend the zoning of the proposed area from R-2 to C-2. These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on July 28, 2020.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilman Brown motioned to adopt Ordinance No. 2195 and waive all required readings, Councilman Jensen seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2195

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R-2 TO C-2 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 1520 and 1600 Highland Drive, in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R-2 to C-2.

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 4th day of August, 2020.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Exhibit A

OWNER: PETERSON KEVIN C PETERSON NANCEE
1520 HIGHLAND, BLACKFOOT, ID
T2S R35E SEC 35 T-16485

OWNER: ARAVE CAROL COLLEEN
1600 HIGHLAND, BLACKFOOT, ID
T2S R35E SEC 35 T-13076

Proposed Zone Change at 655 Harbor Drive from R-1 to R1-R

Mr. Hibbert discussed this zone change, which was recommended for approval by the Planning & Zoning Commission, was requested by the owners of the property in order to allow them to continue to house an animal on their property. Councilwoman Simpson motioned to adopt the Findings and Facts from the Planning & Zoning Commission, Councilman Gardner seconded; all were in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
July 28, 2020

FINDINGS AND CONCLUSIONS:

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on June 23, 2020, the Board held a public hearing on the request of Jeremy and Brittany Wood to change the zone at approximately 655 Harbor Drive, Blackfoot, Idaho, from R-1 to R-1R and to consider the recommendations to provide City Council pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony was heard from the Applicant and evaluated by the Board. The matter was discussed with the Planning Administrator with a review of the relevant City Code. No one appeared to provide testimony in the public hearing in

opposition to the proposal. After 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 property currently is zoned R-1. The Applicant has requested a designation of R-1R to comply with the historical uses of the property.
2. That after consideration of the historical use of the property, the Commission has determined that a zone of R-1R is appropriate.
3. The proposed zone change to R-1R complies with and advances the goals and objectives of the Comprehensive Plan and is consistent with the uses in the area.
4. The zone change will allow the City to provide and maintain existing future capabilities of public utilities.
5. It appears the amendment to R-1R will not adversely affect other property in the vicinity.
6. The proposed zone will not adversely affect the public health, safety or welfare and does more accurately reflect the historic uses of the area.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council amend the zoning of the proposed area from R-1 to R-1R. These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on July 28, 2020.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilwoman Simpson motioned to approve Ordinance No. 2196 and waive all required readings, Councilman Gardner seconded; roll call was taken and all were in favor, motion carried.

ORDINANCE NO. 2196

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R-1 TO R-1R 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 655 Harbor Drive, in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R-1 to R-1R.

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 4th day of August, 2020.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Exhibit A

OWNER: WOOD WILLIAM JEREMY WOOD BRITTANY
655 HARBOR, BLACKFOOT, ID
T2S R35E SEC 34 T-15725 P/C W/RP1066501

EXECUTIVE SESSION

Councilman Jensen motioned to move into Executive Session pursuant to the provisions of Idaho Code 74-206, subsection (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, all were in favor and Council moved into Executive Session at 8:00 PM. Councilman Brown motioned to reconvene the Regular Session, Councilwoman Simpson seconded; all were in favor and Regular Session resumed at 8:21 PM.

ADJOURNMENT

The City Council meeting was adjourned at 8:22 PM.

City of Blackfoot

Mayor Marc Carroll

ATTEST:

City Clerk Suzanne McNeel

Prepared by:

Lisa J Tornabene