



**CITY OF BLACKFOOT  
SPECIAL CITY COUNCIL MEETING  
MINUTES FROM SEPTEMBER 7, 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.

**SWEARING IN SAMUEL REYNA AS A BLACKFOOT POLICE OFFICER**

Samuel Reyna was sworn in as an official Blackfoot Police officer and signed the Official Oath Certificate.

**CONSTITUTION WEEK PROCLAMATION**

Whereas September 17, 2021, marks the two hundred and thirty-fourth anniversary of the drafting of the Constitutional Convention; it is fitting and proper to accord official recognition to the Proclamation document, its memorable anniversary, and the patriotic celebrations which will commemorate the occasion. Therefore, Marc Carroll by virtue of the authority vested in him as Mayor of the City of Blackfoot hereby proclaimed the week of September 17<sup>th</sup> through 23<sup>rd</sup> as Constitution Week. Anybody who wants to recognize the Constitution Day can do so by ringing bells at 2:00 PM to celebrate the exact signing time of the original Constitution on September 17<sup>th</sup>, 1787.

**CONSENT AGENDA**

Councilman Jensen made a motion to approve the Consent Agenda, consisting of the minutes from 08/09/2021, Payables, and Development Agreement with Tate and Vickie Capson. Councilman Brown seconded the motion; all were in favor, motion carried.

**MAYOR MARC CARROLL**

**Approval of Nomination to the Library Board**

The library staff nominated Cassie Black to replace the vacant position on the Library Board. Cassie has accepted the nomination. Councilman Jensen made a motion to approve Cassie Black for the nomination to the Library Board as presented. Councilwoman Simpson seconded the motion; all were in favor, motion carried.

**CITY TREASURER – GRAHM ANDERSON**

**Public Hearing on Foregone Accrual for FY 2022**

Grahm Anderson presented the Resolution for the foregone for the upcoming year. He explained that State Legislature passed legislation about one year ago stating that for states to retain their foregone, a resolution would need to be passed every year reserving the right to retain the foregone and use it at a future time.



Councilman Brown made a motion to move into Public Hearing at 7:17 p.m., considering of accruing foregone property tax for FY 2022. Councilman Jensen seconded the motion; all were in favor, motion carried.

Mayor Carroll stated that nobody signed to speak in favor of or in opposition to the Foregone Accrual for FY 2022 as presented. Mayor Carroll asked one last time if there was anyone who wanted to speak, no one requested to speak.

Councilman Brown made a motion to move back into regular session at 7:18 p.m. Councilwoman Simpson seconded the motion; all were in favor, motion carried.

**Resolution Approving the Foregone 2022 Property Tax Accrual**

Graham Anderson read Resolution No. 398 stating that the City of Blackfoot intends to reserve its current year's forgone in the amount of \$98,894.

Councilwoman Simpson made the motion to approve Resolution No. 398 as read and waive any further readings. Councilman Gardner seconded the motion; on a roll call vote: Councilman Brown, Councilman Gardner, Councilman Jensen, and Councilwoman Simpson all voted in favor, motion carried.

**CITY OF BLACKFOOT  
BINGHAM COUNTY, IDAHO  
RESOLUTION No. 398**

WHEREAS, the City of Blackfoot intends to reserve its current year's forgone in the amount of \$98,894 and,

WHEREAS, the City of Blackfoot has met the notice and hearing requirements in Section 63-802, Idaho Code on reserve the current year's forgone amount,

NOW THEREFORE BE IT RESOLVED, by the majority vote taken by the City Council of the City of Blackfoot on September 7, 2021, that the above stated amount is to be included in total forgone amount for use at a future date.

DATED this 7<sup>th</sup> day of September 2021



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**Marc Carroll, Mayor**  
**City of Blackfoot**

**ATTEST:**

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**Suzanne McNeel, City Clerk**  
**City of Blackfoot**

**MAYOR – MARC CARROLL**

**Approval of the Speed Limit Change on Bridge St. near 6<sup>th</sup> Grade School**

Mayor Carroll explained between Bridge Street and Stout Street, there is a crosswalk with a flashing yellow light and a speed zone of 20 miles per hour. There was a concern expressed to the Transportation Department that a lot of children cross a block east of that location at Fisher Street and suggested moving the boundary. Councilman Jensen commented to the mayor that he believes this issue should go to Council and explained that the reason he feels this should go to Council is due to changing the speed limit one block, even though the sign is changed, according to the books, that block would still be 30 mph instead of 20 mph.

Councilman Jensen made a motion to approve Resolution No. 399 as presented to change the speed limit on East Bridge and East Judicial to 20 mph as was presented. Councilman Gardner seconded the motion; all were in favor, motion carried.

**RESOLUTION NO. 399**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO, DESIGNATING THE SPEED LIMIT FOR EAST BRIDGE STREET AND EAST JUDICIAL STREET.**

**THIS RESOLUTION, is made on the date hereinafter set forth by the City Council of the City of Blackfoot, Idaho.**

**RECITALS**

1. WHEREAS the previous speed limit for a portion of East Bridge Street and East Judicial Street in the City of Blackfoot, near the Blackfoot 6<sup>th</sup> Grade School and near a cross walk, was 30 miles per hour; and
2. WHEREAS the City Council has determined upon the basis of an investigation that a lower speed



limit near the Blackfoot 6<sup>th</sup> Grade School would be in the best interest of the public safety; and

**NOW THEREFORE BE IT RESOLVED THAT:**

1. Pursuant to Blackfoot City Code 7-2-2C, the City Council hereby determines and declares that a reasonable and safe prima facie speed limit for the length of East Bridge Street and East Judicial Street from the eastern side of Shilling Street east to the alleyway between Fisher Street and Adams Street shall be 20 miles per hour.
2. Appropriate signage shall be erected giving notice of the speed limit.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 7<sup>th</sup> day of September, 2021.

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Mayor Marc Carroll

ATTEST:

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City Clerk

**Certificate of Participation (COP) Discussion**

Mayor Carroll expressed that he had recently learned about Certificates of Participation (COP) in the mayor meetings that he has been attending. He mentioned the City of Chubbuck just recently got a brand-new City Hall building and this was done with a Certificate of Participation. Mayor Carroll said the City of Blackfoot finds itself in need of a new fire station, a new animal shelter, a new water shop and would like to co-locate the Streets Department with the Water Department. Treasurer Graham Anderson did research on COPs and explained that it is a financing tool that cities and counties have used to help them get a new city hall facility, jails, and many other unique capital improvement projects. A Certificate of Participation is a type of financing where an investor will purchase a share of lease revenues and it is used by local government to acquire local property. The city could use it to purchase real estate or use it for large capital equipment purchases. In the agreement, the government makes regular payments over the annually renewable contract for the acquisition and use of the property. The COP lease finance agreement is then sold to investors as securities resembling bonds. The longest that a lease can go for is 99 years, however, generally 30 years is the longest term and there are also options for 15- and 10-year terms. Like a bond, a COP is appointed a trustee to issue the securities that represent a percentage of the interest in the right to receive payments from the local government under the purchase agreement and then investors are given a certificate that entitles them to a share of the revenue generated by a lease purchase agreement of the property or equipment. The lease payments are passed through to the trustee who oversees the distribution of payment to the investors.



Mr. Anderson said there was some discussion about whether this is legal or not and questions on if it can be done. Constitutional background for annual appropriations states the Idaho State Supreme Court says these are legal if they are structured properly and fit within the lease appropriation agreement. He explained that the interest rates on these are low and went over the differences between a COP lease and a bond. He explained that it must be renewed yearly, there are no automatic renewals and explained what happens if it is not renewed yearly. If the lease is not renewed, the issuer would have to vacate the property at the end of the current lease year. The risk would fall back on the trustee, the investors, and the bank. It would be on them to re-lease the facility to another entity until they get paid back in full. There is no penalty for non-renewal of the lease, however, there are other consequences such as financial reputation, difficulty in acquiring future bonds or leases, and possibly a drop in credit rating making the city be seen as a lot riskier entity.

Mr. Anderson went over other surrounding cities and counties in our area that have used COPs including Chubbuck and Idaho Falls. Chubbuck used a COP lease to fund a new city hall building, a new animal shelter and for renovation to their old city hall building making a new police headquarters. Ada County funded a new coroner building, Idaho Falls used a COP to fund the new construction of their police headquarters and Fremont County just did a COP for a construction of jail expansion. Councilman Gardner said that more than one project could be grouped together in a COP like Chubbuck did and they wouldn't need to be separate leases. Mayor Carroll added there would be potentially one to four facilities if this is something that the Council would like to consider and for now it is just looking at options. Chief Gay commented there would be a lot of details that would need to be discussed prior to a price or design on a new police station. Councilman Brown expressed that the city would need to look back and see what it can afford to build. Mayor Carroll said some people might not think this is the way to go about financing buildings, however, this was brought to the attention of the Council as a potential option as the Council decided that the city, at this point, could not afford to make the move on the Nonpareil building. Mayor Carroll expressed that he is seeing a great need of a new Fire Station. He added that there are also operational issues at the water shop and would like to see the Streets Department building relocated to a better location. What it comes down to is what the city can afford.

#### **PLANNING AND ZONING – KURT HIBBERT**

##### **Approval of Harborside Re-Plat of Subdivision**

Mr. Hibbert explained there have been some amendments made to the Harborside Subdivision Plat. They have taken some noncontiguous parcels and given those to the adjacent lot owners because they were able to move a lot of the open spaces to some big contiguous properties to the south of the development.

Councilman Brown made a motion to adopt the Findings of Fact and approve the Re-Plat of Harborside Subdivision. Councilman Jensen seconded the motion; all were in favor, motion approved.

### **FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION ADOPTED**



**BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
August 10, 2021**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on July 27, 2021, the Board held a public hearing on the request by Harborside Partners, LLC, to re-plat Harborside Condominiums/PUD, Blackfoot, Idaho, in order to allow a lot line adjustment to combine some of the greenery area into a more sensible layout. A copy of the application 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 one testified neutral or in opposition to the request. Upon reviewing the matter with the Planning Administrator, reviewing the relevant City Code, hearing any testimony presented at 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. A re-plat of the proposed subdivision lots will still comply with the current zoning of the property.
2. The proposed re-plat complies with applicable fire codes.
3. The proposed re-plat complies with applicable City ordinances.
4. The proposed re-plat complies with and supports the goals and objectives of the Blackfoot Comprehensive Plan.
5. The proposed re-plat has complied or will comply with the requests of the Site Plan Review Committee.
6. The proposed re-plat will not adversely impact surrounding neighborhood.

**Conclusion.** The Board concludes that the re-plat of the Harborside Condominiums/PUD should be recommended to be approved by City Council.

**RESOLUTION**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Planning & Zoning Board recommends that the City Council approve the re-plat of the Harborside Condominiums/PUD as presented and outlined above.

These findings of fact, conclusion, and resolution formally were adopted by a majority vote of the planning and zoning board on this August 10, 2021.

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Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho



**ADJOURNMENT**

The City Council meeting was adjourned at 8:05PM.

City of Blackfoot

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Mayor Marc Carroll

Attest:

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City Clerk Suzanne McNeel

Prepared by:

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Patty Ojeda

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