



**CITY OF BLACKFOOT  
CITY COUNCIL MEETING  
MINUTES FROM OCTOBER 3, 2023**

**PLEDGE OF ALLEGIANCE**

Mayor Carroll called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

**ROLL CALL**

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

**CONSENT AGENDA**

Councilman Jensen made a motion to approve the Consent Agenda including payables, minutes for 7/18/2023, 8/1/2023, 9/5/2023, 9/26/2023 and Alcohol Licenses. Councilman Brown seconded the motion; all were in favor, motion carried.

**CITY TREASURER GRAHM ANDERSON**

**Treasurers Report**

City Treasurer, Graham Anderson, presented the monthly treasurers report to the council. Mr. Anderson provided a breakdown of the budget through August 31st which is 92% of the fiscal year. He briefly summarized the monthly expense to budget and the percentages expended year to date for the general fund and each of the departments in the city. He provided the current, up to date bank and investment account balances. October Fiscal Year 2024 has now begun, will continue to work on closeout for FY 2023 and begin prep for the audit in Nov. Unclaimed property reports will happen in November, Road and Street reports will begin in December. He gave an update on the installation of the radio meters, and on the Downtown Sewer Project. The Fisher Street project is still currently in phase III and is finishing that up. Brief updates on West Bridge St, Parkway Ave and Pendlebury projects for the future.

**MAYOR MARC CARROLL**

**Public Input regarding the Downtown Revitalization - SEICOG**

Mayor Carroll introduced Emma Morton, Department Manager Over Economic Development with SEICOG, who is currently working on the Application for a Downtown Revitalization project that will be submitted to the Idaho Department of Commerce in the amount of \$500,000.00. The current scope of the project is not set but there is a focus on ADA access improvements, curb and gutter for Broadway Street from W Bridge St to Idaho St. They will be working on refining that scope and adding any projects that have a greater esthetic visual. Emma opened the floor for questions, Audrey Stanfield asked for clarification on the ADA improvements, curb and gutter, as well as storm drains. She stated the Downtown does not have enough storm drains to handle the area. Emma clarified how this process would work, Councilman Brown asked for clarification on the Grant and the uses, to which Emma

clarified. The Mayor reminded the Council about the donation from BURA to help with the upgrade as well for the project.

## **PLANNING & ZONING – JULIE CONAN**

### **Preliminary and Final Plat for Townhomes at Cromwell**

Planning and Zoning Administrator, Julie Conan, presented Preliminary and Final Plat for Townhomes at Cromwell. Staff report was given to Councilmembers for review and stated the current zoning is MDR1 which is appropriate to the development proposed. They then reviewed the agreement. Further discussion was had regarding secondary irrigation and why the City needs to remove this requirement from City Code until we are ready to put it into place and enforce it. Councilman Jensen motion to approve and adopt the Finding of Facts and Conclusions as presented, Councilman Brown seconded the motion. Councilman Brown and Councilman Jensen were in favor of the motion, Councilman Gardner and Councilwoman Simpson were opposed, reason being they want Pendlebury updated prior to any further work. Mayor Carroll was the tying vote, and he was in favor, with a 3-2 vote; motion carries.

**FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 26, 2023**

## **FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 22, 2023, the Board held a public hearing on the request of the Collin Hunter, Townhomes at Cromwell, for a proposed Planned Unit Development located on the corner of Cromwell Lane and Pendlebury Lane, Blackfoot, Idaho. This request was for 64 units (16 units of 4 townhomes each). Site plans were provided. The parcel is currently zoned as MDR1. See the Application attached hereto as Exhibit “A,” and made a part hereof by this reference. A staff report was provided which indicated consent from all department heads of the City. At the public hearing testimony in favor was provided by the Applicant and the applicant’s engineer. No one appeared neutral to the proposal. No one appeared in opposition to the proposal.

Based on the testimony, documents, relevant ordinances, and evidence presented, the Board finds as follows:

### **Findings and Conclusions:**

1. The Applicant has applied for a Planned Unit Development and has provided all necessary information to the City of Blackfoot as required.
2. From the information provided it appears that the development will be below the allowed residential units per acre. The proposal fits within the MDR-1 zoning.
3. From the information presented, it appears from the plat dimensions that there is sufficient private open space as required by our city code.
4. It appears that all department supervisors, including utilities and streets, have recommended approval of the development. No evidence against the proposal was presented.

5. It appears all other aspects required in City Code have been met.

## **RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

Based upon the above findings, the Board voted to recommend to City Council to approve the request for the preliminary and final plat of the Planned Unit Development proposed with the following requirements to be met:

All infrastructure, design and planning aspect shall be reviewed by, and approved by the appropriate City staff members as set forth in the proposed site plan.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on the 26th day of September, 2023.

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Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

Councilman Brown motioned to approve the Preliminary and Final Plat for Townhomes at Cromwell, Councilman Jensen seconded the motion, Councilman Brown and Councilman Jensen voted in favor, Councilman Gardner and Councilwoman Simpson were opposed, Mayor Carroll was the tying vote and was in favor, with a 3-2 vote; motion carries.

### **Approve Development Agreement for Townhomes at Cromwell**

Planning and Zoning Administrator, Julie Conan, presented for approval the Development Agreement for Townhomes at Cromwell, including all upgrades. There was discussion on the intersection of Pendlebury and Cromwell Lane, Mayor Carroll clarified the upgrades that were being made in that intersection. Scott Murphy, Streets Supervisor went over design for the upgrades. Councilman Brown motioned to approve the Development Agreement for Townhomes at Cromwell as presented, Councilman Jensen seconded the motion, Councilman Brown and Councilman Jensen voted in favor, Councilman Gardner and Councilwoman Simpson were opposed, Mayor Carroll was the tying vote and was in favor, with a 3-2 vote; motion carries.

### **Approve Development Agreement for Legacy Pointe**

Planning and Zoning Administrator, Julie Conan, presented for approval the Development Agreement for Legacy Pointe. Councilman Gardner verified they had water access. Councilman Jensen motioned to approve the Development Agreement for Legacy Pointe, Councilman Gardner seconded the motion; all were in favor, motion carried.

### **Proposed Change to Ordinance on Title 12-2-2**

Planning and Zoning Administration, Julie Conan, presented a proposal to change the Ordinance on Title 12-2-2 and explained the change is to remove Elected Officials and Planning and Zoning Members and the reasoning behind it. Councilman Gardner motioned to adopt the Findings of Fact and approve

Ordinance No. 2246 and waive required readings, Councilwoman Simpson seconded the motion; on a roll call vote all were in favor, motion carried.

**FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
September 12, 2023**

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 22, 2023, the Board held a public hearing on the request of the City of Blackfoot to remove the restriction for elected officials and commission members from the site plan review process. The City of Blackfoot uses a committee approach to the site review plan process and this occasionally prompts the presence of an elected official or commission member. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. No members of the public testified in favor, neutral or opposed. Upon reviewing the matter, the Board found and concluded as follows:

**FINDINGS:**

1. That the restrictions on elected officials and commission members from attending site plan review meetings should be removed.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

By a majority vote, it is unanimously recommended to the City Council that the restrictions listed above be deleted from City Code.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on September 12, 2023.

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Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

ORDINANCE NO. 2246

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING TITLE 12  
CHAPTER 2, SECTION 2(C), REGARDING ELECTED OFFICIALS AT PREAPPLICATION  
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 Title 12, Chapter 2, Section 2, shall be amended as follows:

12-2-2 PREAPPLICATION:

C. Review: A preliminary site plan review allows the developer an opportunity to meet with municipal staff and other representatives deemed appropriate by the city engineer. A representative of the various public works departments shall be invited to all preliminary site plan review meetings. ~~Elected officials and planning and zoning commission members shall not be a part of this process.~~

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 3rd day of October, 2023.

CITY OF BLACKFOOT, IDAHO

By: \_\_\_\_\_  
Marc Carroll, Mayor

ATTEST: \_\_\_\_\_  
City Clerk

**Amend Clerical Error on Ordinance 2240**

Planning and Zoning Administration, Julie Conan, presented the Amendment to Ordinance No. 2240 due to a clerical error. Councilman Jensen motioned to approve the Amendment to Ordinance 2240 due to a clerical error, Councilman Brown seconded the motion; on a roll call vote all were in favor, motion carried.

ORDINANCE NO. 2240 A  
(Pendlebury Lane/Cromwell Lane and Alice Street Area Zone Change)

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONES ON THE PROPERTIES 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 properties described in Exhibit "A" attached hereto, located on the east side of Pendlebury Lane, near Cromwell Lane, and areas near Alice Street, in Blackfoot, Bingham County, Idaho, be and hereby are, changed as designated in Exhibit "A."

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 3<sup>rd</sup> day of October, 2023.

CITY OF BLACKFOOT, IDAHO

By: \_\_\_\_\_  
Marc Carroll, Mayor

ATTEST: \_\_\_\_\_  
City Clerk

**EXECUTIVE SESSION**

Councilman Jensen motioned to move into Executive Session: pursuant to 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. Councilman Brown seconded the motion; on a roll call vote all were in favor, moved into Executive Session at 7:56 pm.

Councilman Brown motioned to return to regular session at 8:14 pm, Councilwoman Simpson seconded, all were in favor, motion carried.

**ADJOURNMENT**

The City Council meeting was adjourned at 8:14 P.M.

City of Blackfoot

\_\_\_\_\_  
Mayor Marc Carroll

Attest:

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City Clerk Suzanne McNeel

Prepared by: Adriana Pelayo