



**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM OCTOBER 5, 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 JOSHUA WEBB AS A BLACKFOOT POLICE OFFICER

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

PROCLAMATION FOR INDIGENOUS PEOPLES DAY

Mayor Carroll issued a Proclamation declaring the second Monday of October as Indigenous Peoples Day in the City of Blackfoot, encouraging other institutions to recognize the Day and affirming the City of Blackfoot's commitment to promote the well-being and growth of Blackfoot American Indian and Indigenous communities.

CONSENT AGENDA

Councilman Jensen made a motion to approve the Consent Agenda as presented, consisting of payables and alcohol licenses. Councilman Brown seconded the motion; all were in favor, motion carried.

**CITY TREASURER – GRAHM ANDERSON
Financial Report**

For the Treasurers Report, Mr. Anderson is working on closing out FY 2021 and is preparing for the audit. He was waiting on the last round of payables that is on this current consent agenda to move forward in closing out FY 2021 and will then begin to prepare for the audit. Unclaimed property has been processed and sent to the State. Mr. Anderson will begin to prepare for the Road and Street Report next. The report for ARPA funding was originally set to be due by October 31, 2021, however, this date has been extended to January 31, 2022.

MAYOR - MARC CARROLL

Proposed Council Resolution in Support of Pursuance of Federal Funding for Railroad Crossing Planning and Engineering Analysis

Mayor Carroll read Resolution No. 400 stating that the Council is authorizing the city to pursue Federal funding for planning and engineering analysis for possible railroad overpass or underpass to alleviate the multitude of public health, safety and welfare problems associated with the railroad bisecting the city on several main traffic thoroughfares. Mayor Carroll shared that he had recently been invited to go on a tour at the Naval Reactor Facility out at the INL. After that tour was over, Mayor Carroll got into a conversation with staffers from Congressman Simpson's office and asked if it would be possible to meet with the Congressman to talk about the rail crossing issue in Blackfoot. The staffers were able to set up a meeting with Congressman Simpson on September 15th. Congressman Simpson said that he would be very interested in looking at earmarking money for Blackfoot.



The Mayor and City Council authorize the mayor and all appropriate city personnel, as directed by the mayor, to apply for and seek award of Federal funding for the planning, engineering, and any applicable study for all possible solutions to the health, safety and welfare issues caused by the city being bisected by the Unions Pacific Railroad.

Councilman Jensen made a motion to approve Resolution No. 400 as presented. Councilwoman Simpson seconded the motion; On a roll call vote: Councilman Brown, Councilman Gardner, Councilman Jensen, and Councilwoman Simpson, all voted in favor, motion carried.

Proposed Updates to Engineering Standards

Water Department Superintendent, Princeton Lee, explained most of the changes for the Water Department on the Engineering Standards are on the installation of the meter pits. The updates deal with changing out old meters style pit to a new coil pit style meter that will be more durable and less labor intensive to install.

WWTP Superintendent, Rex Moffat, explained the updates made to the Engineering Standards for the WWTP are adding a pressure sewer locator replacement plan view and profile view on pages 30-31. There was an update made to a pressure pipe drawing that was incorrect.

Planning and Zoning added pages 46-47 regarding setting standards on setbacks on cul-de-sacs.

Councilman Jensen made a motion to accept proposed updates to the Engineering Standards as presented. Councilman Gardner seconded the motion; all were in favor, motion carried.

PLANNING AND ZONING ADMINISTRATOR – KURT HIBBERT

Approve PUD for Honeybrook Subdivision Phase II

Mr. Hibbert explained the Planning and Zoning Commission would like to have the approval from the council to move forward with the Honeybrook Subdivision's phase II PUD. There will be twice as many townhomes as there are on the north side of the Honeybrook Subdivision. Water Superintendent, Princeton explained that to supply water to the development and ensure adequate flow of water to the residences, 3,500 ft. of 8-inch water main will need to be installed; this was modeled by Keller Associates. WWTP Superintendent explained the Sewer line that is on Lawrence Lane was connected to an existing sewer line that goes into the lift station and then around to Cromwell Lane.

Councilman Gardner made a motion to adopt the Findings of Fact and approve the PUD as presented. Councilwoman Simpson seconded the motion; 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 14, 2021



FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on August 24, 2021, the Board held a public hearing on the request of the Collin Hunter, Honeybrook Development, for Division 2 of a proposed Planned Unit Development located on Lawrence Lane, Blackfoot, Idaho. This request was for 90 units (21 units of 4 townhomes each, and 3 unit of 2 townhomes each). The parcel is currently zoned as R-3. See the Application attached hereto as Exhibit “A,” and made a part hereof by this reference. At the public hearing testimony in favor was provided by the Applicant, an associated realtor, and the applicant’s engineer. One person testified neutral to the proposal with questions regarding the canal. No one appeared against 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 average below the allowed residential units per acre. The R-3 zoning allows up to 30 residential units per acre, and so the proposal fits within the required 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. The Board was concerned about issues with the infrastructure, such as roads, water and sewer systems, and traffic. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately addressed.
5. Other testimony neutral to the proposal focused on the open canal. The Board determines if certain conditions are met, as set forth below, these issues will be appropriately addressed.
6. 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 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.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on the 14th day of September, 2021.



Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Vacation of Alley at Bingham Memorial Hospital

Mr. Hibbert explained the vacation of alley at Bingham Memorial Hospital is part of a parking plan that Bingham Memorial Hospital has had planned for over two and a half years. A couple of years ago, a portion of Poplar Street was vacated for Bingham Memorial Hospital's parking plan and there were some items that were supposed to be completed and that the hospital has not. Contingencies from the Planning and Zoning board are the issues that need to be dealt with between the City and Bingham Memorial Hospital get worked out with the Mayor before any further steps are taken.

Councilwoman Simpson made a motion to table the vacation of the alley at Bingham Memorial Hospital. Councilman Jensen seconded the motion; all were in favor, motion carried.

Vacation of Alley at 465 NW Main St.

Mr. Hibbert explained this is the alley behind the old Stingers restaurant. This building was purchased by Jordan McLaughlin and he is remodeling this building and moving in a manufacturing business. Mr. McLaughlin owns the parking lot behind this building and the parking at a house to the south of the building. He has had some trouble with traffic going down this alley as his employees leave that back door to access the parking lot, Jordan is worried about the health and safety of his employees.

Councilman Jensen made a motion to table the vacation of the alley at 465 NW Main St. Councilman Gardner seconded; all were in favor, motion carried.

Annexation of Property for Katseanes, Idaho Power and IDOT (Worthen Rd and HWY 26)

Mr. Hibbert expressed from the Planning and Zoning Commission a recommendation for the City Council to except the petitions.

Councilman Jensen made a motion to accept the Findings of Fact and & approve the annexation of property for Katseanes, Idaho Power, and IDOT (Worthen Road and HWY 26). Councilman Gardner seconded the motion. 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 14, 2021

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on



August 24, 2021, the Board held a public hearing on the request of the City of Blackfoot, Idaho Power Company, Idaho Department of Transportation, and Rodonna Katseanes for annexation and zone designations of the involved properties. There are also parcels owned by Bingham County involved in the annexation. Each private property owner has given consent to the annexation. Each property is enclaved within city limits, or within city limits and the impact area. A staff report was provided to the commission. GWSD appeared and provided testimony neutral to the proposal. Jerry Yancey, Lyle Yancey, Julie Ann Young and Richard Stallings opposed the proposal. During the public hearing, testimony was heard and evaluated by the Board.

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

Findings and Conclusions:

1. A public hearing was scheduled and held on August 24, 2021, wherein public testimony was taken and evaluated by the Board.
2. The annexation is a Category “A” annexation where each property is residential enclaved land, irrespective of surface area, which are surrounded on all sides by lands within the city limits, or surrounded on all sides by lands within city limits and by the city’s area of impact. All private landowners have consented to the annexation. Therefore, each of the lands described herein are proper for annexation.
3. The subject properties meet the requirements of a category “A” annexation under Idaho Code §50-222.
4. Proper notice was given pursuant to Idaho Code §50-222.
5. An issue was raised about the City offering to waive its’ connection fees to one property owner. The issue was this potentially violated a contract between GWSD and the City wherein the City agreed not to extend any water or sewer services to properties within the District boundaries. The commission reviewed the matter and it appears the City only offered to waive its’ portion of the connection fees, not extend any lines. The Commission does not see this as a violation of the agreement, nor would it effect the annexation of the properties regardless. That would only be a contractual matter between the City and GWSD.
6. Another issue was raised regarding the representation of the County on the City planning and zoning commission. After a review of the statute, since the current area of impact agreement does not adopt all city standards, the City planning and zoning commission is not required to have a set number of county residents on the commission.
7. The proposed zone designation for the properties under the City of Blackfoot system is the same as the County, which is consistent with respective neighboring properties. Those properties will maintain those zones until such time as a request is made for a zone change.
8. City emergency services will be provided to the properties without the need of additional cost or personnel. City water, sewer and other services are being utilized and/or are available to the proposed annexed properties. On properties within the Groveland Water and Sewer District, or



being serviced by the District, the services will not be altered by the annexation and GWSD will continue providing those services as before the annexation.

9. The proposed annexations and zone designations comply with and support the goals and objectives of the Blackfoot Comprehensive Plan.
10. The land to be annexed meets the applicable requirements of Idaho Code §50-222 and does not fall within the exceptions or conditional exceptions contained in §50-222.
11. The annexations are reasonably necessary for the orderly development of the City and will provide economically viable provision of tax supported municipal services to enable the orderly development of the private lands.
12. The annexations will allow efficient development of the properties and equitably allocate the costs of public services in those areas.
13. Adequate water and sewer services are available for the properties with through the City of Blackfoot or GWSD, as applicable.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board concludes that as all private landowners have consented to the annexation, the proposed annexations fit within a Category “A” annexation and, therefore, recommends that the City Council approve the annexation of the property and that the zoning of the annexed properties be designated as set forth above.

These findings of fact, conclusions, and resolution formally were adopted unanimously by the Planning and Zoning Board on September 14, 2021.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Mayor Carroll allowed Board Chairman of Groveland Water and Sewer District, Mark Pange to address the Council for a few minutes. Mr. Pange said the City Council may approve the annexation recommendation, but the city should then be ready to prepare an annexation ordinance. Such ordinance must address the districts services to the properties. There were some questions about the content of the Katseanes annexation. Water connections were promised; however, the city has no jurisdiction or water connections to that property. The portion of the consent to annexation that was



signed on June 7th of 2021 contains a promise by the city that is in defiance with the contract that Groveland Water and Sewer District has with the city.

Attorney Sandow talked about the issues that were brought up and that were dealt with in the Findings of Fact was first whether or not the representative from the Katseanes property was authorized. As far as the contract between the City and Groveland Water and Sewer, the City cannot extend any lines, but the contract doesn't prohibit them from waiving their portion of the fees. Both Groveland Water and Sewer and the City will collect fees on any new hookups. The agreement that was reached between the City and Katseanes waived the City's portion of the fees. Attorney Sandow stated the annexation will not affect Groveland Water and Sewer as they are a separate entity.

Mr. Pange agreed with what was said by City Attorney Sandow regarding waiving sewer connection fees, however, Mr. Pange stated there are no jurisdictions for water connections which were part of the consent to annex. Mr. Pange believes the portion about water connections should be deleted from the consent to annex as Groveland Water Sewer District is the only water provider for the property. Councilman Chris Jensen agreed that Mr. Pange is correct and added that the city does not know what will happen years down the road and by including this in the consent to annex, the services are there for them to use and would waive any fees. Councilman Jensen said the city is not promising any connections, however, it is included if in the future the situation changes and becomes the responsibility of the city. Mr. Pange stated the city is offering water connections to someone within the Groveland Water Sewer District in direct defiance of the contract between the City and GWSD. Councilman Jensen reiterated this is not promising any connections and that at this point it only means that the city would waive fees. Attorney Sandow added that waiving the fees does not only apply to this property and could apply to other properties as well.

Councilman Jensen motioned to approve Ordinance No. 2211 as presented and waive any further readings. Councilwoman Simpson seconded the motion; On a roll call vote, all were in favor, motion carried.

ORDINANCE NO. 2211

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ANNEXING CERTAIN PROPERTIES INTO THE CITY OF BLACKFOOT AND ESTABLISHING THE ZONING DESIGNATION OF SUCH PROPERTY TO HIGHWAY BUSINESS DISTRICT ZONING; 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 following described real property hereby is annexed into the City of Blackfoot and hereafter shall be in all respects considered within the legal boundaries of the City:

See the legal description attached hereto as Exhibit "A," which is real property currently owned by the following individuals and/or entities at the listed locations:

Idaho Power Company, 59 N. 400 W., Blackfoot, Idaho.



Idaho Dept. of Transportation, 56 N. 350 W., Blackfoot, Idaho.
Rodonna Katseanes, 46 N. 350 W., Blackfoot, Idaho.
Idaho Power Company, 57 N. 400 W., Blackfoot, Idaho.
Three parcels owned by Bingham County listed in Exhibit “A”

SECTION 2: That this annexation will not effect the services or operations being provided by the Groveland Water and Sewer District and that remains a separate governmental entity.

SECTION 3: That the official zoning of the above-described property shall be a Highway business district zone designation.

SECTION 4: That the Blackfoot City Zoning Map be amended to reflect the annexation and zone change.

SECTION 5: 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 5th day of October, 2021.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Exhibit A:

Commencing at a point of intersection of West Highway 26 and Groveland Road, which point is approximately the west quarter corner of Section 33, of Township 2 South, Range 35 East of the Boise Idaho Meridian; thence continuing in a northerly direction along the centerline of said Groveland Road a distance of approximately 700 feet to the southwest corner of the Rowes Garden Subdivision; thence in an easterly direction along the southern border of Rowes Garden Subdivision extended to the center of the right of way known as Worthen Road; thence following the centerline of Worthen Road in a southerly direction to its point of intersection with West Highway 26; thence following the centerline of West Highway 26 in a north-westerly direction to the point of beginning; said area containing approximately 30 acres; Less and excepting therefrom a property with the parcel number of **RP0347402**, the legal description of which is given in Bingham County Warranty Deed #216270, resulting in a total included area of approximately 27.9 acres to be annexed into the City of Blackfoot.

EXECUTIVE SESSION

Councilman Jensen made a motion to move into executive session pursuant to provisions of Idaho Code 74-206, subsection (a). To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or



need. Councilman Brown seconded the motion, on a roll call vote, all were in favor and the meeting moved into Executive Session at 8:02 PM.

Councilman Brown made a motion to move back to the Regular Meeting, Councilman Jensen seconded; on a roll call vote, all were in favor and the Regular Meeting resumed at 8:39 PM.

ADJOURNMENT

The City Council meeting was adjourned at 8:39 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Patty Ojeda

DRAFT