



**CITY OF BLACKFOOT
CITY COUNCIL MEETING
MINUTES FROM MARCH 1, 2022**

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 Brown made a motion to approve the Consent Agenda as presented, of payables, minutes from 2/1/22, and the Development Agreement with John Walker. Councilman Jensen seconded the motion; all were in favor, motion carried.

CITY TREASURER – GRAHM ANDERSON

Presentation of the 2021 Audit – Morgan Hatt

Mayor Carroll welcomed City Auditor, Morgan Hatt, to the council meeting. Mr. Hatt introduced himself and stated that the city is required by State law to have an annual audit performed by a certified public accountant. Mr. Morgan Hatt spent two months reviewing the city's books and went over audit numbers with the council. He stated the net income was \$4,911,736. The General Fund had a good net income of \$1,283,209 and combined with all the net income from the operating funds from all the departments, the total citywide net income came to a total of \$4,911,736. Included in the general fund cash balance and the income for this fiscal year, there is \$400,000 of COVID money that as of the end of the year has not been spent. That money will be spent next year without the offsetting revenue and will reflect next year. This year there was revenue with no expense. The water and sewer funds did well in profits. The water fund includes \$600,000 of ARPA funds and the sewer fund included \$700,000 in ARPA funding. BURA spent over \$1.2 million on improvements on properties within the city. They gave out over \$44,000 in façade grants to local business owners to assist them in sprucing up their store fronts, at the end of the fiscal year they had \$2,400,000 in cash invested in their banks and had an outstanding debt of \$2,000,096. Mr. Hatt stated that overall, after going through the financial records, he found that the City is financially in great shape.

Councilman Brown made a motion to accept the City Audit by Morgan Hatt, as presented. Councilman Jensen seconded the motion; all were in favor, motion carried.

Treasurers Report

Mr. Anderson presented the monthly treasurers report and began by stating that as of January 31, 2022, we are at 34% of fiscal year expended. All departments are right on track with their budgets. The ambulance budget is at 38.3% expended year to date due to transmission failure and other unexpected mechanical issues. The high percentage of 70% expended year to date in the airport budget is due to purchasing fuel early on during the year as well as the rising cost of fuel. Another contributor to the high



percentage of expended funds in the airport budget is due to computer and software issues, also replacing the card reader out at the airport. Mr. Anderson went over bank and investment account balance details. Moreton Investments: \$1,946,998.80, LGIP: \$6,957,028.54, DBF: \$2,809,194.62, Zions Sweep: \$9,032,2274.46, Zions Checking: \$24,062.00. On the upcoming dates on the calendar, round 1 of budget meetings is coming up on March 8th through 17th, the first ARPA Spending Report is due by April 30th, round 2 of budget meetings will be between April and May, and round 3 of budget meetings in June will be preparing to finalize budgets. Mr. Anderson gave an update on ARPA projects. The Champions Gate project has been completed. The total cost of this project was \$322,737.86. The radio meters project is in progress. The base station components have been received and are to be installed at City Hall within the next couple weeks once the radios for the meters are received. For the downtown sewer upgrade, we are waiting on contractor bids and will need to have contractors come in and do 12 spot repairs, 1 pipe length of open trench repair, and 7 manholes replaced, then re-camera the lines. A grant has been submitted for the RV Dump station, and recently received a letter stating that this grant was approved.

MAYOR MARC CARROLL

Presentation Regarding the Updating of the All-Hazard Mitigation Plan

Mayor Carroll received a letter from Scott Reese, the Bingham County Emergency Management Director. There was a presentation scheduled regarding the updating of the All-Hazard Mitigation Plan. The presentation was scheduled at the request of Scott Reese. No one showed up to the meeting to present the plan. The Council moved on to the next item on the agenda.

Proposed Addition of the Juneteenth Holiday

Last year the State put out a letter from Governor Little stating that June 19th is now a State recognized Holiday. At that point it was too late to decide on how to observe Juneteenth and have had up until now to decide on it. City Clerk, Suzanne McNeel, said she spoke with a few other Clerks around the State and the majority are looking at approving Juneteenth as a Holiday. Currently the City is at twelve holidays, adding Juneteenth would increase the total amount of holidays for the city to 13 total. The County is also at 12 holidays, and they have accepted adding Juneteenth as a 13th holiday. The city has tried to stay consistent in having the same number of holidays as the County. A few different options would be to either not add any new holidays and leave as is, swap one paid holiday for another or add Juneteenth as the 13th holiday. Mayor Carroll suggested that if the Council needed more time on deciding on this agenda item, it could be tabled for the next meeting.

Councilwoman Simpson made a motion to add Juneteenth as the 13th holiday. Councilman Brown seconded the motion; all were in favor, motion carried.

Swimming Pool Disposition

Mayor Carroll said that there were hopes in being able to turn the swimming pool into a rec center, however, after looking at the original agreement that was made back in 1972, it doesn't appear to be a viable option. It clearly states that if it ceases to operate as a swimming pool, the property would go to School District 55. Councilman Jensen disagreed and said that the original agreement says that they



would donate the property to operate the swimming pool and that they would pay half of the expenses of the swimming pool, Councilman Jensen added they stopped paying and that it would be a violation of the contract. Mayor Carroll said in the contract, it says they will pay for the first year and then after the parties would sit down to negotiate. Attorney Sandow said there is language in the agreement that may be argued and there is also language that says it is supposed to go back to the school. Mayor Carroll expressed that he personally would have liked to see the pool property be turned into a recreation center, and believes the community would also, however, the terms of the land with water conservation was clear that it would be an outdoor swimming pool and it was turned into an indoor swimming pool. If the pool goes back to the school, their plans are to turn it into an indoor training center. Councilman Jensen explained that if the city were to keep the swimming pool property, the pool would need to be operational to apply for the land water conservation funds, the conversion issue would need to be fixed, whether that be making the pool functional, changing the issue, changing the use, or replacing the property. The situation would need to be brought back into compliance, which means that if we turn the pool property over to the school district, to be in compliance and get out of the conversion, the city will have to produce a new outdoor recreation facility of equal recreational value on this land that the city does not currently own. An appraiser would be involved in the process to assess the value and determine what the equal recreational value would be. Councilman Jensen said that if the pool is turned over to the school district the city would no longer be able to apply for water conservation funds again.

Councilman Gardner made a motion to turn the swimming pool facility back over to School District #55. Councilwoman Simpson seconded the motion; Councilman Jensen was opposed, all other councilmembers were in favor, motion carried.

PLANNING AND ZONING – KURT HIBBERT

Zone Change Request – 420 Wilson Ave from R-1 to LDR2

The Planning and Zoning Commission submitted for a zone change request on 420 Wilson Ave from R-1 to LDR2. There is a need for more housing and in this area that is currently an R-1 zone. The current zoning in this area restricts him from building duplexes and would need a rezone to LDR2 to be able to build duplexes in this mini subdivision.

Councilman Jensen made a motion to adopt the Findings of Fact to change the zoning at 420 Wilson from R-1 to LDR2 as presented by Planning and Zoning. Councilman Brown seconded the motion; on a rollcall all were in favor, motion carried.

**FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
CITY OF BLACKFOOT
February 8, 2022**

FINDINGS AND CONCLUSIONS:



At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of Jerry and Rosemary Stuart to change the zone on property located on 420 Wilson Avenue, Blackfoot, Idaho, from R-1 (Light Residential) to LDR-2 (Low Density Residential) 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. Testimony against the proposal was presented primarily focusing on loss of animal rights, increased density of housing, and other similar concerns. 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 LDR-2 to better suit the adjoining properties that are multi-family zoning.
2. That after consideration of the surrounding areas, the Commission has determined that a zone of LDR-2 is appropriate.
3. The proposed zone change to LDR-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 LDR-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 likely future 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 LDR-2.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on February 8, 2022.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho



Councilman Gardner made a motion to approve Ordinance No. 2220 and waive all further readings. Councilman Brown seconded the motion; on a roll call vote all were in favor, motion carried.

ORDINANCE NO. 2220

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, CHANGING THE ZONE FROM R-1 (Residential) TO LDR-2 (Low Density Residential) 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 420 Wilson Avenue, in Blackfoot, Bingham County, Idaho, be and hereby is, changed from R-1 to LDR-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 1st day of March, 2022.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

Proposed Code Changes to 11-3-7 (D) Motions to Reconsider

The Planning and Zoning Commission proposed a zone change to 11-3-7 (D) motions to reconsider. The motion to reconsider can only be done once with the City Council.

Councilman Jensen made a motion to approve the Findings of Fact in conclusion to allow motion to reconsider to be heard by the City Council. Councilman Brown 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
February 8, 2022

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of the City of Blackfoot to add an Ordinance regarding the ability for aggrieved patrons to request a Motion to Reconsider to be heard by the City Council prior to any litigation being filed. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. Several members of the public testified in favor of the proposal. No one testified in opposition. Upon reviewing the matter, the Board found and concluded as follows:

FINDINGS:

1. That the current code does not allow an aggrieved party to re-address any issues with City Council. The only option for an aggrieved party is to seek judicial redress. Litigation is expensive and very time consuming. The proposal sought would assist in allowing further communication and discussion regarding issues on any planning and zoning matter that comes before City Council. It is felt this would expedite resolutions and avoid litigation in most cases. The proposed additions are attached hereto and incorporated by reference.
2. That the Board, and the unanimous presentations by the public, recommends the proposed code addition (11-3-7(D)) to have Motions to Reconsider be filed with City Council prior to litigation should be adopted.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed additions to the zoning code to provide for Motions to Reconsider should be adopted.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on February 8, 2022.



Secretary of Planning & Zoning Board

Councilman Brown made a motion to approve Ordinance No. 2221 and waive all further readings. Councilman Jensen seconded the motion, on a roll call vote all were in favor, motion carried.

ORDINANCE NO. 2221

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, ADDING SECTION 11-3-7(D) REGARDING MOTIONS TO RECONSIDER DECISIONS OF CITY COUNCIL; 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 11-3-7(D) of the Blackfoot City Code be added as follows:

11-3-7(D) Motions to Reconsider: An aggrieved party to any decision of City Council under this title shall have the right to file a motion to reconsider within fourteen (14) calendar days of the City Council's decision. Such aggrieved party must have appeared and filed a written or oral protest at the public hearing on the issue. The party seeking reconsideration shall file a written notice specifically setting forth the objections to the decision, any factual or legal basis for the reconsideration, and the requested relief. Upon receipt of the request for reconsideration, and verification of all procedural requirements being met, the City Clerk shall place the matter on the next available City Council meeting. A timely motion to reconsider shall be a mandatory exhaustion of administrative remedies prior to the filing of any judicial review, declaratory judgment action, or other civil proceeding challenging the decision at issue.

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 1st day of March, 2022.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor



ATTEST: _____
City Clerk

ADJOURNMENT

The City Council meeting was adjourned at 8:15 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Patty Ojeda