



**CITY OF BLACKFOOT
SPECIAL CITY COUNCIL MEETING
MINUTES FROM MARCH 17, 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.

PLANNING AND ZONING – KURT HIBBERT

Proposed Code Change from R1-R – Lot Size 11-4-7 (H)

City Attorney, Garret Sandow proposed to table this agenda item as he was not able to find the second version of the Findings of Fact for Planning and Zoning proposed code changes before the council meeting.

Councilman Jensen made a motion to table item number 1 on the agenda, proposed Code Change from R1-R – Lot size 11-4-7(H). Councilwoman Simpson seconded the motion; all were in favor, motion carried.

Approval or Disapproval of Annexation at 398 W. 70 N., 399 W. 70 N., 396 W. 70 N. 397 W. 70 N., 93 N. 400 W. Blackfoot, ID

The second item on the agenda is the proposed approval or disapproval of the annexation for four properties in the Rose Garden Trailer Court on Groveland Road, as well as about forty acres of the old Jensen property that has been purchased by Concordia Development. A Public Hearing was held on March 16th, 2022, and based on testimony, documents, relevant ordinances, and evidence presented to the board, Findings of Fact, Conclusions and Resolution were adopted by the Planning and Zoning Board. Attorney Garret Sandow read the Findings and Conclusions that were adopted by the Planning and Zoning Board. Councilwoman Simpson asked if the enclaved land is enclaved only by our area of impact, Attorney Sandow explained that it must be contiguous to the boundary of the city limits and the boundary of the area of impact. The shoestring in the statute that is defined as simply going up the right of way of a highway or a railroad. Councilman Brown said he understands there is a potential lawsuit to the city by Mr. Katseanes and asked Attorney Sandow how this could potentially affect the city. Attorney Sandow said he has not yet seen a lawsuit come through and does not know if that lawsuit has been filed, therefore he is unaware of what the allegations are at this time. Worst case scenario, if overturned, the city would start over and restart the annexation process. Councilwoman Simpson said that if they were to go under the County Planning and Zoning, they would not be able to put in as many properties. Councilman Jensen said there have been a few individuals that have voiced that they do not want to be annexed and explained what the intent of area of impact is meant for and said that it was set up by cities meant for higher density and more houses and is not meant for counties. Councilman Jensen asked Attorney Sandow if any other properties that were annexed at that time have joined that lawsuit. Attorney Sandow said that as far as he knows, it is just the Katseanes property that he has heard of potentially filing a lawsuit. Mayor Carroll said this meeting is not a public hearing, however, he asked Mr. Monet to address the topic. Mr. Monet said he is willing to accept the risk and would like to see the



annexation happen as soon as possible. He stated that he would be putting in between 200 to 250 units and this project would be completed in phases. He explained that a petition was submitted for annexation over a year ago and expressed once again that he would like to see this annexation happen as quickly as possible as there is an immediate benefit to annex now and is willing to accept the risk.

Councilman Jensen made a motion to accept the annexation recommendation from the Planning and Zoning Commission as presented by the Planning & Zoning Commission. Councilman Gardner seconded the motion. Those in favor were Councilman Brown, Councilman Jensen, and Councilwoman Simpson, Although Councilman Gardner seconded the motion, he stated he was not in favor. Motion carried.

Councilman Jensen made a motion to approve and adopt the Findings of Fact from the Planning & Zoning Commission. Councilman Gardner seconded the motion; those in favor were Councilman Brown, Councilman Jensen, and Councilwoman Simpson. Although Councilman Gardner seconded, he was not in favor, motion carried.

FINDINGS OF FACT, CONCLUSIONS
AND RESOLUTION ADOPTED
BY THE
PLANNING AND ZONING BOARD
OF THE
CITY OF BLACKFOOT
March 16, 2022

FINDINGS AND CONCLUSIONS

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on March 16, 2022, the Board held a public hearing on the request of Concordia Development Group (GB Property Funds, LLC) for annexation and zone designations of the involved properties. There are also four parcels owned by private individuals who have not consented to annexation, but are enclave properties as defined in Idaho Code. Concordia Development Group has requested and given consent to the annexation. All properties are enclaved by the boundary of the city limits and the boundary of the area of impact. A staff report was provided to the commission. Letters were received, reviewed and offered as part of the record. No audience members requested additional copies beyond that which had been provided. Two owners of one of the Applicants provided testimony in favor of the annexation to support a proposed subdivision on a property at issue. Ryan Yancey, Clem Yancey, Marcia Yancey, Marc Pange (on behalf of Groveland Water and Sewer), Lyle Yancey, and Kent Gray 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 March 16, 2022, 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 boundary of the city’s area of impact. All properties meet this definition. Also, one landowner has 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. Some of the issues raised by patrons opposed to the annexation addressed the legality of the Board appointments, statutory requirements for services through a sewer and water district versus by the City, statutory processes for annexation within the sewer district, issues surrounding “shoestring” annexations, and similar issues. After review of those issues as defined by Idaho code, those issues do not seem to prohibit the annexation.
6. 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 same zones designations until such time as a request is made for a zone change by the property owners.
7. 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, either directly or through cooperation with the Groveland Water and Sewer District. On properties currently 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.
8. The proposed annexations and zone designations comply with and support the goals and objectives of the Blackfoot Comprehensive Plan.
9. 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.
10. The Applicant addressed the need to have City zoning regulations for the orderly development of one of the properties at issue. It does appear that 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.
11. The tax burden for City services need to be spread among more patrons that utilize the City’s amenities. These annexations will allow efficient development of the properties at issue and equitably allocate the costs of public services in those areas.



12. Water and sewer services are within the jurisdiction of the Groveland Water and Sewer District. When final plans are submitted for the development of the properties, a determination will be made as to GWSD's ability to provide the required services. Either directly by GWSD or in cooperation with the City, adequate water and sewer services are available for the properties, as applicable.

RESOLUTION AND CONCLUSIONS

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board concludes, by a vote of 4 to 1, that the proposed annexation fits 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 March 16, 2022.

Secretary of Planning & Zoning Board
City of Blackfoot, Idaho

Councilman Jensen made a motion to approve Ordinance No. 2222 to accept the annexation as presented and waive all required readings. Councilwoman Simpson seconded the motion. Those in favor were Councilman Jensen and Councilwoman Simpson; those opposed were Councilman Brown and Councilman Gardner. Mayor Carroll broke the tie and voted in favor; motion carried.

ORDINANCE NO. 2222

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 MATCH COUNTY 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:

Cesar R. Martinez, 398 W. 70 N, Blackfoot, Idaho.



Ramiro Saldana and Adriana Gasco, 399 W. 70 N., Blackfoot, Idaho.
Herlindo Labra, 396 W. 70 N., Blackfoot, Idaho.
Woodrow Bullock and Lorraine Bullock, 397 W. 70 N., Blackfoot, Idaho.
Concordia Development (GB Property Funds, LLC) 93 N. 400 W., Blackfoot, Idaho

SECTION 2: That this annexation will not affect 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 the same as designated by the Bingham County zoning map.

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

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 17th day of March, 2022.

CITY OF BLACKFOOT, IDAHO

By: _____
Marc Carroll, Mayor

ATTEST: _____
City Clerk

EXHIBIT A:

Annexation Area Legal Description

All of that property contained in the following two areas of land, which area includes a combined total of approximately 41 acres, and is described as follows:

Area 1: T2S R35E SEC 33 ROWES GARDEN BLK 2 LOT 1 MH 8045500, BLK 2 LOT 2 MH 8045600, T2S R35E SEC 33 ROWES GARDEN BLK 1 LOT 1, T2S R35E SEC 33 ROWES GARDEN BLK 1 LOT 2 of the Rowes Garden Subdivision, of Bingham County, Idaho; (RP8044100 - RP8044000 - RP8045500 -RP8045600)

Area 2: That property which is north and adjacent to the Rowes Garden Subdivision of Bingham County Idaho, which property is also the Northwest Quarter of the Northwest Quarter of Section 33, Township 2 South, Range 35 E, of the Boise Idaho Meridian, and is legally described in the warranty deed, Instrument 732872 of Bingham County, Idaho, to be annexed into the City of Blackfoot. (T2S R35E SEC 33 NWNW) (RP0346800)

CONTINUED DISCUSSION ON THE CITY OF BLACKFOOT'S 5-YEAR AND 10-YEAR PLANS



Chief of Police, Scott Gay presented a PowerPoint explaining that as it is known, the police departments current facility is housed with the county at the courthouse and was given an opportunity to move the detective division to the RTCW which was formerly a treatment facility that the county had not been using. The police department recently moved into this building and created a nice functioning office space area that can be used for meetings, presentation areas, etc.

The police department's current annual lease cost for each vehicle is at an average of \$8,814.00. The police department is currently waiting on the arrival of the new patrol vehicles for this year. The police car lease did increase over the last two years from about \$7,500 annually per vehicle to over \$8,800 annually per vehicle. This included the vehicle and the police equipment that comes with it. The police department is into the third year of a five-year lease on police vehicles and gets new vehicles every year.

The cost of bulletproof police vests increased from about \$800 to about \$1,300 per vest. These vests need to be replaced every 5 years. Chief Gay explained that the police department has two styles of body armor. One style is a soft body armor that does not stop knives or shots. The new body armor has a hard plate that protects far better than the current armor and weighs less than two lbs. This hard body armor is partially reimbursed by the Federal Government. The safety equipment budget increased from \$5-k to \$7-K. Chief Gay explained the police department is at a point where every officer has a body camera, and every police vehicle is equipped with a camera, however, storage of camera recording footage is what has become the major issue. Chief Gay believes that in 2023 or 2024, the police department will need to switch to cloud based storage. On average, each officer will produce about six hours per day. Currently the city's police department shares a server with the county's police department that is owned and not leased. Chief Gay said that soon the police department will need to decide on whether to switch to a cloud-based storage or to continue to upgrade servers. Last year the police department budgeted at about \$2.40 per gallon for fuel. Today's gas prices are averaging around \$4.35 per gallon. This year it was decided to budget fuel at \$5.25 not knowing how much more prices of fuel will go up. Currently the fuel budget is at \$57,000 and requesting that the budget be increased to \$131,250.

Currently the police department has a part time evidence technician and a full-time records technician. Evidence retention has increased as well and continually get more and more records requests. The police department is requesting to make the evidence technician a full-time position for the 2023 FY budget. This person would continue to take care of the evidence as well as assist the records technician.

The police department was approached by the Blackfoot High School about getting an additional School Resource Officer. The school would cover 50% and would like the SRO to start late August of 2022. Chief Gay said that having SROs in our schools helps built trust between the Police Department and our community and is a great investment into our community.

Chief Gay discussed the need of a code enforcement officer. The police department needs an officer to be specifically in charge of enforcing codes such as abandoned vehicles, properties, building permits, Planning and Zoning, etc. Councilman Gardner expressed that he thinks it would be something worth pursuing. Current staffing allows for two officers per shift. Due to a population growth of 17% for the State of Idaho and population growth in the City of Blackfoot, the police will need more police officers.



The City of Blackfoot needs a new animal shelter as capacity is an issue. The current animal shelter is also in need of a new heating system, a new roof and new sewer system. Fort Hall is interested in being a partner as they do not currently have an animal shelter.

Fire Department Chief, Kevin Gray, said the City of Blackfoot's Fire Department currently staffs two stations. One in Rockford which is staffed by two Firefighters 24 hours a day. The other station that is currently located on Ash Street was built in the late 60's. In the summertime BLM stays at the station during the day and at times there will be fifteen people at the fire department sharing three bathrooms. Station #1 has a roof that leaks, sewer issues, and water that comes out through the outlets. Chief Gray said his department would like to have a station closer to the interstate. Chief Gray would like to eventually see a station built at a property over by the State Hospital.

Chief Gray would like to add two more employees. He explained they have been staying very busy and need to add an additional man per shift. One for the fire department and one for the fire district. This year they responded to about 3,500 calls, they had two ambulances out at the same time 437 times throughout the year and are receiving an average of 10 calls per day. This would cost roughly about \$90,000 per employee. Councilman Gardner asked what the cost would roughly be for a new fire station, Chief Gray said that the cost of a station in Shelley was 1.7 million and to build one like the one in Shelley in today's dollars would be double that cost.

Chief Gray explained to the council that they have three brush trucks that are 40 years old. They can't get parts for them since they are so old. A new brush truck is about \$350K - \$400K. Chief Gray said they could build trucks that can be purchased for \$200,00 each and would like the city to purchase one and would like the fire district to purchase one.

The fire department included various types of equipment that they used into their capital improvement plan. This included an air compressor for SCBA's, a 2000 latter truck and various other equipment. Chief Gray said there are two payments left on a pumper that was purchased and said that some of their equipment is getting old and will need to be replaced soon.

Mayor Carroll said the objective of having work shops with each department is to gather information, bring it to the council and start to prioritize it. He would like to meet with the mayor of Chubbuck to get informed on how to go about getting a COP as they did to build their brand-new city hall building. Mayor Carroll said that the new animal shelter or a new water shop could possibly be done with a COP. He expressed that the city's needs are facilities, equipment, and staffing.

Mayor Carroll said that he and Mr. Anderson met with County Clerk Pam Eckhart from the county recently and they believed they would be able to cut down the levy rate significantly from \$1,220 per 100,000 to about \$833 per 100,000. With the increase to the valuations, the increase to the taxable market value of the residences, will not result in a decrease to property taxes, even with that much of a decrease in levy rate.

Mayor Carroll reminded the Council that the next regular council meeting will be held on April 5th and the next special council meeting will be held on April 19th. Round 1 of budgets was just completed, the schedule for round two has not been determined. Mayor Carroll said he does not see a way in which



staff can be increased at this time and would like the council to think of what was presented at this meeting for discussion at the upcoming council meeting.

ADJOURNMENT

The City Council meeting was adjourned at 8:48 PM.

City of Blackfoot

Mayor Marc Carroll

Attest:

City Clerk Suzanne McNeel

Prepared by:

Patty Ojeda