



**CITY OF BELLEVUE
COMMON COUNCIL
February 12, 2024**

The Common Council of the City of Bellevue, Idaho, met in a Regular Meeting, on Monday, February 12, 2024, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

1. Call to Order: Mayor Johnson called the Regular Meeting to order at 5:31 p.m.

2. Roll Call:

Present

Chris Johnson, Mayor

Christina Giordani, Council President

Robin Leahy, Council Member

John Carreiro, Council Member

Jessica Obenauf, Council Member

Diane Shay, Council Member

Shaun Mahoney, Council Member – *via Zoom*

Roll Call was conducted; all members were present. Council Member Mahoney attended the meeting *via Zoom*.

Staff Present:

Rick Allington, Legal

Greg Beaver, Fire Chief

Bryson Ellsworth, Wastewater Contractor - *via Zoom*

Shane Garrison, Water Contractor – *via Zoom*

Kirt Gaston, Marshall

Shelly Shoemaker, City Treasurer

Dave Patrie, Contract Planning - *via Zoom*

Michelle Snarr, City Clerk

Others in Attendance: Stuart Hurley, Merrick & Company, Tony Evans, Jolyon Sawey - *via Zoom*, Jan Peppler, *via Zoom*, ‘Carissa,’ *via Zoom*, Errin Bliss, Pam Colesworthy, Mike Carr, and Jeff Swanson

3. Notice of Agenda Compliance:

The posting of this regular meeting agenda, as amended, complied with Idaho Code §74-204. The regular amended meeting agenda was posted within forty-eight (48) hours prior to the meeting at the Bellevue City Hall, Post Office, and on the city website on *January 6, 2023*.

Motion: President Giordani moved the notice agenda was in compliance with Idaho Code §74-204. Council Member Carreiro seconded the motion. The motion passed unanimously.

4. Call for Conflict as Outline in Idaho Code §74-404:

Mayor Johnson called for conflict from any Council member or staff member with any agenda item. No conflict was noted.

5. Public Comment: (for Items of Concern Not on the Agenda): No public comment at this time.

6. Unfinished Business - None

7. Consent Agenda:

- a. Approval of Claims: January 23, 2024, through February 12, 2024
- b. Request for Funds: Streets Department Request for Four (4) Kenwood UHF Portable Radios in the amount of \$3,412.00 with an Additional Monthly Service Fee of \$60.00

Member Leahy inquired what the Street Department was utilizing now to communicate. Mayor Johnson explained they currently utilize cell phones, which is not a safe way to communicate. Member Leahy questioned if the City needed to provide one to Pappas. Ms. Shoemaker noted that the additional radio is a spare radio; it is not specifically for Pappas. President Giordani asked what the longevity is for the radios. Marshal Gaston noted that the batteries last for three to five years and the actual radio should last up to ten (10) years.

Brief discussion followed regarding the current claims. It was noted that the charge for iCloud was an overage charge. The City utilized double the amount it was allowed, and no one advised the City it had an overage until the City received the invoice. President Giordani inquired about the Intuit invoices. Ms. Shoemaker explained Intuit is terrible and the amount due is related to the number of users the City has.

Member Obenauf questioned if the City was required to provide recycling. Mayor Johnson indicated the City is not; in addition, the City has a large amount of contaminated items placed in the centralized recycling area. He went on to say the City pays for the recycling, but the residents need to step-up and use it appropriately. Council Member Obenauf mentioned the City could put up a sign. Mayor Johnson stated the only thing the City could do is put in a monitoring system. However, it would have to be monitored 24 hours a day.

President Giordani said she did not think it was a benefit for anyone if it was not being utilized properly. She indicated she was not saying the City should get rid of it, but they definitely need to look at it. She mentioned the City was looking at a franchise fee with Clear Creek, and she can speak with them. Council Member Leahy agreed, they need to keep an eye on the situation.

Mayor Johnson pointed out that on the claims, several of the streetlights are named on the claims; however, there are others that just say, "streetlight number." Ms. Shoemaker indicated she would follow up with the streetlighting fees.

Motion: Council Member Shay moved to approve the Consent Agenda. Council Member Carreiro seconded the motion. Council Members voting aye: Members Leahy, Obenauf, Shay, Mahoney, Giordani and Carreiro. Members voting nay: None. The motion passed unanimously.

8. New Business:

- a. Consideration of Resolution No. 5363, A Resolution of the Mayor and Common Council of the City Of Bellevue, Idaho, Authorizing the Mayor to Sign the Engineers Joint Contract Documents Committee (EJCDC) Agreement Between the City of Bellevue (Owner) and Merrick Company (Engineer for Professional Services) Relating to the Drinking Water Project

Mr. Stuart Hurley, Merrick and Company, handed out a digest of the agreement, and it is an attachment to go with the packet. He explained what Merrick is proposing is the standard Joint Contract Documents Committee (EJCDC). He noted that EJCDC agreements are built for municipal jobs and work with contract documents as well.

Mr. Hurley said the engineering scopes that the city accepts are as follows: transmission, water main upgrades, distribution system investigations, leak detection and land purchase and easements for those that will require new easements.

In addition, they broke the items into two components: Component 1 will focus on project TD-2a: Highway 75 Watermain Improvements – Phase 1 to coordinate with the Idaho Department of Transportation (ITD) schedule for design and construction. Component 2 will involve conducting field investigative studies, report preparation, land survey to support land purchase and easements acquisition, design, and construction service for projects SS-1: Seamans Creek New Springs Collection System, TD-1: Seamons Creek Springs Collection Transmission Reconstruction, TD-3: Distribution System Investigation and LE-1: Seamans Creek Springs Land Purchase and Easements. Mr. Hurley pointed out the City would receive a better deal and there would not be a separate construction contract between ITD and the City.

Mr. Hurley explained they would work with the Department of Environmental Quality (DEQ) to make sure the collectors are not collecting surface water. He added the distribution and booster systems will be testing water pressure around town. The flow data evaluates two things: if the flow meter is providing bad data and the potential for leaks.

Mr. Hurley moved on to the service categories: basic services, planning, design, construction support and construction coordination. It was noted that there is a lot of language in the agreement that denotes who is responsible for what. They know there will be some work in the agreement, such as surveying, However, the need for an attorney and land valuation has not been included as subcontractors.

Mr. Hurley explained the presented agreement is a draft; there are two minor amendments that need to be updated: Michael Martin needs to be the signatory for Merrick and Company and the notice to proceed will be tied to the passing of the bond. Mayor Johnson inquired if the City would be billed monthly. Mr. Hurley indicated that was correct; the City would pay as it goes through the process, and they would come to the Common Council with progress reports.

Member Obenauf referred to the “overtime rate,” and she thought it seemed vague. Mr. Hurley informed the Council if there was any overtime, it would be on Merrick’s side; it would not come over to the City. Merrick’s budget is the budget.

It was clarified that the agreement has a ‘Not to Exceed’ budget. President Giordani indicated it does, and a change order would be required to exceed the budgeted amount. Since the EJCDC Agreement was not the finalized, Mr. Allington suggested the Council review and approve the agreement during the next meeting, February 26, 2024.

Motion: Council Member Shay moved to continue the approval of Resolution No. 5363 until the February 26, 2024, Council meeting. Council Member Carreiro seconded the motion. Council Members voting aye: Members Mahoney, Giordani, Obenauf, Leahy Carreiro and Shay. Members voting nay: None. The motion passed unanimously.

b. Consideration of a Findings of Fact for the Lot-Line Adjustment Application Submitted by Galena-Benchmark Engineering on Behalf of Mountain Rides Transportation Authority, Located at 117 and 121 Clover Street

Mr. Dave Patrie, Galena-Benchmark Engineering, was present at the meeting to discuss the lot-line adjustment submitted for and on behalf of Mountain Rides Transportation Authority. Mr. Patrie presented the plat in question and pointed out the dashed line and on the right side of the plat (121 Clover) is the former Lot 6A. The lot (117) to the left side) of the plat is Lot 5. The petitioners would like to eliminate the lot line between Lots 5 and 6A and create one large lot, Lot 6B, Block 1. Mr. Patrie informed the Council that one of the conditions for the approval of the design review is that the access on Clover Street be moved.

President Giordani asked if the City has lots in the area of the same size. Mr. Patrie indicated that he could think of one, the Hunger Coalition. President Giordani inquired about Mountain Rides’ expansion. Mr. Patrie indicated the Planning Commission approved the design review and the lot line shift is also a condition for the design review. He went on to say Mountain Rides would like to develop some parking in the right-of-way, and the code requires the Council to approve the on-site parking improvements.

President Giordani inquired if there was a benefit to having the sidewalks on the east side of the parcel. Mr. Patrie explained the sidewalks are on the interior roads of the Southern Bell Business Park. There are no sidewalks on Gannett Road. The sidewalk in question would be a sidewalk to nowhere, and he does not see any redevelopment in the near future. He stated the Council would see an application for three (3) additional parking spaces with a realigned sidewalk. He noted that any vehicle parked would have access to sidewalks.

Motion: President Giordani moved to approve the *application* submitted by Mountain Ride Transportation Authority for a lot line adjustment for the properties located at (117 and 121 Clover Street), Lots 5 and 6A, Block 1, Bellevue, Idaho to Lot 6B, Block 1, Bellevue, Idaho, finding the application meets the criteria set forth in the Bellevue City Code, Title 11-6. Member Leahy seconded the motion. Council Members voting aye: Members Obenauf, Leahy, Carreiro, Giordani, Mahoney and Shay. Members voting nay: None. The motion passed unanimously.

Motion: Council Member Shay moved to approve the *Findings of Fact* submitted by Mountain Ride Transportation Authority for a lot line adjustment for the properties located at (117 and 121 Clover Street), Lots 5 and 6A, Block 1, Bellevue, Idaho to Lot 6B, Lot 1, Bellevue, Idaho, finding the

application meets the criteria set forth in the Bellevue City Code, Title 11-6. President Giordani seconded the motion. Council Members voting aye: Members Leahy, Mahoney, Obenauf, Shay, Carreiro, and Giordani. Members voting nay: None. The motion passed unanimously.

- c. Consideration of Resolution No. 5364, A Resolution of the City of Bellevue, Idaho, Participating in an Assessment for The Community's 2023 Greenhouse Gas Emissions Providing Specific Data as it Pertains to The City of Bellevue with a Not To Exceed Amount of \$2,000

Mayor Johnson introduced the agenda item and indicated it was provided to him last week by Blaine County Sustainability. In the past, they have discussed what the Greenhouse Gas Emissions were and come up with a plan of action to reduce it by certain timelines. He believes it is worthwhile data so the City can see where it can improve. In addition, it allows the city to get some grants for some emission improvements and energy audits.

He went on to say another item he will be looking at after the City gets the applications finished, is the University of Idaho will come in and do energy audits on all of the City's buildings to assess what the City can do; and with that the City can also apply for grants, such as, the Idaho Power grant.

Mayor Johnson pointed out that the material in the packet was a copy from Blaine County, the City of Ketchum, and the City of Hailey assessment from 2018. This year they will add the City of Bellevue to it, and the actual cost is approximately \$1,700.

President Giordani said from speaking with Mayor Johnson, this one is done countywide, and it is an opportunity for the City of Bellevue to receive specific data that the City has not had in the past for grants and changes in what the City is doing. She inquired if the Greenhouse Gas / 5B Plan would happen every year. Mayor Johnson indicated it would not; it is every couple of years. It will give the City a baseline, and it provides the ability for the City to be sustainable and make improvement for the City.

President Giordani questioned if there was any redundancy with the proposed 5B plan. Mayor Johnson explained they are looking at tackling emission, and the energy audit is free. In addition, the data could help with amendments to new construction and City Code. It was inquired if the City changed its code. Mayor Johnson stated whatever the state of Idaho has, is what the City will follow.

President Giordani stated she is not against energy or sustainability; however, what is the tangible outcome. The City has had multiple feasibility studies on this. She asked if this item was something the City could set aside.

Member Leahy inquired what type of grants could the City acquire. Member Shay added, who would the City be competing against. Mayor Johnson pointed out multiple items the City could apply for. He said he had no strong opinion on the item either way. However, obtaining the baseline is important.

Member Leahy pointed out the City has a lot of commuter traffic and an airport nearby. Mayor Johnson noted they are trying to reduce commuter traffic in some ways. Member Carreiro said the data would help the City change ordinances. Member Obenauf added that it is planning for the future, and she believes it would be extremely valuable. In addition, it could be added to the Comprehensive Plan; it could show where Bellevue is currently and serve as an action item as well. Mayor Johnson noted there was only so much the City could implement; it is just a baseline.

It was inquired what the City would be receiving for its participation. Member Shay indicated that the City would receive its specific data to Bellevue. Mayor Johnson reiterated that this would be nothing more than a baseline to look at alternatives that could be cost effective for the City.

Motion: Council Member Shay moved to approve Resolution No. 5364, A Resolution of the City of Bellevue, Idaho, Participating in an Assessment for The Community's 2023 Greenhouse Gas Emissions Providing Specific Data as it Pertains To The City Of Bellevue with a Not To Exceed Amount of \$2,000. President Giordani seconded the motion. Council Members voting aye: Members Shay, Carreiro, Giordani, Mahoney, Leahy, and Obenauf. Members voting nay: None. The motion passed unanimously.

- c. Consideration of Resolution No. 5365, A Resolution of the Mayor and Common Council, of The City of Bellevue, Idaho, Authorizing the Mayor to be a Joint Signatory on a Letter Addressed to the Idaho Transportation Department, Regarding Comments on the Highway 75 Final Environment Impact

Statement (FEIS) Bellevue To Timber Way, with the City of Hailey, Idaho, and Mountain Rides Transportation Authority on Behalf of the City of Bellevue, Idaho

Mayor Johnson explained the letter addressed to the Idaho Department of Transportation (IDT) came down from the City of Hailey and Mountain Rides Transportation Authority to ensure drop off locations and pedestrian crossings. He noted that the City gave them their ideas, and they did not see their ideas at the meeting the last week before.

President Giordani stated she thought it was proactive. Member Obenauf inquired if there was any discussion regarding a carpool lane for the buses; she noted that 73 Percent of the people utilize the bus. Mayor Johnson said he had not heard about a commuter lane.

Motion: President Giordani moved to approve Resolution No. 5365, A Resolution of the Mayor and Common Council, of The City Of Bellevue, Idaho, Authorizing the Mayor to be a Joint Signatory on a Letter addressed to the Idaho Transportation Department, regarding Comments on the Highway 75 Final Environment Impact Statement (FEIS) Bellevue To Timber Way, with the City of Hailey, Idaho, and Mountain Rides Transportation Authority on Behalf of the City of Bellevue, Idaho. Council Member Shay seconded the motion. Council Members voting aye: Members Carreiro, Shay, Leahy, Giordani, Mahoney, and Obenauf. Members voting nay: None. The motion passed unanimously.

Workshop(s):

- a. Discussion Regarding the City of Bellevue, Idaho, Proposed Business Core Overlay District

Mayor Johnson indicated he wanted to discuss the proposed/draft Business Core Overlay and Affordable Housing District and send the two drafts back to the Planning and Zoning Commission and let them know the Council's viewpoints.

President Giordani state she was open to hearing public comments.

Council Member Shay said she was a bit concerned about the Council giving direction to the Planning and Zoning Commission (Commission) regarding the adoption of an ordinance. She went on to say, normally the Commission is the first step in the process, and then they make recommendations to the Council. She noted they might take some good recommendations from the Council; however, it is a bit of a red flag to her.

Mayor Johnson stated the proposed ordinance(s) have been kicked down the road, the City was overbilled by the engineer, and now the City has two (2) applications that are ready to begin this summer.

President Giordani clarified that initially, the proposed draft came from research within the City, and then the outside information came to the City from Sunrise Engineering. Council Member Shay explained the 2020 draft ordinance went through the Council, and the Planning Commission asked for some amendments. She commented that the ordinance has not gone anywhere since she retired. She went on to say it is an entirely different ordinance prepared by another firm.

President Giordani suggested the Council discuss what they like and do not like about the ordinance and make some recommendations to the Commission. She questioned if anyone had anything they liked about it. She said she liked the two (2) accessory dwelling units (ADU) and the map with the Light Business and Light Industrial reaching out more. In addition, she liked the possibility of the live/work concept and the Light Business with double lots with ADU portion with additional housing.

Council Member Obenauf agreed and noted there is not any available space to rent. The ordinance is offering residential and smaller businesses in the area. She inquired if the area was large enough to qualify for fair affordable housing. Mr. Allington indicated he was not sure; it may be tied to some federal funding. His understanding is that the basis is to allow this for affordable housing; however, it cannot be mandated affordable housing. He went on to say, if the city only does affordable housing in one area, then it is not allowed, and he believed that was the Fair Housing Act.

Mayor Johnson stated they were talking about residential and the downtown core area. They could move forward and make adjustments. He added that he would like to see the area extend to the Sothern Bell Business Park and

the Karl Malone parcel. Council Member Leahy suggested the Council focus on the Business Core Overlay at that time.

Mayor Johnson opened the discussion for public comment.

Errin Bliss, Bliss Architecture, Hailey, Idaho:

Mr. Bliss indicated he agreed with Council Member Shay. They need to keep moving forward with the ordinance. He added he was disappointed to see the Council was only talking about the ordinance this evening; he and his client are stuck right now.

Mr. Bliss informed the Council that 50 percent for deed restrictions would not work; no one would touch it with 50 percent. He suggested that it needed to go down to 10 to 20 percent. He addressed the 12 units per acre; he stated that 12 units per acre was a bit too low. He pointed out that there are some areas in the General Residential District that allow 3,000 square lots if it is approved by Commission. He indicated that there needed to be a higher density, and it needed to be increased to 14 to 16 units per acre.

Mr. Bliss noted that in the City of Hailey's DRO zoning district, it requires 10 percent open space, and that is very dense. He reiterated that 12 units per acre is too low. He stated that it was critical that the ordinance states mixed uses are a permitted /allowable use. He noted the ordinance eludes it; however, it does not say it. He suggested commercials on the first floor and housing on the upper floors. He questioned if there was a mixed use, would additional parking be required with the use? He indicated that is an important factor to move forward.

Pam Colesworthy, Realtor, Ketchum, Idaho:

Ms. Colesworthy informed the Council she supported the Business Core Overlay; the Valley needs it. She commented that people up and down the Valley are encouraging it. She stated she thought it is on the right track, and she agrees with Mr. Bliss regarding the mixed-use housing.

Mike Carr:

Mr. Carr informed the Council that one of the things he hears is more space for small businesses. He mentioned that sometimes housing and a business makes it work. He noted that the Council talks about money but not about revenue. He pointed out that businesses create more money, and the concept of what businesses do for a city. He pointed out that the state can only raise taxes every three years. Mr. Carr indicated that a mixed use would create jobs and could reduce commuting. He said whatever the City wanted to create in density, it should create the City more revenue and housing for people.

Jeff Swanson, Ketchum:

Mr. Swanson addressed the Council. He indicated he came up with an idea for a mixed use located at 117 S Main. He noted he got together with a consultant, and Pam Colesworthy came up with some ideas. This is not just a "project." They have to be careful; the housing is near the airport. He went on to say he has worked with Mr. Bliss, and the concept is retail on the first floor, housing above the retail and parking behind the building in the \$700,000 range.

He noted there is only so much patience one can take with the process. He informed the Council he gave the City of Ketchum the perfect housing project; however, they asked him to wait another 120 days, and he could not wait another 120 days. Mr. Carr stated they have reached out to another consultant to go through Planning & Zoning, and they like what the City is proposing.

Mayor Johnson indicated he told Mr. Bliss the Council would discuss the ordinance around the first of January. He noted he is a meeting behind where he wanted to be. He said as long as they are there with the ordinance and do what is best for each party.

President Giordani expressed appreciation for all the comments. She stated that she has always thought 50 percent was too high. She would like it to go below 50 percent. She believes it is important for the workforce. In addition, she always thought the ordinance was intended for a mixed use.

Council Member Obenauf said she noticed the determinant is the parking. She was not certain there should be a parking space for each unit. She pointed out It is extremely expensive to go underground for parking. Mayor Johnson stated they do not want to get rid of all the City's parking spaces.

Council Member Obenauf expressed the minimum housing unit has to be 550 sq feet per apartment. She pointed out rental costs are between \$2,000 and \$2,500 a month in Hailey. She thought the younger people do not want to rent someone's room, they want their own space. It was mentioned that the Silvercreek Living is a quad, and the monthly rent is \$1,600 per month. Mayor Johnson said they have a problem keeping all four individuals in a unit at the same time. Each unit provides a bed and a kitchen for \$400 a month. He questioned if Bellevue wanted that in the City. He did not think the City would.

Council Member Obenauf referenced page 10-7a-4; Leases shall not be less than 30 days. She indicated she thought it should be at least six (6) months. Mayor Johnson agreed, but there are always going to be people moving in temporarily until they can find a place to live. He noted they have police officers and deputies living in the trailer park.

Council Member Obenauf thought they should increase the density and reduce the cubic feet. She indicated she spoke with several architects and 550 square feet was a number they came up with. President Giordani pointed out that could be a one (1) bedroom or studio, and ADUs are not always one (1) bedroom; they are sometimes a studio.

It was suggested the Council send the ordinance to the Commission and let them make recommendations. Council Member Shay reminded the Council that the City's code states an ADU has to be less square footage than the primary use in the Business District; however, there are things they can do in regard to redevelopment. She was hoping they would see some good work.

Council Member Obenauf mentioned working with the Blaine County Housing Authority. Mayor Johnson stated the City is already seeing issues with the City's cabin. He has had good conversations with them; however, at this point, if the developer can work with it, does the City need an outside entity involved? President Giordani stated she did not think the city needed another entity involved.

Council Member Obenauf discussed tax incentives, and explained she was a property manager for a housing development with 30 tax credit units. She went on to say that each year, they had to send the city a lot of paperwork with applications and personal finances. She added it was rolled out because college students indicated they did not have money, but they had parents with money. Mayor Johnson indicated they would look at all options.

President Giordani recommended that the ordinance encompass the Light Industrial District on the map, and she thought the Light Industrial and Light Business should be included in the ordinance with the Business District. If they are going to do this, they should do it right. She added, in regard to the Light Industrial and Light Business, she is only talking about the parcels with the existing zoning designation in the overlay, so they do not have to repeat the process.

Mayor Johnson indicated that the Council would send the ordinance back to the Commission, and Ms. Snarr would provide the Commission with the minutes of the Council's discussion. In addition, they would bring Great West Engineer on board for zoning support for now and clean up the ordinance.

The Council questioned Mr. Bliss and Swanson about which ordinance was more pressing, the Business Overlay District or Affordable Housing District. They both indicated the Business Core Overlay District was more pressing. It was mentioned that the Affordable Housing District is very dense and cumbersome, and the two ordinances keep getting pulled together.

It was recommended the Council push through the Business Core Overlay District and then work on the Affordable Housing District. President Giordani suggested removing "Core" from the ordinance title.

b. Discussion Regarding the City of Bellevue, Idaho, Proposed Affordable Housing District
With the Council's decision to focus on the Business Overlay District, the Affordable Housing district was not discussed during the meeting.

ADJOURNMENT
With no further business coming before the Common Council at this time, President Giordani moved to adjourn the meeting at 7:00 p.m. Member Shay seconded the motion. The motion passed unanimously.

C.92

Chris Johnson, Mayor

Michelle K. Vest Snarr

Michelle K. Vest Snarr, City Clerk