



The Common Council of the City of Bellevue, Idaho, met in a Regular Meeting, on Monday, April 8, 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.

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

**Roll Call:**

**Present**

Chris Johnson, Mayor  
Christina Giordani, Council President  
Robin Leahy, Council Member  
John Carreiro, Council Member  
Diane Shay, Council Member

**Excused:**

Shaun Mahoney, Council Member

Roll Call was conducted; all Members were present with the exception of Council Member Mahoney.

**Staff Present:**

Rick Allington, City Legal Representative  
Greg Beaver, Fire Chief  
Kirt Gaston, Marshall  
Shelly Shoemaker, City Treasurer  
Bryson Ellsworth, Wastewater – *via Zoom*  
Shane Garrison, Water - *via Zoom*  
Michelle Snarr, City Clerk

**Others in Attendance:** Tiffany Robinson, *Raiza Giorzi*, , Carlos Tellez, Mountain Rides Transportation Authority, Eric Humbach, Mountain Rides Transportation Authority, Chris Bromley, McHugh Bromley PLLC, Isabella Cronin – *via Zoom*, Tony Evans, – *via Zoom*, Suzanne Wrede, *via Zoom*

1. **Notice of Agenda Compliance:**

The posting of this regular meeting agenda 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 *April 3, 2024*.

**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.

2. **Call for Conflict as Outlined 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.

3. **Public Comment: (for Items of Concern Not on the Agenda):**

Mayor Johnson opened the meeting for public comment at 5:36 p.m. No one in attendance or via Zoom provided public comment.

Mayor Johnson reminded everyone it was the political season, and he asked everyone to please adhere to general community standards.  
Public comment closed at 5:33

4. **Consent Agenda:**

- a. Approval of Claims: March 26, 2024, through April 8, 2024
- b. Request for funds for Wastewater in the amount of \$7,994.00

Council Member Obenauf question whether the city decided to do away with the city paid recycling bin and if the information that was provided had been posted. It was said that the information was posted at city hall and the post office. Chief Beaver said there are large signs posted at the recycling site, and no one follows the posted requirements. It was noted the city could do away with the recycling site or the residents could take their items to Hailey. President Giordani said Ketchum and Hailey both have compacting.

President Giordani inquired how it was going with the new IT provided, Micro Systems. Ms. Shoemaker stated they are incredible; they keep track of what they do and send the city an invoice with no charge.

**Motion:** President Giordani moved to approve the consent agenda. Council Member Carreiro seconded the motion. Council Members voting aye: Members Giordani, Carreiro, Leahy, Shay and Obenauf. Members voting nay: None. The motion passed unanimously. Council Member Mahoney was not present for the vote.

5. **PARK FEES: (REQUEST FOR FEE WAIVERS AND/OR REDUCTION OF FEES)**

- a. Consideration of Fee Waiver and/or Reduction of Fees for the O'Donnell Park of \$780 for Three Day a Week from April 8 through August 25, 2024, for 11U Baseball, Idaho Mavericks: Tiffany Robinson

Ms. Tiffany Robinson addressed the Council. She informed the council the team spent two to three hours last week clean the ball field area, and they are there tonight pulling weeds and dragging the infield. They are hoping to keep the team together until high school; and by the time they go to high school, they will be a well-oiled machine.

Ms. Robinson said they are focusing on mental health, and they brought in a trainer from Oregon State. It's incredible for them to have this opportunity. They have a local nutritionist that will work with the team as well. We are a new non-profit organization, and they want to get them to the field of dreams.

President Giordani asked if there would be any banners. Ms. Robinson indicated there will be banners during tournaments; it has all the sponsor's names. Ms. Robinson suggested installing a door code; it was a bit of a hassle to get the key. She added Clear Creek donated a porta potty

Ms. Robinson said they are happy to pay the fees, but they are hoping to get the fees extended. Council Member Obenauf said she saw the application; then the weeds were gone. She suggested putting the fee waiver in writing, which indicates how many hours they will perform for maintenance. Mayor Johnson commented that Clearwater Landscaping only mows the park

Ms. Robinson noted they hope the tournaments would provide some revenue to the city as well. Council Member Leahy asked if the teams/families will be camping. Ms. Robinsons said they typically stay at Wood River Inn and Silver Creek Hotle.

President Giordani asked other councilmembers how they felt about the waiver and/or reduction of the park fees. Council Member Carrerio said, it is a Bellevue team, and I agree with it 100%. Council Member Shay said she thought there was another way. She reached out to the City of Hailey and asked if there is a formula for reducing park fees; after years of reducing and waiving fees, the city is losing a lot of money. In the big picture, the city may not, but the city doesn't have any extra funds

Council Member Obenauf calculated it would be approximately \$85 an hour for the park maintenance; that is \$1020 for the maintenance. If they dedicated three hours of maintenance per week, she would feel better about the fee reduction/waiver.

President Giordani said they are evaluating both fees and money. However, what she hears is they want to support their community and the baseball team. The city has a history of waiving a lot of fees. She suggested evaluating how they city can approve the fee waiver and reevaluate it next year and see how it can be adjusted. She said it's great the team is contributing hours for maintenance. We don't need to make money but questioned what the city's cost is. They don't have very many problem with parking for the smaller 11U team(s). Council Member Shay suggested being fair and meeting somewhere in the middle.

Mayor Johnson stated he talked to Mrs. Robinson; she did not ask for the fee waiver. He told her since it was new, the city may be able to help get it started. Ms. Robinson asked if the team played on a Sundays, could they utilize the concession.

Council Member Shay pointed out the ending date would not be August 25, 2024; it would be the end of November. Ms. Shoemaker referred to page 2. A season fee is specified as three months and their months are approximately 12 weeks; the city only has seasonal fees. She questioned how the city would accommodate the fees. Ms. Robinson said when she called about fall baseball, she was told they would need to pay an additional \$980. It is there understanding, they are the only ones playing baseball this year.

It was asked if the city pays for trash collection. Council Member Shay indicated it is \$50 a month. Ms. Shoemaker added in reviewing the fees, in the past, they city had a resolution for toilet and trash fees; however, those fees are not on the application. Mayor Johnson stated considering they have not been charging the fee, it needs to be placed in the city's fiscal year 2025 budget.

President Giordani suggested donating one season, and the team pay for the second season of \$780. Council Member Leahy liked that idea; Council Member Obenauf added she supports the kids being there. Council Member Shay said she liked the idea as well. President Giordani said she would also like to see how else they city could continue to figure out how to support the team. Council Member Carrerio was fine with the suggestion as long as they do something for the team.

**Motion:** President Giordani moved to approve the waiver of fees for the first season, and the 11U Baseball, Idaho Mavericks pay the fees of \$780 for the second season, which does not include the additional fees.

Ms. Robinson informed the council they already paid the park fees for the first season and asked if the city would use that payment for the second season. It was suggested the team pay for the first season, and the second season would be waived.

The motion failed. There wasn't a second to President Giordani's motion.

**Amended Motion:** Council Member Carrerio moved the 11U Baseball, Idaho Mavericks pay for first season, and the city waive the second season fees of \$780.00. Council Member Leahy seconded the motion. Council Members voting aye: Members Leahy, Obenauf, Shay, Giordani and Carreiro, and. Members voting nay: None. The motion passed unanimously. Council Member Mahoney was not present for the vote.

- b. Consideration of Fee Waiver and/or Reduction of Fees for the Memorial Park of \$145 for the “Clean Sweep – Bellevue City-Wide Trash Clean Up,” Isabella Cronin, The Environmental Resource Center
- Ms. Isabella Cronin addressed the council as the representative of The Environmental Resource Center (ERC). ERC is environmentally focused; annually they have volunteers go to Ketchum, Hailey and Bellevue and help clean up our neighborhoods. This year the Clean Sweep will be May 4, 2024, from 9:00 am to 12-noon. ERC is excited to be able to use Memorial Park this year and hoping the City can waive the park fee in order to move their money over to other recourses.

ERC utilizes the park as a meeting point; they provide gloves and trash bags. In addition, they are working with Clear Creek and have designated areas for trash pickup. Council Member Carrerio indicated he volunteered last year, and ERC used a few picnic tables. Council Shay, saw the event as a public benefit to the community. Council Member Obenauf was able to speak with NAPA Auto Parks, and they will pick up old car batteries.

President Giordani pointed out the fee schedule has non-profit provisions, and the city has typically waived ERC’s fee for years. Council Member Leahy was fine with the waiver of fees with the park application. She asked what area of Bellevue was covered with the event. Council Member Carrerio said he covered the bike path down to Cedar Street. President Giordani suggested utilizing the park next to the museum on Main Street. It’s an opportunity for people to see others on Main Street and making it a bit more visual. Ms. Cronin said they can change locations next year.

**Motion:** Council Member Shay moved to waive the Fees for The Environmental Resource Center for the Memorial Park in the amount of \$145. Council Member Carreiro seconded the motion. Council Members voting aye: Members Shay, Obenauf, Leahy, Carreiro and Giordani. Members voting nay: None. The motion passed unanimously. Council Member Mahoney was not present for the vote.

6. **PROCLAMATION:**

In Support of the City of Bellevue’s Military Caregivers In Collaboration With Idaho’s DAR and Hidden Heros

Mayor Johnson introduced the proclamation supporting the City of Bellevue’s Military Caregivers in Collaboration with Idaho’s DAR (Daughters of the American Revolution) and Hidden Heros. He informed the Council he would like to support this proclamation. Mayor Johnson read the notes from the email requesting the consideration of adopting the proclamation. Their goal is to have 22 counties and cities adopt the resolution prior to their conference in May 2024.

**Motion:** Council Member Shay moved to adopt the proclamation, In Support of the City of Bellevue’s Military Caregivers in Collaboration With Idaho’s DAR and Hidden Heros. Council Member Carrerio seconded the motion. The motion passed unanimously. Council Member Mahoney was not present for the vote.

7. **NEW BUSINESS:**

- a. Consideration of a Proposed In-Kind Donation In-Lieu of the City’s Commitment to Contribute \$5,000 for the Funding of a Battery Electric Bus Facility by Means of a Reduction in the Building Permit Fees for Mountain Rides Transportation Authority

Mayor Johnson informed the Council the request was brought to him around August 2023, and the city agreed to pay the \$5,000, but the budget request wasn’t budgeted, and the city does not have the funds. The reduction of building permit fees is an alternative to the contribution of \$5,000. President Giordani was in support of the in-kind donation.

**Motion:** President Giordani moved to approve the in-kind donation in lieu of the city's commitment to Contribute \$5,000 for the funding of a battery electric bus facility by means of a reduction in the building permit fees for Mountain Rides Transportation Authority. Council Member Carrerio seconded the motion. Council Members voting aye: Members Giordani, Obenauf, Leahy, Shay, and Carreiro. Members voting nay: None. The motion passed unanimously. Council Member Mahoney was not present for the vote.

b. Consideration of Resolution No. 2372, A Resolution of the City of Bellevue, Idaho, Authorizing the Mayor, to Execute a Service Agreement with Clearwater Landscaping in an Amount Not to Exceed \$18,500 for Landscaping Services

Mayor Johnson introduced Resolution No. 2372, landscaping services for the parks, city hall and the library with Clearwater Landscaping. It is the city's annual mowing contract.

President Giordani inquired if there is an increase from 2023. Ms. Shoemaker said she was able to reduce city hall and library by \$1,500. President Giordani asked for an explanation of the other items that increased. It was noted the city has a larger area now, which includes the O'Donnell and Memorial parks the Museum. They also provide the landscaping maintenance for the berms and well houses.

It was asked if the city were at full staff, would the landscaping maintenance still be outsourced. Mayor Johnson stated the city doesn't have the mower. In addition, from his knowledge, it has always been outsourced the past eight years.

**Motion:** President Giordani moved to adopted Resolution No. 2372, A Resolution of the City of Bellevue, Idaho, Authorizing the Mayor, to Execute a Service Agreement with Clearwater Landscaping in an Amount Not to Exceed \$18,500 for Landscaping Services. Council Member Shay seconded the motion. Council Members voting aye: Members Giordani, Shay, Carreiro, Leahy, and Obenauf. Members voting nay: None. The motion passed unanimously. Council Member Mahoney was not present for the vote.

8. **EXECUTIVE SESSION:** Consideration of Executive Session in accordance with Idaho Statue § 74-206-1(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, Rick Allington, Legal Representative and Chris Bromley, McHugh Bromley, PLLC

Mayor Johnson inquired if the Council needed to enter into executive session to discuss the matter. Mr. Bromley indicated they didn't; the information is public.

Mr. Chris Bromley, McHugh Bromley, PLLC, informed the Council McHugh Bromley are water rights attorneys. He said they have represented the city since 2015; and in that time, they have seen a lot of things happen. The valley, in 2021, there was an element that involved the Bellevue Triangle. There were irrigation pumpers that had priority dates to the surface water users. At the time, the advice to their clients in the valley was don't worry about it, conjunctive rules were in place that the department and senior user have to follow.

The Director of the Department of Water Resources pulled out a code reference and used about a sentence and a half of a piece of law passed in the 1950's that had never been used before and decided to create law on his own. In 2021, he sent out a notice to everyone in the basin of a hearing and ordered everyone into a hearing in about six weeks on a very complex issue that no one really understood. The benefit for the City of Bellevue ("City") is it is just to the north of Glendale Road, which is where the director decided to draw the hydrologic boundary. The director said he was not going to curtail anyone north of Glendale

Road. That means the cities of Bellevue, Hailey, Ketchum, Sun Valley and north to Galena Summit will not be curtailed.

They were in the hearing and were concerned the line might be moved north. The director was using words and phrases from a piece of statute that nobody had ever used before, and they didn't know if he was going to use it; or if he was going to get into the hearing and say he changed his mind. They were in the hearing, actively involved with Smart Water Engineering, and they defended and held the line.

It went to District Court on the legal question on whether or not the director could use the couple of words and phrases in an old statute, and the District Court said no; they have to follow the conjunctive management rules. This is what they have been telling people for a very long time. The rules were put into place in 1994. The Department of Water Resources then took that up on an appeal to the Idaho Supreme Court. They received a decision in January 2024, saying effectively, director could do whatever he wanted to do; he does not have to follow the conjunctive management rules. The director could use the few words and phrases out of the old statute as long as you are trying to fulfill your duties of getting water to senior users.

Mr. Bromley stated that shocked all the water attorneys in the state of Idaho. He lost at the District Court before Judge Wildman who is the water judge in the state of Idaho. He wrote a decision that made a lot of sense; the director has to use the conjunctive management rules. The Idaho Supreme Court completely deferred to the director on the matter. What that means for the city is when the director decides to turn off water users, he can do what he wants to do.

Mr. Bromley explained the reason "the line" was drawn north of Glendale Road in 2021, was the director didn't have enough time to move up the valley. He was trying to deal with an express problem in the Bellevue Triangle getting water to Silver Creek. His model showed that Biker's Hill, below Glendale Road, 90-plus percent of that water would show up in Silver Creek versus a couple of percentage points if it went north.

He pointed out right now, the City is able to pump ground water because it has an interim ground water management plan in place. That interim plan was negotiated right after the curtailment happened in 2021. They knew there were a lot of big, legal issues that would go before the courts so they negotiated a three-year plan that expires at the end of this year.

The plan is simple. The City pays \$10 per acre foot of ground water that is pumped from its wells, and it goes into a conservation improvement and efficiency fund that is managed by a few individuals. The idea is to spend those monies on irrigation efficiency improvements south of Bellevue so the senior surface water users can become better with the water they have. The thought is if they are more efficient, they are less likely to have water curtailed. He said the plan has worked, but it is going to end at the end of this year.

Mr. Bromley indicated the first meeting they had with the Big Wood Ground Water Management Area Advisory Committee was a few months ago. The New IDWR director, Matt Weaver, came to the meeting and told everybody he thinks the interim plan is working great, but it is going to end. Everyone needs to come up with a more permanent plan. He thought it would be a plan that would be 15 to 20 years in length and longer terms, and the basin is open for curtailment. Mr. Bromley stated it will not stop at Glendale Road; it will include everybody.

He informed the Council there have been two area management committee meetings, and what is going to happen is there will be a negotiation of what is of the city and more likely than not, the \$10 per acre foot

that is being paid into the fund will likely go. There may be more asked of cities because they were able to negotiate a flat rate for pumping. Mayor Johnson inquired if there was an additional \$3.75 that goes along with the flat rate for a total of \$13.73 per acre foot. Mr. Bromley said, correct. They also agreed to pay \$3.75 per acre foot of water pumped to go into cloud seeding. He noted that it was a small component, but it is a component the cities agreed to.

Mr. Bromley said the senior water users like this fund. They are appreciative of cities trying to do something, and they recognize they don't want to curtail cities' water use because cities are the economic driver of coin counting. He believes they have been smart in recognizing that without the cities, the economic development is different. He thinks the cities will see more of an ask on what the amount of the money will be, and he doesn't know what they are going to ask for. Mr. Bromley said the price will probably go up. Cloud seeding will probably continue to be something that is a point of interest; it puts water in the basin, and there have been studies that can quantify the benefits.

Mr. Bromley stated to draw a very clear line of distinction, is how the City's bond fits very nicely. He explained if the city uses surface water, which are the springs, none of the supplies (are included). The threat of curtailment to the wells is specifically to ground water. To the extent that the city can rely only on its spring, and it is his understanding the wells are only needed at the peak summer months. Then, the City wouldn't have to worry about the director creating new law.

Mr. Bromley added the City has a really good spring source, but the collection system is in need of improvements. He believes the more funds the city can put towards improving the collection system and not paying money to use the wells, it is a better long-term investment. He stated they will have to negotiate a deal by the end of this year, and he knows it will take time to construct all of the infrastructure improvements. But one of the things they talked about in the new management plan is to have what he calls, an "offramp." If someone is able to mitigate or not need ground water, they should be able to exit the requirements of a management plan. They have not heard if there is any push back on this, but he thinks it is a simple thing to agree to.

Mr. Bromley said he thought this worked well with the bond and some private residents. They would be happy, if there is interest, to try and help put some things together, answer questions as they come up, and keep the city apprised of the meetings and developments.

Mr. Allington suggested they talk about the big difference between well users and spring users. He stated the city has a 1882 water right and a good well right is about 1970. He said an 1885 well right isn't that great. The wells are shut off first, then they can go after the spring/surface water. Mr. Bromley added the City has a senior spring right. The City wants to be able to collect the maximum amount. The more surface water the City can use, the less well water is used. The City could get off the wells entirely, and the city's exposure goes away.

Mayor Johnson stated the only thing that could limit the City getting of the wells entirely, is the IDAPA requirement of having a backup system. He went on to say, with the improvements they are looking at with the springs and working with Warner and another water right, they will be collecting a lot more water after it is approved. Then the City will be able to get the efficiency and the delivery system going to the tank, and the City knows there are leaks along there. They can get the meters installed and find all the leaks. He believes the City could see a very large increase in actual water usage versus water losses, and it could shut the wells down during the summer months.

President Giordani stated it sounds like improving the City's springs gives the City more security. Mayor Johnson indicated it was the only way they could be sustainable long term and for the future of the City of

Bellevue. He said they don't pay any energy on the springs; they are all gravity feed except the north side for the booster pump. He went on to say, once they get the system up to where it is running properly, and they fix the leaks, it could start fixing some of the City's pressure issues. He stated this is the only long-term sustainable water source the City has. The wells can be a point breaker depending on how bad the droughts get. President Giordani said just knowing someone can turn off the water supplies is not a very reassuring thought. Council Member Shay added she thought this is a good point to make at the open houses. The city needs to talk to the residents about how serious this problem is.

Mayor Johnson stated they have two problems if they do nothing. The Department of Environment Quality could re-evaluate the city's spring and say that is not the way they want it; they could say there is potential contamination and the City would lose that source. Then the City is relying completely on the wells, and the City would be paying twice as much for water. In addition, they are subject to this, and then they are subject to curtailment.

Council Member Obenauf asked how long the city has been contributing to cloud seeding. Mr. Bromley noted it has been two, going on three years; however, in a way the City has been contributing for many years to Water District 7. The \$3.75 is a premium on top of what the City has been contributing. Mayor Johnson added it is also an agreement between the municipalities and Idaho Power from ten years ago.

President Giordani asked Mr. Bromley to keep the Council in the loop as it develops. Mr. Bromley informed the Council the third advisory meeting is in the middle of April and there should be monthly meetings after that. The way it is structured now, by the end of September there will be a draft management plan in place. Individuals will be going back to clients and constituents to try and get final buy in. He stated they will continue to have monthly meetings, and he will come back to talk to Council in an executive session to determine what they think they can agree to.

Mr. Bromley added there is a piece of legislation that passed this session that has broadened the director's powers to bring in any basis that he believes to contribute ground water into the Eastern Snake Plain Aquifer. The aquifer is basically runs from Twin Falls to Ashton.

The Wood River Valley, depending on the studies you read, contributes something. The director in this last legislation agreed you can't honestly say you're going to bring in these other water users that have functioning plans and place them into the ESP problem. The way the original legislation was worded was the director can do anything he wants. Then he was willing to put some sideboards on, which was good. He made a point of referencing at the first advisory meeting, "don't forget if you don't have a functioning plan, the director said he could bring anybody into the (ESPA) "Eastern Snake Plain Aquifer." The city does not want that to happen. The Eastern Snake Plain Aquifer is a mess. The motivation to have a management plan in place by the end of the year is strong. He believes they will see a final draft by the end of September. He will be back to speak with the Council, most likely in executive session, about some of the details and what it is the Council believes they can or cannot agree to and ultimately signatures in place by the end of the year.

9. Consideration of Possible Action for Matters Relating to the Executive Session, Rick Allington, Legal Representative and Chris Bromley, McHugh Bromley, PLLC

No Action was taken.

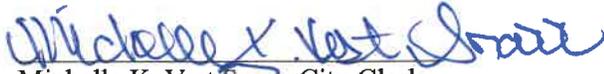
10. **Adjournment:**

With no further business coming before the Common Council at this time, President Giordani moved to adjourn the meeting at 6:49 p.m. Council Member Carrerio seconded the motion. The motion passed unanimously.



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Chris Johnson, Mayor



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Michelle K. Vest Snart, City Clerk