



The Common Council of the City of Bellevue, Idaho, met in a Regular Meeting, on, Monday, August 26, 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 Johnson  
Christina Giordani, Council President  
John Carreiro, Council Member  
Robin Leahy, Council Member  
Diane Shay, Council Member  
Shaun Mahoney, Council Member – *via Zoom*

Roll Call was conducted; all Members were present; Council Member Mahoney was present *via Zoom*.

**Staff Present:**

Rick Allington, City Legal Representative  
Greg Beaver, Fire Chief  
Kirt Gaston, Marshal  
Casey McGehee, Streets  
Shelly Shoemaker, City Treasurer  
Michelle Snarr, City Clerk

Others in Attendance: Tony Evans, Lori Isreal, William Lennon, and Suzanne Wrede, *via Zoom*

**1. Notice of Agenda Compliance:**

The posting of this regular meeting agenda complied with Idaho Code §74-204. The regular 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 *August 21, 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 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.

**3. Public Comment and Council Discussion:** For the purpose of moving forward with a resolution to request that the Idaho State Legislature dissolve the City Charter, of the City of Bellevue, and proceed with becoming an incorporated city

Mayor Johnson addressed the dissolution of the City Charter and moving forward with becoming an incorporated city. He said it wouldn't change a lot of things. One of the biggest changes would allow the city to go from two (2) year term limits to four (4) year term limits and stipulate there are six (6) *council members*. He noted the City Charter is gender-neutral, and the entire Charter is written in the masculine tense. There are a few other differences for the appointment of vacancies on the council, and it would allow Bellevue to manage the city just as every other community.

Mayor Johnson explained the city would need to start a petition, and the petition would have to have the amount of signatures equal to 25 percent of the voters of last election. At this time, the city is not able to place it on the November 2024 ballot; the deadline to submit a question on the ballot is September 6, 2024.

Discussion followed regarding the process outlined in Mr. Rick Allington's Memo. The city would have to get the necessary number of interested residents' signatures as required by the Attorney General and start adopting terminology needed for incorporation to potentially be placed on the November 2025 election. It is up to the citizens of the City of Bellevue to determine if they want it on the ballot. The city would not be gaining anything or changing fees. They have to go through the same process and have representative from the community.

If it were passed and adopted, the city would send a resolution to the state legislature requesting the city be organized as an incorporated city under the State of Idaho. The resolution would have a representative and senator after everything was completed on the city's end. If it was approved by the state legislature, the soonest it would be effective would be January 2026. Mayor Johnson said he would make Mr. Allington's memo available.

Mayor Johnson indicated there are some people that believe the city is able to do certain things because it is a charter city; however, the city still has to abide by Idaho Code. He added the consideration of incorporation would have to go before the council and go through the public hearing process. Council Member Leahy asked what the advantages were to staying a charter city. Mayor Johnson indicated there weren't any. He is just trying to get the city on the same playing field as every other city. It was noted the biggest item would be rewriting the city's documents and making sure everything matched Idaho statute.

President Giordani inquired what the back story was regarding why Bellevue is still a charter city. Chief Beaver explained the city used to vote at a weird times. To change the voting cycle, the city had an attorney draft the documents. He said it was around 2007, and there were some people that fought against the city; they didn't want to go from a charter city to an incorporated city. The last time they tried to amend the charter, it was proposed to have 4-year terms and four council members. It was asked what change it would be if Bellevue went from a charter city to an incorporated in relation to elected office. Mr. Allington said the city could have four (4) or six (6) elected councilmembers with four (4)-year terms.

Mayor Johnson stated if there was any historical value, he thought the charter shouldn't be dissolved; however, there isn't any historical value. He informed the council that the City Charter requires a Marshal's Office, and the city doesn't receive anything from the state for a Marshal's Office. He has no intent of getting rid of the Marshal's Office, and they are trying to grow the department.

Discussion followed regarding the election of the mayor and council members. It was said at the end of terms, individuals would have to run for a four (4)-year term and the terms would still alternate terms. The election process would come further down the line as far as incorporation and laws of incorporation.

Council Member Shay said as a path moving forward, the city should share the city attorney's memo and a copy of the City's Charter needs to be placed in the Council's packet. Mayor Johnson indicated there wasn't a rush to get it on the November 2024 ballot. Council Member Shay indicated it shouldn't be a rush; every time the city rushes into something, they don't think things all the way through. She suggested having those materials in a future packet at some point.

Mayor Johnson stated the purpose of the discussion was to determine if the council wants to move forward with becoming an incorporated city or not.

Mayor Johnson opened the public comment period at 5:50 p.m.

Tony Evans, Idaho Mountain Express, clarified the change would provide the opportunity to extend council terms from two (2) years to four (4) years. Mayor Johnson explained in order for the city to amend its laws, the City

Charter, the city has to go to the state legislature. Becoming an incorporated city give the city the ability to govern itself and adopt its own by-laws.

Mr. Allington clarified, the city still has to go to the state legislature, which governs cities. The elected terms would be four (4) years and it would need to be decided if the city wanted four (4) or six (6) council members. He pointed out there isn't two (2) year terms in the state legislature. Currently, if the city doesn't have something or there is something that doesn't work for the city, the city has to go to the state legislature to change it.

With no public comment forthcoming, the public comment period closed at 5:52 p.m.

Mayor Johnson said they would continue to discuss and work on the verbiage and work on a petition. He suggested the item be place on the agenda the *first meeting in April 2025* so it didn't get lost in the budget process and to have an informed discussion.

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

Mayor Johnson opened the meeting for public comment at 5:55 p.m.

Lori Isreal and William Lennon – 304 N. 3<sup>rd</sup> Street

Ms. Isreal addressed the council regarding the utility billing attachment letter dated August 26, 2024.

The letter says:

“Please Help Keep Bellevue Beautiful. The City has adopted regulations for health and sanitation purposes. Please be mindful of 1) accumulating garbage (the term "garbage" shall include tin and aluminum cans, glass and plastic bottles, leaves, weeds, cuttings from trees, lawns, shrubs or gardens, paper products, wood products, plastics, and synthetic substances of any kind) or junk on any property (private and City's streets & alleys). 2) please keep damaged or inoperable vehicles parked behind a fence or barriers out of public view. PLEASE NOTE: The City is clearing all of the alleys of BRUSH, LIMBS AND PERSONAL PROPERTY. ALL personal property needs to be removed from the alleys and moved to the owner or occupants property out of the public right-of-way.”

She said they had an old fence that was further to the rear than it is now, and they had trees in the alley. They asked if they needed to remove the trees once the water and sewer lines were put in, and they were told no. They had a new fence installed, and the trees are now outside of their yard. She informed the council that Alpine Tree Service trims their trees, and they have spent thousands of dollars on tree trimming and maintenance. In addition, Fairway Lawns provides other services.

She indicated the trees have been in that location for a long time, and they have maintained, pruned and have kept them living for over 25 years. The other day she came home, and she could see everything behind her home. She came to city hall and she was very upset. She commented that those trees don't grow in the valley anymore.

She expressed she was upset about the way her trees were trimmed to clear the alley to Marshal Gaston and Casey McGehee. They have never had garbage/junk on their three lots. She wasn't told the trees would be botched and totally cut straight down. She believes she has a reason to be upset. She spent thousands of dollars to keep them the way she like them, and the trees were chopped and the limbs removed out eight (8) feet. She apologized to Mr. McGehee and Marshal Gaston for getting upset with them previously.

She has no privacy, and all she wanted was some privacy in her home and backyard. The trimming of her trees is absolutely unacceptable. She said the trees have been totally chopped, and wanted to know if the city is going to compensate her or come and see what they could do.

With no other public comment forthcoming, the public comment closed at 6:07 p.m.

**5. Consent Agenda:**

- a. Approval Minutes: *May 13, 2024* and *June 24, 2024*, Council regular meeting minutes
- b. Approval of Claims: August 13, 2024, thru August 26, 2024
- c. Purchase of Chlorine Tablets and Oxy-Pro for Sewer Plant Operations
- d. Department Head Reports: Month of July 2024
- e. Presentation of the Bellevue Urban Renewal Agency (*BURA*) Resolution 24-04 for the adoption of the Fiscal Year 2025 Budget

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

**6. New Business:**

- a. Monthly Financial Report for the month of July 2024, Fiscal Year 2024

Ms. Shoemaker addressed the Council and explained the reason why she wanted to address the July 2024 Financial Report as a separate item. She noted things looked better than they did, and the city's cash position changed a lot. They are currently 9.8 percent higher than they were the previous year, and due to three (3) projects, they city's development impact fees are just above \$51,000.

- b. Presentation of Pedestrian Safety Flags for the City and Department Report

Mr. McGehee informed the Council the Pedestrian Safety Program is out of the State of Washington. It conveys ownership to the community for the pedestrian crosswalk flags. The city purchases the flags, and the city will try to get community buy-in. He compared it to the "Adopt a Highway" program. Mr. McGehee said each community member (residential and/or business) could adopt an intersection for six (6) months to a year. They would notify the city when flags were missing and in return, the city would replace the flags. It is neighbors helping neighbors and taking care of the city.

Discussion followed regarding the flags presented at the meeting. Mr. McGehee indicated the city's logo and emblem would be on the flags. President Giordani inquired if the flags were reflective. Mr. McGehee noted that they were not. Marshal Gaston said the reflective aspect would add a lot of significance.

Concern was expressed regarding heavily crossed intersection with poor lighting at night. It was thought reflective flags were very important because the city has a lot of foot traffic.

The council directed Mr. McGehee to look into other options with reflective materials.

- c. Discussion regarding the Streets Division and Code Enforcement

Mayor Johnson indicated that Mr. McGehee called him after the incident with Ms. Isreal. He said the city has received many comments from residents that want the city to clean up Bellevue. He added that Mr. McGehee and his team has don't a great job cleaning the alleys. He said it was not the city's intent to restrict the use; however, the city needs access to the alleys and meters.

He noted there are debris, bricks, garbage, tilt bed trailers, campers and gardens in the easements. The city started putting out notices and are trying to work on the easy items. They are not removing all the debris and cars for now. If property owners (occupants) don't move the items from the easements, the city will have to move it; and then they will have to pay for it.

Mayor Johnson said they need to work on education. He doesn't want the Marshal's Office to give out violations, but the city needs access to its own infrastructure. The alleys are the city's easements and rights-of-way not owner/occupants storage areas. He added this is not an attempt to target one place; it is a clean sweep.

Marshal Gaston added the few times he has been with Mr. McGehee, most individuals are thanking him for what they are doing. The city will always have some negative feedback, but it has been very positive. Mayor Johnson said the city could do better with communication and letting individuals know when the city will be cleaning the alleys in their area. Council Member Obenauf mentioned only one person in a household usually saw the utility billing, and they may not communicate that notice. The community is the communication. Mayor Johnson indicated that he understands; however, people are aware there are laws and planning and zoning codes.

Council Member Obenauf suggested the city could place door hangers at the residents when the city planned to go through their area. Mayor Johnson questioned how Twin Falls would notify 50,000 individuals. The city could post it on the city's website. Mr. McGehee added that the Streets, Parks, and Buildings and Grounds are very fluid. Everyday changes, and they cannot guarantee they will be in a specific area at one designated time. He suggested it could be a blanket statement that indicates work is being completed in the area.

President Giordani understood what Council Member Obenauf said; however, the city has historically communicated through the utility billing, and the citizens need to do their part when reading the notices. They could call the office and/or be proactive with the information that is being provided. The city can only do the best it can with its budget and staff.

Council Member Shay noted that the Lennon's probably didn't look at their utility billing, and they previously asked if they needed to trim or move their trees. She stated it is a shame that they are paying the price when they were not provided with very much notice. It seems the notification process is cumbersome. Mayor Johnson said he didn't think the trees were butchered. They were in the vehicle line of travel, and they didn't have the ability to drive through the alley, by the trees, without the limbs hitting the truck.

Council Member Obenauf suggested to continue placing notices in the utility billing, post on social media and with the new website coming online, they could put the notice on the banner and what will be happening the next week.

Mayor Johnson expressed appreciation to the Streets division. He said starting October 1, 2024, the new Community Development Director will onboard, and they can revisit the code enforcement. He said they city is trying to get there and be polite, professional, friendly and good community partners.

d. Discussion and Direction to Staff to Draft a Resolution for Collection Services

Ms. Snarr addressed the council and noted the city has some issues with collecting civil penalties. It was discussed how important it was that they be collected. She suggested looking into a collection agency for collecting past due fines. If the city doesn't follow through with the enforcement, nothing will ever change. Mayor Johnson said he would rather see people police themselves, and added he didn't want to see civil penalties as revenue.

The council provided direction to Ms. Snarr to look into services for collection services, draft a resolution and bring the item back to the council.

e. Discussion and Direction to Staff to Draft a Consolidated Fee Schedule to Amend and Add Certain Fees

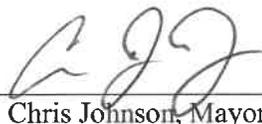
Ms. Snarr addressed the council regarding a consolidated fee schedule. She said that she was not aware if the city had ever adopted a consolidated fee schedule. Typically, a city adopts a fee schedule with all of its fees and reviews and make revisions as necessary each year, usually before the new budget preparation.

Discussion followed regarding fees and how many of the current fees do not accurately reflect what the city's actual costs are, and the city is paying for many fees that should be assessed to other parties. It was agreed the city needed to evaluate its fees to determine if each fee is appropriate or if the city is losing money. Mayor Johnson said he would like to have a workshop the *second meeting in September (September 23, 2024)* and would like to

have a *public hearing on the first meeting in October (Tuesday, October 15, 2024)* but no later than the last week of October.

**7. Adjournment:**

With no further business coming before the Common Council at this time, Council Member Carrerio moved to adjourn the meeting. President Giordani seconded the motion. The meeting adjourned at 7:17 p.m. ~~seconded the motion.~~ The motion passed unanimously.



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Chris Johnson, Mayor



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Michelle K. Vest Snarr, City Clerk