



The Common Council of the City of Bellevue, Idaho met at a Regular Meeting on Monday, May 12, 2025, 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 Giordani called the Regular Meeting to order at 5:31 p.m. *(00:00:07 in video)*

**Roll Call:** *(00:00:13 in video)*

Christina Giordani, Mayor – Present  
Diane Shay, Council President – Present  
Tammy E. Davis, Council Member – Present  
Suzanne Wrede, Council Member – Present  
Shaun Mahoney, Council Member – Present *via zoom*  
Tom Bergin, Council Member – Absent  
Jessica Obenauf, Council Member – Present

**Staff Present:**

Amy Phelps, City Clerk  
Rick Allington, Legal Counsel  
Brian Parker, Community Development Director  
Greg Beaver, Fire Chief  
Kirtus Gaston, Marshal

**Others in Attendance:** Cassandra Lemmons, Collin Glass, Raphael Ericson (DEQ), Carrie Wesson, Tom Blanchard, Chris Cey, Tim Frazier, Jim Kuehn, Liji Waite, Samantha Stahlnecker, John Wright, Michele Minailo

**1. Notice of Agenda Compliance:** *(00:00:59 in video)*

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 *May 8th, 2025*.

**Motion:** Council Member Obenauf moved that the agenda notice was in compliance with Idaho Code §74-204. Council President Shay seconded, and the motion passed unanimously.

**2. CALL FOR CONFLICT (AS OUTLINED IN IDAHO CODE §74-404): ACTION ITEM**

No conflict was noted at this time.

**3. MAYOR AND COUNCIL REPORT:** *(00:01:40 in video)*

Mayor Giordani thanked the Bellevue community and agencies for their participation in the ERC Clean Sweep event, highlighting the strong turnout and collective effort in cleaning up the area. She expressed appreciation for citizens picking up various types of waste, from small litter to large debris. Special thanks were given to Mike from Clear Creek Disposal, Council Member Obenauf for coordinating dumpsters, and Building Thrift for collecting reusable materials. She also acknowledged Council Member Wrede and others who actively participated.

Mayor Giordani went on to report that Bellevue received an \$85,000 grant from Blue Cross of Idaho for a park project. She encouraged residents to complete the related survey before it closes at the end of the week, emphasizing the importance of community input. Representatives Tasha and Courtney from Blue Cross will be in town conducting in-person interviews at locations like the grocery store and Coffee Corner on Friday. She also mentioned the BCRD's "Bike to School" event happening Wednesday morning and concluded by recognizing National Police Week, especially the memorial on the 15th honoring fallen officers.

Council Member Obenauf said she had a conversation with Ashton from the ERC about possible funds available to help with beautification of the crosswalks after the resurfacing of Main Street occurs.

Council Member Wrede praised the ERC Clean Sweep as a major success, noting the large number of participants and the noticeable improvement in cleanliness throughout the area. She appreciated the momentum it created for spring and remarked on how more people continued to join in as the day went on. Overall, she found the effort impressive and impactful. More council discussion was had about the success of the event.

#### 4. **CONSENT AGENDA: ACTION ITEMS** (00:7:53 in video)

- a. Approval of Minutes: April 14, 2025: Amy Phelps, City Clerk
- b. Approval of Claims April 29, through May 12, 2025: Shelly Shoemaker, Treasurer
- c. Department Head Reports

Council Member Wrede asked if the roadway data noted on the Community Development Director's Department Head Report was available to view. Brian Parker, Community Development Director said that he has not published it yet, but he could.

Council Member Shay asked about three wrenches that were purchased and listed in the claims payable report. Public Works Director Chris Johnson explained they were water keys and were collapsible and could fit in one toolbox instead of taking up extra room. Council Member Shay then asked about a charge for a Planning and Zoning Conditional Use Permit Application notice to which Mr. Parker said we paid for the mailers for the CUP application to be created and sent and the bill would be delivered to the applicant for receipt of payment.

Council Member Obenauf asked why there were monthly bills for legal expenses and additional charges on top of those. Mayor Giordani explained the monthly amount is a retainer for the prosecution contract and everything else is billed at a rate for the additional legal services.

(00:12:15 in video) Council Member Wrede asked for clarification about the ongoing sewer project, noting confusion around terms like "pilot projects" when taken out of context. She wanted to confirm whether all current efforts are focused solely on restoring the existing wastewater plant to its original, well-functioning condition. Specifically, she asked if the listed activities and pilot projects are temporary measures to support the plant's return to operation, or if they indicate longer-term fixes due to deeper issues with the sewer system's overall robustness.

Mr. Johnson explained that he and the team, including Bryson and their engineer, created a categorized list of tasks needed to repair and maintain the wastewater plant for full reactivation. He clarified that the pilot programs are optional upgrades aimed at improving efficiency and reducing operational costs, not replacements for core restoration work. For example, he mentioned a pilot project involving an oxygen generator that could eliminate the need for costly chemicals, offering long-term savings. Overall, the efforts involve multiple "buckets" of work—some focused on restoration, others on potential improvements.

(00:14:42 in video) Chris Johnson, Public Works Director, informed the council that work on the main water tank, part of the MOU with the EE-DA-HO ranch, is scheduled for completion by May 15. Final parts arrived, and engineers will conduct one last assessment before beginning work on the tank's valve station Thursday. This requires draining the tank, with water temporarily supplied directly from the spring and supplemented by wells

to maintain pressure. He asked residents to reduce water use—particularly avoiding sprinkler use—on Thursday and Friday. Mayor Giordani explained that notifications will be distributed via social media, the city website, etc, with special attention to lower pressure areas like Sunrise Ranch.

**Motion:** (00:17:05 in video) Council President Shay moved to approve the Consent Agenda as presented. Council Member Obenauf Seconded the Motion. **Council Members Voting Aye:** Council Member Obenauf, Council Member Wrede, Council President Shay, Council Member Mahoney, Council Member Davis. **Council Members Voting Nay:** None. **The Motion Passed.**

## 5. Discussion

- a. Idaho Department of Environmental Quality (DEQ) led discussion on ACAS compliance: Raphael Erickson, Cassandra Lemmons, Collin Glass: DEQ Representatives

(00:17:29 in video) Mayor Giordani explained that the Idaho Department of Environmental Quality had been invited to speak about and answer any questions about ACAS compliance in regards to the Bellevue Water Project.

(00:18:16 in video) Raphael Erickson, representing the DEQ's Twin Falls Regional Office, addressed the Mayor and Council to reaffirm the shared goal of ensuring safe, reliable drinking water. He emphasized that the City of Bellevue continues to monitor for drinking water contaminants and that current sampling shows public health is being protected. He explained that the Amended Compliance Agreement Schedule (ACAS) is a mutual agreement that sets specific timelines for regulatory compliance. While some items in the ACAS are currently behind schedule, the agreement remains legally enforceable, though it carries no penalties. Mr. Erickson highlighted DEQ's focus on compliance assistance and collaboration with water providers, noting that Bellevue has maintained communication and is actively working toward meeting ACAS requirements. DEQ is currently awaiting an updated project timeline from the city or its engineer to account for delays. Once received, DEQ will internally review and decide how to proceed with the overdue items in coordination with regional and division administrators.

(00:18:16 in video) Council Member Davis asked if DEQ provides a suggested way to process a project in order to keep focused on goals and objectives. Mr. Erickson explained that the document is a bilateral mutual agreement, and a discussion was had between DEQ and the City's engineers and using the best information they had at the time, built the compliance agreement schedule. He explained it is legally enforceable as written and there are provisions in the ACAS for requests for extensions and deadlines as well. Member Davis asked for clarification on the timing of the bidding process. Mr. Erickson explained that DEQ has specific engineering requirements such as facility plan – a high-level overview of the general scope of the project and the next step would be a preliminary engineering report which would be more of the project-specific details which are some items under the ACAS that have been delayed.

(00:24:01 in video) Council Member Wrede asked for clarification about funding timelines, specifically regarding the expiration of ARPA, LIF, and SRF funds. She referenced documentation noting that LIF funds may have a different expiration date than the others and wanted to confirm whether this question about varying deadlines had been addressed. Mr. Erickson explained that the Leading Idaho Fund (LIF) is state grant money provided by Governor Little after the distribution of federal ARPA funds. While ARPA (American Rescue Plan Act) funds have specific federal deadlines—typically by 2027—LIF does not carry those same restrictions, as it is state funding. He said Bellevue's project has just over \$3.3 million from the LIF, which, unlike ARPA, is not a loan and does not have a federal expiration date.

(00:26:05 in video) Council Member Wrede asked whether the loan amount would be adjusted if a major component of the project—valued around \$1 million—is ultimately deemed unnecessary. She wanted to know if the bond amount would be reduced, if the loan would be reset, and whether there are any caveats or concerns related to drawing less than the originally approved amount.

(00:27:25 in video) Kristina Gillespie, Merrick & Company, explained to the council that the City of Bellevue will first use the *Leading Idaho Fund* (LIF), a \$3.3 million state grant with no repayment or federal deadline requirements. Only after those funds are used will the city and DEQ turn to the *State Revolving Fund* (SRF) loan portion of the project funding. Now that the city and the landowner have signed a memorandum of understanding, the next step is to conduct a preliminary engineering report and finalize design plans. Once that's complete, the project can go out to bid, and actual costs will be determined. Addressing Council Member Wrede's question, Gillespie clarified that if certain parts of the project—such as land acquisition—are ultimately unnecessary, the city simply wouldn't use those funds. The city is not required to draw the full loan amount. She also noted that, although in some cases reducing a loan amount could reduce *principal forgiveness* (PF) under SRF loans, that's not a concern in this case because the LIF and SRF funds are treated as separate funding sources. The city can use the LIF grant in full without affecting the SRF loan terms. Mayor Giordani asked Miss Gillespie to confirm that Bellevue has not drawn on any dollars from the loan at this time. She confirmed that was correct.

(00:31:36 in video) Council Member Wrede clarified that her question was specifically about the *process* of reducing the bond amount if a clearly defined part of the project no longer required funding. She asked whether doing so would require creating a new agreement for the SRF loan and what steps would be needed to adjust the bond accordingly. Her focus was on the financial implications—particularly whether the city would still need to secure bond-backed funds if they're no longer necessary. She acknowledged that the answer might not be immediately known.

Miss Gillespie explained that if the city decides to reduce the SRF loan amount, the process would involve a simple one-to-two-page amendment signed by both the city and DEQ, formally stating the new loan amount and restricting further draws beyond that limit. She noted that any changes should be clearly communicated with DEQ and shared publicly with the community. Regarding the bond paperwork itself, she deferred to legal counsel (Rick Allington), as she is not an attorney. Gillespie added that some communities choose to keep the full bond amount authorized in case future needs arise, which can help leverage additional grants or loans. She cited an example of another city using unused bond capacity to secure funding for a future project phase.

(00:34:43 in video) Council Member Wrede clarified that her concern was not just about reducing the loan amount, but about whether doing so would affect the interest rate with DEQ. She also raised a broader issue about the voter-approved bond: since the election was based on funding five specific project components, she questioned whether the city could legally or ethically repurpose those funds if one component is no longer needed. Miss Gillespie clarified that DEQ did not request the funding specifics—those came from the City Council's direction in the bond proposal. She then deferred the legal and procedural aspects of repurposing voter-approved bond funds to City Attorney and Public Works Director Chris Johnson.

Mr. Allington stated that, in his view, the city likely cannot request bond funds for one purpose and then use them for another. However, he emphasized that bond law is a specialized area he does not practice in. For that reason, the city hires dedicated bond counsel to handle those matters. He recommended consulting with that legal expert to get a definitive answer and confirmed the city can follow up with bond counsel when needed.

(00:36:18 in video) Mr. Johnson explained that the facility plan presented three alternatives, with Alternative A costing \$9.3 million, another option at around \$12–14 million, and Alternative C at \$22 million. The City Council chose Alternative A because it would bring the city back into compliance, which is the sole goal of the project. He

emphasized that the bond was pursued specifically to fund this compliance-based plan and that there is no attempt to expand or alter the scope of the project. The only additional effort being made is to seek more grant funding in order to reduce the amount of the loan the city has to take on.

(00:37:11 in video) Council Member Wrede asked if there is a way for the city to work with DEQ to establish more consistent and transparent reporting, as there have been varying understandings about the city's status with the agency. She suggested that more timely and reliable updates or publications from DEQ could help keep residents better informed. She also noted that inconsistent communication has led to confusion and proposed creating a reporting standard to ensure everyone has the same, accurate information. Mr. Erickson responded that DEQ staff at both the regional and state levels meet regularly to discuss these matters. He acknowledged the importance of the city determining its own direction and emphasized that DEQ's role is to support the city by providing compliance assistance and education. He added that DEQ aims to be accessible and responsive to the city's needs and invitations.

(00:38:59 in video) Mayor Giordani explained that the perceived lack of information was due to the early phase of the project, which primarily involved behind-the-scenes discussions with landowners, engineers, and the water team. Now that the project is progressing, she said the community can expect more detailed updates, including survey and engineering information. She emphasized the city's commitment to improving communication and keeping both the council and residents informed.

Council Member Wrede emphasized the need for clear and explicit communication regarding the city's compliance status with the Amended Compliance Agreement Schedule (ACAS). She acknowledged that while DEQ is satisfied with the city's current efforts and communication, it is also officially stated—by the Bureau Water Chief—that the city is not in compliance due to missed deadlines. She stressed the importance of being transparent about this distinction: the city is cooperating and making progress, but amendments are needed because compliance has not yet been achieved. Mr. Erickson clarified that while the city has technically missed deadlines in the ACAS, but DEQ considers the city to be in compliance in practice because it has maintained ongoing communication and transparency about the delays. He emphasized appreciation for the strong working relationship and noted that a formal compliance conference wasn't necessary due to the consistent communication.

(00:42:28 in video) Mayor Giordani emphasized that while timelines in the ACAS haven't been met, DEQ has acknowledged the city's ongoing communication and effort, which maintains a practical level of compliance. She expressed concern that the focus on technical noncompliance felt like a "gotcha" moment, despite DEQ not requiring an amended ACAS—only an updated timeline. Mr. Erickson followed up by taking responsibility for previously stating that an amendment wasn't needed, clarifying that such decisions are made at the department level, not individually. He reiterated that DEQ is waiting for an updated timeline based on survey access and new information. He acknowledged that this process will take time, and DEQ will evaluate the revised timeline to determine the next steps. Council Member Wrede asked the Mayor to stop framing her comments in a particular light, clarifying she was simply repeating what had been communicated to her. Mayor Giordani responded that she too was relaying information—from the regional DEQ representatives present at the meeting—while Wrede was citing communication from the state-level DEQ, with whom City Hall had not directly interacted.

(00:45:25 in video) Cassandra Lemmons, from the Drinking Water Bureau of the State office for DEQ, explained that DEQ cannot decide on extending or amending the compliance schedule until they receive the updated timeline from the city's engineer. Once that information is submitted, it will go through an internal review process involving Raphael, herself, the bureau chief, division administrators, and the director. She emphasized that decisions are made collectively—not unilaterally—and that DEQ's goal remains ensuring safe, reliable drinking water, which the city is currently providing through compliant sampling.

She also clarified that DEQ has options: they can issue an amendment or offer an administrative extension, depending on the content of the updated timeline. In either case, the timeline would be formally adopted and enforced, without replacing the original agreement.

**6. PUBLIC HEARING: ACTION ITEM (CONTINUED FROM APRIL 28, 2025)**

**a. LLA-25-01 – TBD Lewis Lane – Judy & Keith Meyers**

An application for a lot line adjustment for Lots 1-6, Block 96 of the Bellevue Townsite Original Plat. The proposed lot line adjustment will reconfigure the existing six (6) parcels into three (3) parcels and include a request for waivers from code requirements: Brian Parker, Community Development Director | **ACTION ITEM**

(00:49:34 in video) The Mayor opened the Public Hearing at 6:20 pm.

Community Development Director Brian Parker presented the lot line adjustment application to reconfigure six city lots into three on a site west of Main Street between Chestnut and Walnut Streets. The proposal includes modifying prior conditions, such as allowing buildings closer to a canal and removing a requirement for building envelope setbacks. A main point of concern was a request to waive street improvement standards for Lewis Lane due to the high cost of relocating power poles. The Planning and Zoning Commission supported the waiver, citing the surrounding unpaved streets. Staff and Commission recommendations were provided for Council consideration.

Mr. Parker elaborated on public access near the site, particularly noting existing informal use of the fire truck turnaround area and public right-of-way access to the Howard Preserve. The applicant proposes adding a 20-foot fisherman's easement along the Big Wood River, aimed at formalizing and preserving access while minimizing ecological impact by routing traffic through less vegetated, more durable areas. He highlighted environmental considerations, including riparian buffers and floodplain constraints on Lot 1A, and explained that no development can occur there until adequate access is approved or constructed to city standards.

Parker then read into the record concerns submitted by Council Member Bergin (who was absent from the meeting), who questioned the safety and planning wisdom of allowing development near a dynamic river floodplain. Council Member Bergin also raised concerns about access roads and the lack of a formal public hearing on any road extensions. Parker responded that current regulations don't require a public hearing unless road construction is proposed.

He concluded by addressing two applicant objections to staff report conditions: (1) the requirement for an option agreement with the Land Trust, and (2) language in the fisherman's easement. Parker expressed support for revising the easement language to allow it to shift naturally with the river's course. He recommended that any motion include a plat note formalizing the easement's dimensions and flexibility.

(01:12:21 in video) Council Member Obenauf asked whether, due to the property being zoned as "business", residential living would still be allowed in business-zoned areas. She sought clarification on what types of uses are currently permitted in the business zone, such as whether uses like gas stations are still allowed. To which Mr. Parker answered yes.

Mr. Parker confirmed that the canal access road was owned by the canal company. Discussion transpired about the business' surrounding the property.

Council Member Wrede questioned why the application was submitted without building envelopes for proposed lot 2 and 3. Mr. Parker explained the theoretical building area on the east side of the property where it is level up until you hit the boundaries as stated in the irrigation district agreement – 14 feet from the edge and upon construction of a retaining wall. He went on to confirm that the property is zoned business answering council member Wrede’s concern about light industrial uses in close proximity to the river.

(01:15:43 in video) More discussion was had in regard to clarifying that the right-of-way in question is city-owned and technically a public street, but it has historically been treated and maintained as an alley. The issue arose around whether the right-of-way should be upgraded to a street standard—particularly if the city is expected to plow it—since alleys are not normally plowed. It was noted that for lots fronting Main Street, the right-of-way functions as a secondary access and thus qualifies as an alley, but for the subject property with no other developed street access, it effectively functions as a street. The council discussed the need to formally clarify and define its designation, as it cannot simultaneously be considered both a street and an alley.

Council Member Obenauf asked whether the applicant was proposing to waive the requirement to improve the alley. Mr. Parker clarified that the applicant is proposing some improvements to the alley, but not to full city street standards. He then noted that the city’s future plans include updating alleyways, based on ongoing discussions.

(01:16:53 in video) A discussion was had about whether the right-of-way in question should be treated as a street or an alley. It was noted that the city technically owns the right-of-way and would typically be responsible for maintenance like plowing though the applicant has taken on some of that responsibility. It was pointed out that if the city expects to plow the area, it should be upgraded to full street standards; otherwise, it should remain classified as an alley, which the city does not plow. There was concern that allowing partial improvements could set a precedent for requiring plowing in alleys citywide. Mr. Parker clarified that for properties fronting Main Street, the right-of-way functions as a secondary access and thus qualifies as an alley. However, for the subject property with no other street access, the right-of-way serves as the primary street. Council President Shay asked about the building envelope for proposed lots 2a and 3a and Mr. Parker said there was no proposed building at this time. Mayor Giordani asked for clarification about conditions if the lots were treated as corner lots, and if there would be enough area for a buildable envelope. Mr. Parker explained that the corner lots must contain a building envelope outside of the 75-foot radius from the corners and there is technically room to build outside of that on those lots.

(01:21:06 in video) Council Member Wrede asked if a potential building or development on one of the lots could affect or change the way the (river) water disperses if a future flood were to occur. Mr. Parker explained that the building envelope meets the city’s code requirements, but rivers are complicated and tend to change. Answering a question posed by Council Member Davis, Mr. Parker confirmed that the point of access is undetermined at this time. He explained possible ways to create a point of access to the proposed lot 1A. Discussion was had about current zoning around the parcels being residential and if there was potential to change the zoning. Mr. Parker told the council that no re-zoning application had been submitted.

(01:26:50 in video) Samantha Stahlnecker of Opal Engineering presented on behalf of Judy and Keith Myers to summarize the lot line adjustment application for the property between Walnut and Chestnut Streets, west of Main Street. The original 2023 application approved a four-lot subdivision; the updated

request proposes a three-lot subdivision, reducing the number of lots fronting the alley from three to two and retaining Lot 1A as originally approved. She explained that Lot 1A's boundaries and building envelope remain unchanged.

Key updates included adjustments to conditions of approval and requests for waivers related to alley improvements. Due to physical and financial constraints, including the proximity of Idaho Power transmission lines and encroachments in the alley, a full standard street improvement is not feasible. Instead, the applicant proposes shifting the alley road 5 feet west, reducing the width to 20 feet, and using gravel rather than asphalt, with improved drainage.

She discussed challenges with undergrounding or relocating power poles due to high costs and impacts to neighboring properties. Regarding Lot 1A access, she noted existing access from Riverside Drive and proposed a driveway easement rather than a full street. She highlighted the owners' willingness to work with the City or Land Trust to potentially transfer Lot 1A to expand the Howard Preserve, though they could not make that a condition of approval. Finally, she emphasized that the plat remains compliant with city standards, and the modifications aim to balance feasibility with the City's goals.

(01:40:50 in video) Council Member Davis expressed her uneasiness about the zoning of the lots regarding potential businesses on the property. She expressed further concern about leaving the alleyway unpaved if the traffic increases with the possible building on the property.

Miss Stahlnecker responded by acknowledging that development may increase traffic, but emphasized that the proposed waiver would result in a safer situation than attempting to meet full city street standards given existing site constraints. She explained that while unsafe conditions can't always be eliminated in engineering, they can be mitigated. By shifting the road away from the power poles and narrowing it to 20 feet, the design would help reduce vehicle speeds and provide more space for drivers to correct before potentially hitting the poles.

Council Member Wrede asked if the intended outcome for this application would be to sell the property. Miss Stahlnecker explained that the applicant and team are in negotiations with the Wood River Land Trust for an option agreement to sell lot 1-A to the Land trust and there are also two interested buyers for the upper lots-local construction companies that are currently utilizing the properties.

Council Member Wrede raised concerns about the difficulty of building on the two lots without proper access and noted the significant encumbrances faced by residents. She suggested that a more appropriate roadway should be considered if the area is going to be actively used. She also questioned the purpose of the application, implying that the main goal appeared to be facilitating a future sale. Additionally, Council Member Wrede expressed confusion about why this small section of land, surrounded by the Preserve and residential areas, is zoned as a business district. Mayor Giordani suggested reviewing the zoning map for better context.

(01:45:20 in video) Questions were raised about whether a 20-foot-wide alley would be sufficient for city snowplows and expressed concerns about the proposed gravel surface, particularly regarding potential impacts on nearby homes and businesses from debris. Chris Johnson explained that while a grader might not fit, other tracked vehicles could access the area for snow removal. Miss Stahlnecker clarified that the choice to propose gravel rather than asphalt was intentional, due to the alley's isolated location and adjacency to two existing gravel streets. She emphasized that the alley has functioned as a gravel road for decades, with the applicant maintaining it, including snow removal, and argued the proposed gravel upgrade would be an improvement without being excessive for the area.

Mayor Giordani asked for clarification on Condition #2, specifically regarding whether the applicant is proposing to expand the buildable area on Lots 2A and 3A beyond what was approved in 2023. She pointed out that the previous Council had restricted building past the slope drop-off and questioned whether the new proposal—based on a private agreement with the Canal Company—would allow construction beyond that point. Miss Stahlnecker confirmed that the prior restriction limited development to the top of the slope. However, after negotiating with the Canal Company, they reached an agreement allowing construction up to 14 feet from the canal bank. She emphasized that this land is not restricted by Bellevue code, and the private agreement includes provisions requiring structural engineering for any buildings near the canal. She also noted that the previous subdivision approval has expired, so earlier findings of fact no longer apply, and this new request stands independently.

The mayor questioned whether the applicant is expanding the buildable area. Stahlnecker confirmed that construction would be allowed closer to the canal due to a private agreement and clarified that this doesn't conflict with current city code or past approvals, which have expired.

**Public Comment:**

**Amy Trujillo, Executive Director of the Wood River Land Trust**, provided an update on discussions with the applicant since the Planning and Zoning (P&Z) Commission meeting. She addressed concerns about Lot 1A, which is important for both public access to the Howard Preserve and protection of riparian and floodplain habitat. At the P&Z meeting, the applicant mentioned a willingness to sell Lot 1A to the Land Trust or the City, and a public commenter suggested placing a condition of a right of first refusal on the lot. This condition was adopted by the Commission and seemed to ease concerns at the time, as it indicated an intent to preserve the land for public use. However, Trujillo explained that the right of first refusal does not guarantee the property will be used for conservation or public access. It simply gives the Land Trust or City a chance to match a third-party offer—but only at the price offered. If that price is above the appraised value, the Land Trust cannot legally pay it, due to their accreditation standards. Therefore, the condition falls short of ensuring the land is protected. To address this, the Land Trust proposed working on an option agreement with the applicant, which would set terms such as price, timeline, and conditions for purchase. But the applicant did not agree to making that option agreement a condition of approval, citing concerns about limiting future sale options if the Land Trust couldn't meet the price. Trujillo emphasized that the right of first refusal alone is not sufficient to meet the intent of preserving the land for public benefit. She urged the Council to consider carefully whether that condition truly offsets the waivers being requested, and clarified that the Land Trust is still willing to continue negotiating with the applicant. She also noted the difficulty of only being allowed to speak during public comment when key matters affect their interests.

**Kristine Hilt, With Project Bigwood**, introduced herself as the former floodplain administrator for Blaine County (8 years) and former City of Hailey floodplain manager (3 years). She is currently with Project Bigwood and noted that the organization submitted public comments including historical flooding data and aerial imagery. Hilt urged the Bellevue City Council to carefully consider the significant decision before them regarding the development of one of the last relatively undeveloped stretches of land along the Big Wood River. Drawing from her experience, she stressed that the proposed buildable area west of the canal is unsafe, especially based on her first-hand knowledge of the 2017 flood of record, which she described as catastrophic marked by evacuations, infrastructure impacts, and neighborhood panic. She warned that if Lot 1A is developed, future owners will likely want to install rock riprap along the riverbank to protect their investment, which has environmental consequences. Hilt argued that the application fails to meet the city's own subdivision criteria, specifically Section 11-6-5(B), which requires lots to minimize adverse environmental and topographic impacts. She also said the proposal conflicts

with the city's comprehensive plan, particularly with goals to allow the river to naturally meander. She supported concerns raised by Council Member Davis about commercial intrusion in a residential area and stated clearly that any development west of the canal would be a mistake, harmful to the public, the community, and the river. As an alternative to outright denial, she recommended that Lot 1A be designated as undevelopable or open space, or that plat notes prohibit fill, riprap, and storage of flood-prone materials. She concluded by pointing out that the owner still retains six developable lots east of the canal, and that the City has the ability to require all development to remain on that side.

**Kristin Fletcher, 200 N. 4<sup>th</sup> Street Bellevue.** Kristin Fletcher emphasized one specific point: the section of the Big Wood River adjacent to the proposed development is a meander, which, during high water events, becomes the outside edge of the river—the point with the strongest and most erosive force. She described how, during the last major flood, a portion of land was rapidly eroded, and she warned that this could happen again. Fletcher stressed that even a 20-foot riparian buffer can vanish quickly if, for example, a tree falls into the river. The fallen tree can redirect the water flow, which then undermines and eats away at the bank behind it. She concluded that this could result in the rapid loss of what appears to be a safe buffer zone, which is primarily composed of cottonwoods, and urged the Council to consider this risk in their decision.

(02:01:57 in video) **Tom Blanchard, 33 Lower Broadford Road, Bellevue.** Mr. Blanchard emphasized the extraordinary complexity of the proposed development site, citing the numerous easements and the canal running through the property as factors that make it difficult to fully evaluate. He questioned why the Council was proceeding with the development review before first resolving the underlying zoning issue. Blanchard presented a hypothetical scenario in which he could build a small house with a coffee shop underneath on the property—something that could serve as a trail-side amenity and tourist draw. However, he stressed that such ideas depend entirely on the zoning being clarified and addressed first. He praised the Planning and Zoning Commission for their efforts in trying to balance the interests of the developer and the neighboring residents. But he argued that there is a third party whose interests must be protected: the City of Bellevue itself, which he believes has historically given too much away to developers at the expense of taxpayers. Mr. Blanchard urged the Council to act as a negotiating partner, not just an arbiter, and emphasized that city assets—such as paved roads—should not be sacrificed. He opposed the proposed gravel road, warning that it would inevitably deteriorate, as has happened in other parts of town (e.g., by Mahoney's and Cutthroat), leading to costly maintenance burdens on taxpayers. He called this unacceptable and cautioned that unless the city secures its own interests now, it will end up paying for these infrastructure problems in the future.

(02:05:26 in video) **Carrie Wesson, 500 S. Main Street, Bellevue.** Miss Wesson spoke about her personal investment in improving and maintaining the alley area near her home, which she described as part of the city easement but which she has landscaped with grass, lilacs, roses, and shrubbery. She emphasized that her efforts make the area look better, help slow traffic, reduce dust, and prevent damage (such as cars hitting the power pole or cutting through to hit her fence). While she acknowledged that development of the alley could be a positive step, she urged the Council to consider her work and the aesthetic improvements she's made when making decisions. Wesson expressed hope that the city would pursue a solution that benefits the community without disrupting or damaging the efforts of existing residents and property owners like herself.

(02:07:20 in video) **Doro Schinella, 1217 Glen Aspen Drive, Bellevue.** Miss Schinella spoke in support of comments made by Kristine Hilt, particularly emphasizing the flooding that occurred in 2017, during which Lot 1A was underwater. She strongly opposed any structural development on Lot 1A, calling it a travesty due to flood risks. She also expressed support for the Wood River Land Trust's efforts to comply

with Condition #7 (related to a memorandum of intent), and urged the Council to ensure the Land Trust has the ability to fulfill that condition. She criticized the use of a right of first refusal as a mechanism for land acquisition by nonprofits, arguing that it is not an effective or helpful tool for such organizations and should not have been recommended by the Planning and Zoning Commission, as it is too restrictive.

(02:09:49 in video) **Florence Blanchard, 33 Broadford Road, Bellevue.** Florence Blanchard shared her deep history of involvement, noting she's attended Bellevue council meetings for 50 years, starting when meetings were held in what is now the museum. She voiced frustration with developers repeatedly citing "undue hardship" as justification for exceptions and concessions, criticizing past city councils for giving in too easily and making costly concessions—specifically referencing the Strahorn development, which she claimed cost the city \$2.4 million and continued to demand more (e.g., refusing to plow snow or install streetlights). Miss Blanchard urged the current Council to prioritize the interests of Bellevue citizens, rather than yielding to developer demands. She stressed the importance of securing public access through the Howard Preserve and called for balance and accountability, stating that residents should not be left covering costs for improvements that developers resist. She concluded with a plea for the Council to finally "look out for Bellevue."

(02:12:06 in video) **Jim Kuehn, 2114 Buttercup Road.** Mr. Kuehn spoke as the representative for property owner Keith and the proposed development. He explained that he's worked on this project for over three years, with the goal of aligning with the shared vision of both the City of Bellevue and the Howard family—that the parcel adjacent to the Howard Preserve would eventually become part of it. Mr. Kuehn stated they offered the land to the Land Trust or city for \$360,000, arguing it was reasonable compared to a nearby Riverview subdivision lot that sold for \$450,000 with significantly less river frontage. He challenged the notion that development west of the canal should be prohibited, questioning whether this standard would be applied consistently to other nearby landowners if this application is denied. He noted the presence of a previously engineered river restoration project valued at \$1 million, implying confidence in its integrity and the stability of the land, in contrast to concerns raised by others. Kuehn also highlighted that the alley in question has been actively used for decades, maintained by property users including two snowplow companies, and that developer Keith himself improved part of the alley. He criticized the idea of reclassifying the alley as a street, stating, "you can't call a dog a chicken." Finally, Mr. Kuehn emphasized the long, difficult effort to provide a solution that benefits the public, the city, and the Land Trust, expressing frustration over the continued opposition to what he believes aligns with community desires.

(02:15:53 in video) At 7:47pm Public Comment was closed.

Samantha Stahlnecker of Opal Engineering clarified that The Meyer's are residents of Bellevue, not developers seeking major profit. She emphasized that the proposed lot line adjustment involves existing lots and is intended to make them more functional, benefiting both the city and enabling a possible land transfer to appropriate stakeholders. She challenged the claim that development west of the canal is prohibited, asserting that Bellevue's code does not ban it, but rather imposes protective standards like the 100-foot riparian setback, which already restricts development and disturbance. She suggested the Council could further strengthen protections by prohibiting fencing on Lot 1A to allow natural flood function. Miss Stahlnecker also argued that in the event of a flood, the property owner has the right to protect their land, and that protecting this parcel could also help safeguard city infrastructure to the south. She concluded by stating that concerns about river protection were overgeneralized and not grounded in the city code, which already includes appropriate environmental safeguards.

(02:19:17 in video) The Council members discussed and clarified several logistical and procedural matters regarding the proposed lot line adjustment and potential development. There is no direct access from Riverside Estates to the lot in question. Any access would have to cross city right-of-way, requiring an encroachment permit for a driveway to serve the lot. The Wood River Land Trust has discussed purchasing the property for \$360,000, but they are limited by appraisal value and cannot pay more than the appraised market value. An appraisal is pending.

Two council members disclosed prior communications with the applicants (the Meyers and/or their representative, Jim Kuehn) before joining or during previous city roles. One member clarified that although there were friendly relationships and past discussions, no formal meetings or influence occurred. With no further ex-parte communications to disclose, the public hearing was closed, and the council prepared to move into formal deliberation.

(02:23:14 in video) During deliberation, council members evaluated the proposed lot line adjustment, expressing mixed concerns and emphasizing the need to balance private development rights with public interest and environmental stewardship. The surrounding property values were referenced to understand context but acknowledged that market value and sale price should not influence the Council's decision, as it falls outside their purview. The discussion clarified that the application is a lot line adjustment—not a rezoning. Several members expressed opposition to granting waivers that could impose environmental, financial, or infrastructural burdens on the city or its residents. One noted that it's not the public's responsibility to absorb risks tied to private development. Concerns were also raised about unclear development potential on the lots and whether the city had sufficient information to support a responsible decision.

Council Member Obenauf emphasized the importance of aligning with floodplain guidance and comments from groups like the Wood River Land Trust and community members. Discussion was had surrounding caution about allowing development in high-risk flood areas and it was stressed that Bellevue has historically borne too much of the infrastructure burden for developers. The Council supported finding compromise but highlighted the need for future developers to take on appropriate responsibilities. The discussion included concern about requiring the applicant to fully pave the alley behind the property, noting that similar alleys in town are not paved. Members discussed the possibility of lower-impact improvements like road mix or gravel instead of asphalt. Given the site's steep topography, proximity to the canal, and other constraints, Council Members agreed a site visit could provide critical insight. They proposed staking the building envelope and beginning the next meeting with an on-site review to better inform their decision-making.

Council Members requested further information from staff for the next meeting.

**Motion:** (02:55:15 in video) Council President Shay moved continue the application for a lot line adjustment for Lots 1-6, Block 96 of the Bellevue Townsite Original Plat to a date certain of May 27th. Council Member Wrede Seconded the Motion. **Council Members Voting Aye:** Council Member Obenauf, Council Member Wrede, Council President Shay, Council Member Mahoney, Council Member Davis. **Council Members Voting Nay:** None. **The Motion Passed.**

## 7. WORKSHOP

- a. Right-of-Way (ROW) Management Work Session: Brian Parker, Community Development Director *Public Comment/questions will be taken*

Brian Parker, Community Development Director briefly recapped prior public comments concerning a garden located in a public right-of-way, which had been removed, prompting concern and further Council discussion. He

explained the definition and purpose of public rights-of-way, which typically include roads, sidewalks, utilities, drainage, and snow storage. In Bellevue, rights-of-way generally measure 80 feet wide on interior streets, 100 feet on Main Street, and 25 feet for alleys.

He presented photographic examples of widespread code violations within rights-of-way, including private landscaping, irrigation systems, mailboxes, fencing, construction material storage, and vehicle encroachments. One example included a prominent tree that, while visually appealing, obstructs snow storage and visibility at a corner. Mr. Parker noted that alleys often house critical utilities but are not actively maintained by the city. Some are plowed or maintained through informal, private agreements. He compared a well-maintained, paved alley with designated driveways to others that were cluttered or obstructed with personal property. He emphasized the need for balance between community use and the city's responsibility to manage infrastructure like utilities, drainage, snow removal, and future development. He concluded by asking the council to consider what policy outcomes or changes they want to see regarding right-of-way use and standards.

Council Member Wrede expressed support for allowing residents to continue using and caring for public spaces they've informally maintained over the years, particularly for gardening and environmental stewardship. She emphasized the value in residents improving neglected areas, like turning unused alleys into well-kept lawns. Wrede advocated for seasonal or annual reviews of these spaces, encouraging community engagement while ensuring communication with the city so that public services can function properly and residents understand any required changes to their efforts.

(03:03:53 in video) Council Member Obenauf supported allowing gardens in public rights-of-way but emphasized the need for clear criteria to ensure safety and functionality—especially during winter maintenance like snow plowing. She suggested restrictions, such as no tree planting on corners for visibility, and proposed a permit system to track and manage these gardens. Obenauf also raised concerns about long-term maintenance, noting that some residents may abandon their gardens after initial enthusiasm fades.

Mayor Giordani emphasized the need to assess the City's capacity for managing right-of-way code compliance, especially if allowing limited citizen use of these areas. She highlighted the importance of understanding the labor and financial impacts on staff and how that might translate into permit systems or fees. She also stressed the value of public input to determine what types of right-of-way uses residents are most interested in.

Council President Shay expressed concerns about allowing permanent structures in the public right-of-way, particularly those that could be damaged by or damage city equipment like snowplows. She also raised questions about regulating plant types and sizes and emphasized the need to consider city resources. She was especially concerned about water usage, noting the potential strain if many residents installed gardens with varying irrigation systems, some of which might waste water.

Council Member Obenauf asked how the city could incentivize citizens to take care of the right of way.

(03:09:16 in video) Mayor Giordani opened public comment at 8:46 pm.

(03:09:52 in video)

(03:09:52 in video) A public commenter shared that he had recently re-landscaped his yard, including part of the public right-of-way, because the city does not maintain those areas and they would otherwise become overgrown. He implemented mostly zero-scaping for better water management, acknowledging that the landscaping technically encroaches on city property. He asked for clarity on his rights as a property owner, expressing concern that if the city decided to reclaim the right-of-way, much of his landscaping could be lost. He also mentioned hesitating to build a new fence without understanding the city's stance.

(03:11:23 in video) **Liji Waite, 317 Pine Street** proposed a collaborative approach between the city and residents to manage right-of-way areas. He emphasized that many residents already care for these spaces but lack clear

guidance. He suggested the city provide explicit rules about acceptable use, a respectful enforcement process, and possibly a registry where residents can document and share how they're using the space. Waite shared that he has maintained a garden in the right-of-way for over 10 years and sees this stewardship as a way to beautify Bellevue and reduce the city's workload.

(03:14:09 in video) **Michele Minailo, 209 Cottonwood Street** shared that she transformed her previously unsightly property to help beautify Bellevue. Encouraged by then-Mayor Koch, she planted a yard even though much of it lies in the right-of-way. She emphasized the importance of maintaining a nice appearance on a main road and expressed pride in the community's creativity, especially in alleyways. Minailo strongly advocated for respectful communication—urging the city to notify residents before removing trees or landscaping. She supports the idea of shared stewardship as a “win-win” for residents and the city.

(03:16:15 in video) **Greg Beaver, 117 S 7<sup>th</sup> Street**, a Bellevue resident since 1990, emphasized the need for fairness and consistency in right-of-way rules. He noted that if gardens are allowed in alleyways, then residents should also be permitted to store items like campers there. He shared that he maintains the right-of-way next to his property, keeps weeds down, and avoids installing sprinklers too close to the street to prevent damage. While he complies with regulations, he observed that others do not. He urged the council to be mindful of equity and enforcement when creating new policies.

(03:18:44 in video) **Kristin Fletcher 200 North 4<sup>th</sup> Street**, expressed strong support for the ongoing discussion about right-of-way use. She highlighted two key considerations: the presence of established, mature trees (some over 50 years old) that property owners like herself have invested in maintaining, and the importance of planning for new plantings. She emphasized that many residents already take care of these areas, managing weeds and landscaping to beautify both their properties and the city. Fletcher recommended hosting open houses or community meetings to gather input and ideas, advocating for a collaborative, co-managed approach between the city and its residents.

Public Works Director, Chris Johnson acknowledged past inaction by the city but emphasized that efforts have been made over the past three to five years to improve, especially under staff like Casey who take pride in maintaining Bellevue. He explained his actions regarding a specific alley issue were not personal, but aimed at preventing problems like overwatering, ruts, and access issues that impact neighbors. Johnson stressed the need for clear rules and potentially encroachment permits to manage right-of-way use fairly and consistently.

Brian Parker Read a public comment from Caitlin McCarthy into the record. Please see attached comment.

(03:27:12 in video) **Liji Waite, 317 Pine Street** Liji Waite expressed disappointment that action was taken on his garden space before he had a chance to speak at public comment, despite being invited to do so. He supports community use of public space, like parking campers if emergency access is maintained, and opposes a permitting process, arguing it would add unnecessary burden to city staff. Instead, he advocates for clear, accessible guidelines for right-of-way use and a collaborative approach between residents and the city. He emphasized that residents want to care for adjacent spaces responsibly and help lighten the city's load, not claim ownership.

Mayor Giordani clarified that the City of Bellevue already has clear ordinances regulating right-of-way use, which generally prohibit any unapproved activity. The recent increase in enforcement, particularly regarding right-of-way encroachments, reflects long-standing citizen demands for stronger code enforcement. The current discussion aims to explore potential alternatives or adjustments to existing rules—especially to accommodate residents' desire to beautify public spaces through gardens or other means. She emphasized the need for collaboration between the city and citizens to find workable solutions that align with both regulatory requirements and community interests.

Brian Parker emphasized the importance of maintaining a positive tone in the discussion, noting that the city is actively performing its duties—maintaining right-of-ways and enforcing codes. He acknowledged that challenges

exist but framed them as opportunities to improve systems that aren't working perfectly. Parker also reframed the issue as one of public lands management, stressing that right-of-ways are public spaces, and like with other public lands (e.g., Forest Service property), their use should involve clear processes and possibly permitting. He encouraged viewing the situation through this structured and responsible lens.

(03:32:42 in video) The Bellevue Common Council discussed a citizen-led proposal to create a formal structure for community stewardship of public right-of-way areas through gardening and beautification. Council members expressed general support for the idea and agreed that further exploration was warranted. They emphasized the importance of community input and suggested holding a town hall and conducting a city-led survey to gather feedback. While the council appreciated the grassroots initiative, members raised concerns about staff workload, equitable access, legal issues, and ongoing maintenance. Residents, including Kristen and Liji, are already organizing and offered to assist with data collection. The council endorsed continued development of the concept, with a focus on clear guidelines, community participation, and manageable implementation.

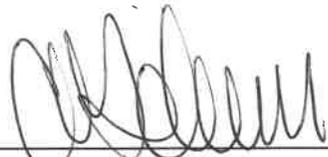
8. (03:56:04 in video) **NEW BUSINESS**

- a. Consideration and Approval of Resolution No. 25-15 adding members to the Comp Plan Steering Committee: Brian Parker, Community Development Director | **ACTION ITEM**

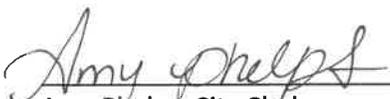
**Motion:** Council President Shay moved to approve Resolution No. 25-15 adding members to the Comp Plan Steering Committee. Council Member Mahoney Seconded the Motion. **Council Members Voting Aye:** Council Member Obenauf, Council Member Wrede, Council President Shay, Council Member Mahoney, Council Member Davis. **Council Members Voting Nay:** None. **The Motion Passed.**

**Adjournment:**

(03:57:12 in Video) With no further business coming before the Common Council at this time, Council Member Davis moved to adjourn the meeting. Council Member Obenauf seconded the motion. The meeting adjourned at 9:34 p.m. The motion passed unanimously.

  
\_\_\_\_\_  
Christina Giordani, Mayor

Attest:

  
\_\_\_\_\_  
Amy Phelps, City Clerk

