

Bellevue Common Council
Monday March 14, 2022
Bellevue City Hall, 115 E Pine St, Bellevue
Regular Meeting Minutes

6:12 p.m. Call to Order:

Mayor Goldman called the Regular Meeting to order. A roll call attendance was conducted, and Council members present were Doug Brown, Shaun Mahoney, Greg Cappel, and Chris Johnson, all appearing by teleconference. For the record, Jennifer Rangel was absent. For the record, Clerk/Treasurer Edwards was physically present in the official meeting location of the Council Chambers of City Hall. A quorum was present for the entire meeting. Staff present were Rick Allington, City Attorney; Greg Beaver, Fire Chief; Mynde Heil, Marshal; Jason Calhoun, Street Supervisor; Steven Grigsby, Water Supervisor; Diane Shay, Community Development Director; Kristin Marlar-Gearhart, Library Executive Director; Everton Oliveira, Wastewater Operator; Tyrel Vaughn, Wastewater Operator IT; Mynde Heil, Marshal; Kirtus Gaston, Assistant Marshal; Mike Shelamer, Deputy Marshal; and Marian Edwards, City Clerk/Treasurer. City Consultant present was Bryson Ellsworth, Wastewater Operator of Record.

Notice and Hearing Compliance:

The posting of this regular meeting agenda complied with Idaho Code 74-204. The regular meeting agenda was posted five (5) days prior to the meeting at the Bellevue Post Office, the bulletin board outside of City Hall and on the City website on March 9, 2022. Brown motioned that the notice was in compliance with Idaho Code 74-204. Cappel seconded. All in favor. The motion passed.

1. Call for Conflict as outlined in Idaho Code §59-703 (f) – 704 With Any Agenda Item.
Goldman called for conflict from any Alderman with any agenda items. Goldman noted that Item # 11 would be pulled from the agenda and moved to the March 28 meeting as she could not present the item due to a conflict. No other conflicts noted.
2. Public Comment for Items of Concern not on the Agenda.
Goldman noted that the Council needed to address appropriate standards for public comments for items on concern not on the agenda. Shay noted that John Kurtz, Bureau of Land Management, requests that the City close Slaughterhouse Road until after the spring runoff. The Council noted that an appropriate action item needed to be taken up at a future meeting. Goldman asked Edwards to read a written statement from Henry Gawlinski. A copy of the statement will be attached to the minutes and added to the packet materials on the website for the record.
3. Presentation of Award to Corporal Mike Shelamer. Marshal Mynde Heil and Assistant Marshal Kirtus Gaston presented Corporal Mike Shelamer a certificate and a uniform decoration to reflect his status as a 'Lifesaver' for his actions while on duty earlier this year. The Council expressed their appreciation to Shelamer.

OLD BUSINESS

4. Consent Agenda:
 - a. Minutes of February 28, 2022
 - b. Claims from March 1, 2022, to March 14, 2022
 - c. Department Head Reports

Brown motioned to approve the consent agenda as presented. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

NEW BUSINESS

5. PUBLIC HEARING: City initiated Text Amendment to Chapter 9, Buildings and Construction, to add a "Special Code Requirement" section. The amendment will require an Electric Vehicle outlet to be provided in all new residential construction, new commercial construction such as hotels/motels and new multi-family construction within the City of Bellevue. Such outlets are intended to be used for Electric Vehicle charging. Diane Shay, Community Development Director. Shay reviewed notice. Brown motioned that the noticing requirement for the public hearing on amendments to the zoning code were in compliance with applicable regulations as set forth in Idaho Code. Cappel seconded. All in favor. The motion passed.

The Council entered a brief recess and reconvened at 6:39pm with Goldman joining Edwards in Chambers. At Allington's request, Brown motioned to ratify all actions and decisions made to this point during the March 14, 2022, meeting. Mahoney seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

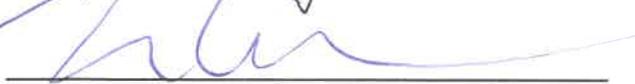
Shay recommended that the item be tabled and continued on the record to the date certain of April 11, 2022, due to rules under consideration on the matter in the Idaho Legislature. Cappel moved to table and continue the Public Hearing and Consideration of Ordinance 2022-01 to the date certain of April 11, 2022. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

6. Consideration and passage of Ordinance #2022-01, an ordinance of the City of Bellevue requiring an Electric Vehicle outlet to be provided in all new residential construction, new commercial construction such as hotels/motels and new multi-family construction within the City of Bellevue. Such outlets are intended to be used for Electric Vehicle charging. Diane Shay, Community Development Director. Cappel moved to table and continue the Public Hearing and Consideration of Ordinance 2022-01 to the date certain of April 11, 2022. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

7. Consideration and Discussion on Local Option Tax (LOT) including- Revenue Purpose, Revenue Tax Sources and LOT Time Period: Kathryn Goldman, Mayor and Doug Brown, Council President. Goldman gave a recap of the Council's prior discussions on recommending a LOT to the voters and noted that in order to have the matter appear on the May 2022 ballot, action needed to be taken this week. Goldman noted that there was an urgency to having additional funds for streets and snow plowing equipment. Goldman noted that the proposed LOT was limited to tourist activity in Bellevue focusing only on short-term lodging rentals. Brown noted that it was a good idea to start simply and start receipts flowing for streets and new equipment. Cappel and Mahoney noted that they agreed with the LOT as proposed. Allington noted that the types of businesses holding licenses from the City shows that the City caters to the tourist trade.
8. Consideration of Resolution #2243, A Resolution of the City of Bellevue, Idaho, Finding That the City of Bellevue is a Resort City. Kathryn Goldman, Mayor. Cappel noted that the information in the resolution was self-evident. Johnson noted that builders and tradesmen staying at hotels would be affected. Brown motioned to approved resolution 2243 as presented. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.
9. Consideration of Resolution #2244; A Resolution of the City of Bellevue, Idaho, Proclaiming a Special Municipal Election to be Held on Tuesday, May 17, 2022, To Adopt a New Local-Option Nonproperty Tax Ordinance. Kathryn Goldman, Mayor. Allington recapped that the proposed LOT was for a term of five (5) years at three (3) percent on Lodging. Brown motioned to approved resolution 2244 as presented. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

The Common Council lost their quorum due to a technical issue and the meeting ended at 7:04p.m.


Kathryn Goldman, Mayor


Marian Edwards, City Clerk/Treasurer

Marian Edwards

From: henry gawl <makebellevueliveable@gmail.com>
Sent: Sunday, March 13, 2022 1:35 PM
To: Shaun Mahoney; meehow8177@comcast.net; Marian Edwards; Kathryn Goldman; Jennifer Rangel; henry gawl; Greg Cappel; Doug Brown; Chris Johnson; allingtonlaw@gmail.com; Abby Conover; publisher@woodriverweekly.com; news@mtexpress.com
Subject: Bellevue Public Comment

THIS IS MY 24 HR NOTICE REQUIRING ASSISTANCE UNDER TITLE 2 OF THE ADA. I DO NOT FEEL COMFORTABLE WITH PUBLIC SPEAKING. IF THERE IS A QUESTION OR COMMENT PLEASE HAVE YOUR ADA COORDINATOR CONTACT ME.

here is a news and medical article on part of my disability
<https://www.kmvt.com/2022/03/07/support-group-brain-injury-survivors-held-every-month-csi/>
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5698658/>

TO BE READ DURING PUBLIC COMMENT AND ADDED TO THE RECORD.

I have several complaints

Why are you still on Zoom? There is no reason for it, you should be meeting in person. We have not had a mask mandate in a long time. More than half of you aren't on camera and it is confusing to follow the meeting. The city charter says time and place, zoom is not a place. I believe that it is an open meeting violation.

I have an ethics complaint against Katheryn Goodman of retaliation against me, she told me that we will talk later in the week of Feb 14th to get clarification of my complaint and concerns. As I sought outside help, I feel that she has not investigated my concerns at all, because she sought help from the two people that have a conflict of interest, instead of an unbiased outside party.

The mayor mentions access for people with disabilities is very important to Bellevue and takes it very seriously when someone claims that they have been denied their fundamental right. She has done NOTHING to address my concerns. Twice my comments have not been read and I am seeking a reason why under the ADA Title 2. Your ADA coordinator should have contacted me and some sort of compromise should have been made. But instead you retaliated against me for having an invisible disability. The mayor feels as mayor she has the RIGHT to filter out comments SHE deems not appropriate. Katheryn, it's my comment, I'm redressing my government in a respectful manner and you feel you can suppress my speech.

Your actions are not Transparent or Accountable.

SHAMEFUL

Since Dec 31 I have put in many easily answered records requests. Records belong to the public and if they are privileged that is fine. Just provide me with a response that follows training and statutes. Question 29 on page 16 in the Idaho Public Records Law Manual addresses this.

The rest of the council, you failed.

Please Do Your Job or Please Resign

Henry Gawlinski

411 Tendoy