

Bellevue Common Council
Monday March 28, 2022
Bellevue City Hall, 115 E Pine St, Bellevue
Regular Meeting Minutes

6:02 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, Chris Johnson, and Jennifer Rangel, all appearing by teleconference. For the record, no one 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; Candice McHugh, City Water Attorney; Greg Beaver, Fire Chief; Mynde Heil, Marshal; Jason Calhoun, Street Supervisor; Diane Shay, Community Development Director; Kristin Marlar-Gearhart, Library Executive Director; Everton Oliveira, Wastewater Operator; Kirtus Gaston, Assistant Marshal; and Marian Edwards, City Clerk/Treasurer.

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 23, 2022. Brown motioned that the notice was in compliance with Idaho Code 74-204. Rangel 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 Council member or staff member with any agenda items. Goldman announced her conflict on the agenda item regarding the Microgrid matching funds.
2. Public Comment for Items of Concern not on the Agenda. Chris Watson and Kelly Karst asked about employment contracts for City staff.

OLD BUSINESS

3. Consent Agenda:
 - a. Minutes of March 14, 2022
 - b. Claims from March 15, 2022, to March 28, 2022
 - c. Financial Reports

Brown motioned to approve the consent agenda as amended to add a public comment read on March 14, 2022, as an attachment to the minutes. Johnson seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.

NEW BUSINESS

4. Consideration and Approval of Resolution #2248 Authorizing Mayor to sign Petition to Match Contributions to the Conservation, Infrastructure and Efficiency Fund- Big Wood River Ground Management Area. Rick Allington, City Attorney and Candice McHugh, City Water Attorney. Johnson motioned to move agenda item #21 to #4. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed. McHugh gave an update on water issues and asked for approval of the City to join the request to the Idaho Water Resource Board for matching funds. McHugh noted that at least one municipality in the Big Wood River Ground Management Area will have representation on the committee that will be in charge of funds. Brown motioned to approve resolution 2248 as presented. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.
5. Introduction of Robin Leahy as Alderman Candidate to Complete the Unexpired Term of Kathryn Goldman. Kathryn Goldman, Mayor. Goldman gave a brief recap of the candidate interview process. Brown noted that he appreciated the interview process and that the same questions were asked of each interested party. Goldman noted that Leahy grew up in Bellevue, runs a small valley business and has a history of volunteering. Brown noted that he appreciated her efforts working with non-profits and that she has children in the school system. Cappel noted that he served with Leahy's spouse and knows that she has legacy information to help while serving. Rangel asked how Leahy became interested. Leahy noted that she wants to make a difference, be of help and not be on the sidelines complaining.
6. Council Decision on the Appointment of Robin Leahy as Alderman with Term Expiring January 2024. Kathryn Goldman, Mayor. Brown motioned to appoint Leahy to Council with term expiring January 2024. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.
7. Swearing in Ceremony. Goldman administered the Oath of Office to Leahy and at 6:31pm, Leahy was seated as Alderman on the City of Bellevue Common Council.
8. PUBLIC HEARING: Consideration of City-initiated text amendment to the Bellevue City Code, Title 10, Bulk Requirements in the General Residential District, the Business District and the Light Industrial/Mixed Business District, to increase the maximum building size in those districts to thirty-six (36,000) square feet. Any building beyond twenty-eight thousand (28,000) square feet will require the approval of a Conditional Use Permit. The Council will also consider deleting Chapter 16, Large Scale Development Conditional Use Permits in its entirety. Diane Shay, Community Development Director. Shay covered notice. Brown that the noticing requirements for the public hearing on amendments to the Zoning Code are in compliance with applicable regulations, I.C. 67-2343. Johnson seconded. All in favor. The motion passed. Shay gave a recap of the history of the matter over the past few months. Goldman opened public comment. There were no public comments. There were no written comments received. Goldman closed public comment. The Council discussed the matter.

Cappel noted that there were some valid controls steps in Chapter 16 and maybe the good items should be pulled and not completely thrown out. Cappel asked if the standards in Chapter 15 were sufficient to protect the City and Shay responded that they were. Leahy noted that she had concerns with the scorched earth approach to Chapter 16. Brown noted that there were lots of safeguards in the Planning & Zoning and Common Council approval processes and that we needed to be positive and partner with developers. Johnson noted that the City has had issues with people doing something different than what was originally approved and noted that Strahorn was supposed to be workforce housing and now homes are selling for over \$700,000. Mahoney noted that the change would be good and that it is time to let Bellevue grow up. Allington noted that the new maximum size of 36,000 sq ft would be the equivalent of Albertsons. The Council asked for the size of a 'big box' store and was told that a Lowe's or Home Depot are 105,000 sq ft. Leahy asked if there was a hurry to get this item passed and Shay responded that there were no current applications for projects of this size. Cappel suggested tabling and doing some informal workshops to allow for more education for the newer council members. Rangel noted that she was ready to move forward to vote on the matter but would always be open to more education.

9. Approval and passage of Ordinance 2022-02, an ordinance implementing new bulk requirements in the General Residential District, the Business District and the Light Industrial/Mixed Business District and deleting Chapter 16 of the Bellevue City Code in its entirety. Diane Shay, Community Development Director. Johnson moved that the title of Ordinance 2022-02 be read once. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed. Shay read the title of the Ordinance:

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING BELLEVUE'S CITY CODE BY AMENDING TITLE 10, ZONING REGULATIONS, CHAPTER 6, GENERAL RESIDENTIAL DISTRICT, §10-6-4, CONDITIONAL USES, TO ADD BUILDINGS WITH A MAXIMUM BUILDING FOOTPRINT OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA NOT TO EXCEED THIRTY-SIX THOUSAND (36,000) SQUARE FEET; AMENDING §10-6-5(E) TO DELETE LANGUAGE THAT ALLOWS A MAXIMUM BUILDING FOOTPRINT OF THIRTY-THOUSAND (30,000) SQUARE FEET AND REQUIRES BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST OBTAIN A LARGE SCALE DEVELOPMENT CONDITIONAL USE PERMIT AND HAVE A MINIMUM BUILDING SETBACK OF TEN (10) FEET; INSTEAD REQUIRING BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA IN THE GENERAL RESIDENTIAL DISTRICT OF THIRTY-SIX THOUSAND (36,000) SQUARE FEET AND A MINIMUM SETBACK OF TEN (10) FEET; EXEMPTING CHURCHES AND PUBLIC FACILITIES FROM THE MAXIMUM SQUARE FOOTAGE PROVISION; AMENDING TITLE 10, CHAPTER 7, BUSINESS DISTRICT, §10-7-4, CONDITIONAL USES, TO ADD BUILDINGS WITH A MAXIMUM BUILDING FOOTPRINT OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA NOT TO EXCEED THIRTY-SIX THOUSAND (36,000) SQUARE FEET; AMENDING §10-7-5, DIMENSIONAL STANDARDS, TO DELETE LANGUAGE THAT ALLOWS A MAXIMUM BUILDING FOOTPRINT OF

THIRTY-THOUSAND (30,000) SQUARE FEET AND REQUIRES BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST OBTAIN A LARGE SCALE DEVELOPMENT CONDITIONAL USE PERMIT AND HAVE A MINIMUM BUILDING SETBACK OF TEN (10) FEET; INSTEAD REQUIRING BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA IN THE BUSINESS DISTRICT OF THIRTY-SIX THOUSAND (36,000) SQUARE FEET AND A MINIMUM SETBACK OF TEN (TEN) FEET; EXEMPTING CHURCHES AND PUBLIC FACILITIES FROM THE MAXIMUM SQUARE FOOTAGE PROVISION; AMENDING TITLE 10, CHAPTER 9, LIGHT INDUSTRIAL/MIXED BUSINESS DISTRICT §10-9-4, CONDITIONAL USES, TO ADD BUILDINGS WITH A MAXIMUM BUILDING FOOTPRINT OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA NOT TO EXCEED THIRTY-SIX THOUSAND (36,000) SQUARE FEET WITH A MINIMUM BUILDING SETBACK OF TEN (10) FEET; AMENDING §10-9-5(D) TO DELETE LANGUAGE THAT ALLOWS A MAXIMUM BUILDING FOOTPRINT OF THIRTY-THOUSAND (30,000) SQUARE FEET AND REQUIRES BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST OBTAIN A LARGE SCALE DEVELOPMENT CONDITIONAL USE PERMIT AND HAVE A MINIMUM BUILDING SETBACK OF TEN (10) FEET; INSTEAD REQUIRING BUILDINGS IN EXCESS OF TWENTY-EIGHT THOUSAND (28,000) SQUARE FEET TO FIRST ACQUIRE A CONDITIONAL USE PERMIT WITH A MAXIMUM FLOOR AREA IN THE LIGHT INDUSTRIAL/MIXED BUSINESS DISTRICT OF THIRTY-SIX THOUSAND (36,000) SQUARE FEET AND A MINIMUM SETBACK OF TEN (10) FEET; EXEMPTING CHURCHES AND PUBLIC FACILITIES FROM THE MAXIMUM SQUARE FOOTAGE PROVISION; AMENDING TITLE 10, CHAPTER 16, LARGE SCALE DEVELOPMENT CONDITIONAL USE PERMIT BY DELETING CHAPTER 16 IN ITS ENTIRETY; AND INCLUDES A SEVERABILITY CLAUSE, A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Brown motioned that the public hearing and second reading of Ordinance 2202-02 be continued to the date certain of the next regularly scheduled meeting on April 11, 2022. Johnson seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.

10. Approval and passage of the Summary of Ordinance 2022-02, an ordinance implementing new bulk requirements in the General Residential District, the Business District and the Light Industrial/Mixed Business District and deleting Chapter 16 of the Bellevue City Code in its entirety. Diane Shay, Community Development Director. Brown motioned that the public hearing and second reading of Ordinance 2202-02 be continued to the date certain of the next regularly scheduled meeting on April 11, 2022. Johnson seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
11. PUBLIC HEARING: On the Consideration of Changing the Start Time of Regular Common Council Meetings to 5:30 P.M. Beginning May 9, 2022. Kathryn Goldman, Mayor. Goldman covered notice. Brown motioned that the notice this public hearing exceeded the requirements of Idaho Code 50-705. Johnson seconded. All on favor. The motion passed. Goldman gave brief recap that she wanted the Bellevue meetings to start earlier like they do in

the other local jurisdictions and that the use of Zoom would continue to allow for citizens to join the meetings. Goldman opened public comment. Diane Shay made a public comment. There were no written comments received. Goldman closed public comment. The Council briefly discussed the matter.

- 12. Consideration and Passage of Ordinance #2022-03, An Ordinance of The City of Bellevue, Idaho, Providing For The Designation of The Time, Dates And Location of The Regularly Scheduled Meetings of The Bellevue Common Council; Repealing Conflicting Ordinances; Providing A Savings Clause; And Providing An Effective Date.** Kathryn Goldman, Mayor. Johnson motioned that the council suspends reading of Ordinance 2022-03 on three (3) different days and have the title of the proposed ordinance read once under Idaho Code 50-902 prior to adoption. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed. Edwards read the title for the record:

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, PROVIDING FOR THE DESIGNATION OF THE TIME, DATES AND LOCATION OF THE REGULARLY SCHEDULED MEETINGS OF THE BELLEVUE COMMON COUNCIL; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Brown motioned move to approve the passage of Ordinance 2022-03. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.

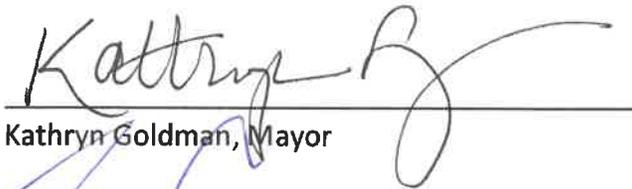
- 13. Request for Funds: Total of \$5,000 in Grant Matching Funds for Microgrid Scoping Project Grant Participation with Blaine County and other Wood River Valley Cities: Split between Water and Wastewater equally at \$2,500.00 and coded to Line-Item Construction & Improvement 58120 Water and Wastewater.** Lynn Barker, Sustainability Manger, Blaine County. Barker presented a PowerPoint on the County-wide project and answered Council questions. Brown motioned to approve the request for funds. Johnson seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 14. Request for Funds: Lease for a 2022 Dodge Durango Pursuit with purchase value of \$49,120.00, Lease Term TBD, coded to Line Item 51022 Automobile Lease- Marshal.** Kirt Gaston, Assistant Marshal. Gaston noted that the vehicle is a 2021, but new, that the Marshal's would keep the other three vehicles and that the term requested was for a three (3) year lease. Gaston noted that some specialized equipment was not in the provided price, but that the Marshal's budget had included radar and radio items that would be needed to fully outfit the car. Cappel motioned to approve a lease for a 2021 Dodge Durango Pursuit with purchase value of \$49,120.00, with an annual three (3) year payment of \$17,519, coded to Line Item 51022 Automobile Lease- Marshal. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.

- 15. Consideration and Approval of Resolution #2245: Return of \$40,000.00 in received Grant Funding to the Seagraves Foundation due to lack of participants in the EMS Program from LGIP EMS First Responder Account 3667. Greg Beaver, Fire Chief. Beaver gave a recap noting that he could no longer meet the requirements of the grant due to lost of staff due to housing issues and lack of interest after COVID19 concerns. Brown motioned to approve resolution 2245 as presented. Cappel seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.**
- 16. Consideration and Approval of Resolution #2246: Authorizing the Treasurer to Assign \$16,776.96 to The Fire Department's LGIP Capital Savings Account 3593. Greg Beaver, Fire Chief. Beaver noted that the YTD FY2022 rental equipment revenue after expenses for the Caldor Fire were \$16,776.96 and that he would like those funds assigned for his use in purchasing New Self-Contained Breathing Apparatus that will be requested under agenda item #18. Cappel motioned to approve resolution 2246 as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.**
- 17. Consideration and Approval of Resolution #2247: Authorizing the Treasurer to Re-Assign \$20,000.00 plus any accrued interest from LGIP EMS First Responder Account 3667 to The Fire Department's LGIP Capital Savings Account 3593. Greg Beaver, Fire Chief. Beaver noted that as part of the Janice Seagraves grant approval process, the Council assigned a \$20,000 match to receive the first round of funding. Beaver requested that those funds be re-assigned for his use in purchasing New Self-Contained Breathing Apparatus that will be requested under agenda item #18. Johnson motioned to approve resolution 2247 as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.**
- 18. Request for Funds: Fourteen (14) New Self-Contained Breathing Apparatus (SCBA) for \$100,881.83, Equipment Purchase 58160- Fire. Greg Beaver, Fire Chief. Beaver noted that the existing equipment was eighteen (18) years old, was purchased under a FEMA grant and was obsolete with no replacement parts available. Beaver noted that after the return of funds to the Janice Seagraves Foundation, he is going to ask for funding in full for the SBCA purchase but wanted to arrange for internal funding if a grant was not received. The Council asked about the switch in priorities for the fire capital savings from a wildland fire truck to Self-Contained Breathing Apparatus. Beaver noted that the staff who he had trained to become wildland fire bosses were no longer on the team and that he could no longer get federal funding for breathing equipment. Beaver noted that the safety of the firefighters needed to be addressed. Leahy asked if the number requested covered the entire crew and Beaver noted that the equipment calculations were based on federal standards and matched to the number of 'seats' in the trucks. The Council thanked the Chief for being so proactive and doing so much with so little. Johnson motioned to approve the request for funds as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.**

- 19. Bellevue Urban Renewal Agency (BURA) Annual Report Review and Acceptance.** Doug Brown, BURA Vice Chair. Brown gave a brief recap on the activities of the URA noting that they had put together a Park improvement plan at the end of the fiscal year and had several projects in the wings. Johnson noted that the BURA reports were hard to read, and Brown noted that he would follow up with Ashley Dyer, BURA Secretary on the reports. Cappel motioned to accept the BURA 2021 Annual Report as presented. Johnson seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 20. Request for Funds: New Honda Generator Totaling \$3,399.00, Split between Streets, Water and Wastewater equally at \$1,133.00 and coded to Line-Item Small Tools & Equipment 52080 Streets, Water and Wastewater.** Jason Calhoun, Street Supervisor. Calhoun noted that the existing generator burnt up and that we needed another one. Johnson motioned to approve the request for funds as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 21. Request for Funds: Clearwater Contracts for 2022 standard Landscaping Services Totaling \$14,275.00.** Jason Calhoun, Street Supervisor. Johnson asked Calhoun to do follow up on contractor performance during activities. Johnson motioned to approve the request for funds as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 22. Return of Funds: \$76,083.00 for Mischarged Water Connection Fees and Water Meter Vault Fees.** Marian Edwards, Clerk/Treasurer. Edwards gave a brief recap of the issue and the review steps taken to ensure that all mischarged water related fees were identified. Cappel asked if the FY2021 Audit and Financial Statements would need to be re-stated. Edwards noted that the auditor would be consulted and fully apprised of the amounts associated with FY2021 and FY2022 that would need to be refunded once the Council approved same. Edwards noted that the auditor's decision on whether the statements would need to be re-done would be based on materiality. Edwards noted that the refunds would occur using proper accounting standards and the requirements of the City's auditor. Johnson noted that he would work with staff to establish proper procedures so that this error would not repeat. Johnson motioned to approve the return of funds as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 23. Consideration and Approval of Resolution #2249: Contract with Galena Engineering contract re Water Meter Installation Standards for \$2,500.** Kathryn Goldman, Mayor. Johnson motioned to approve resolution 2249 as presented. Brown seconded. Roll call vote results: Mahoney- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes, Leahy- yes. Motion passed.
- 24. Discussion on Post-COVID City Meetings.** Kathryn Goldman, Mayor. The Council discussed the next steps needed to return to City Hall for meetings. Johnson noted that with his traveling, he would like to keep the Zoom option and thinks that Zoom increases citizen involvement. Mahoney agreed with Johnson's statements. Allington Agreed that Zoom was nice and that the City would need to address having law enforcement onsite when the chambers were

reopened to the public. Brown suggested that onsite council meetings be phased in re-opening to council members first and the public later. Goldman asked for a straw poll vote on which Council members were comfortable returning to chambers as the pandemic lessens in Blaine County. Brown and Cappel noted they were still uncomfortable. Mahoney, Johnson, Rangel, and Leahy noted that they were comfortable.

25. COVID19- Council Discussion and Potential Added Actions Needed with Current Risk Levels and Trends. Kathryn Goldman, Mayor. Goldman noted that the weekly mayor's update meeting was cancelled. Goldman noted that the City's Emergency Powers Ordinance 2021-12 expired March 21, 2022.
26. Executive Session to Discuss Personnel, Pending Litigation and/or Land Acquisition Pursuant to Idaho Code §74-206. There was no executive session.
27. Adjournment. Johnson motioned to adjourn. Mahoney seconded. All in favor and the meeting ended at 8:45pm.



A handwritten signature in black ink, appearing to read 'Kathryn Goldman', written over a horizontal line.

Kathryn Goldman, Mayor



A handwritten signature in blue ink, appearing to read 'Marian Edwards', written over a horizontal line.

Marian Edwards, City Clerk/Treasurer