

Bellevue Common Council
Monday December 13, 2021
Bellevue City Hall, 115 E Pine St, Bellevue
Regular Meeting Minutes

6:01 p.m. Call to Order:

Mayor Burns called the Regular Meeting to order. A roll call attendance was conducted, and Council members present were Kathryn Goldman, Greg Cappel, Doug Brown, Shaun Mahoney, Chris Johnson, and Jennifer Rangel, all appearing by teleconference. For the record, no one was absent. For the record, Mayor Burns and Clerk/Treasurer Edwards were 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; Jason Calhoun, Street Supervisor; Diane Shay, Community Development Director; Kirt Gaston, Assistant Marshal; Dusty Lindt, Public Works- Water Operator, Kristin Marlar-Gearhart, Library Director 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 November 17, 2021. Goldman motioned that the notice was in compliance with Idaho Code 74-204. Brown seconded. All in favor. The motion passed.

1. Call for Conflict as outlined in Idaho Code §59-703 (f) – 704 With Any Agenda Item.
Burns called for conflict from any Alderman with any agenda items. None noted.
2. Public Comment for Items of Concern not on the Agenda.
Burns wanted to clarify the lead related notice that came out with the last month's water/sewer invoices. Burns noted that the letter format was not allowed to be modified and was part of annual state requirements. Burns noted that the City's testing results were thirteen parts per ten (10) billion, much less than the requirements of fifteen (15) parts per billion. Burns noted that the Cities water was clear, exceedingly safe and that he was confident in its safety. Johnson noted that he works for the Idaho Rural Water Association and that new regulations would result in more water testing, especially for schools and daycare facilities.

OLD BUSINESS

3. Consent Agenda:
 - a. Minutes of November 22, 2021
 - b. Claims from November 23, 2021, to December 13, 2021
 - c. Department Head Reports

Goldman motioned to approve the consent agenda as presented. Brown seconded. Roll call

vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.

SPECIAL NEW BUSINESS SECTION

4. Goldman motioned to move agenda item executive session #13 to agenda item #4. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.

Executive Session to Discuss Personnel, Pending Litigation and/or Land Acquisition Pursuant to Idaho Code §74-206. Goldman motioned that the Council enter Executive Session under §74-206 (1)(f). Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed and the Council entered executive session at 6:13pm. Goldman motioned to leave executive session. Cappel seconded. All in favor and the Council returned to the regular session at 6:53pm.

5. Council Consideration and Decision on Approving the Joint Stipulation and Withdrawal of Protest for Application for Permit Numbers 37-23110 and 37-23111 before the Idaho Water Resource Board: Candice McHugh, City Water Attorney, McHugh Bromley, PPLC, and Rick Allington, City Attorney. Johnson motioned to approve the Joint Stipulation and Withdrawal of Protest for Application for Permit Numbers 37-23110 and 37-23111 as presented. Goldman seconded. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.
6. Council Discussion and Consideration of Resolution #2236: Resolution of The Common Council for The City of Bellevue Establishing Standards Concerning Use of City Funds for Enforcement of Federal Immigration Laws, Inquiry Into Immigration Status or Documentation By City Personnel, and Maintaining Administrative Policies Consistent Herewith: Kathryn Goldman, Council President. Goldman stated that the goal of the resolution was to increase trust, transparency, and communication for all City residents regardless of immigration status to be able to communicate with our Marshal's office. Goldman noted that Hailey and Ketchum have already passed a similar resolution. Burns noted that the resolution does not make Bellevue a sanctuary city. Burns noted that there have been horrific abuse cases in the City that were not reported by victims out of fear being deported.

Burns optioned to open the meeting for public comment due to the volume of attendees and written comments received on this matter. Luis Alberto LaConda, Laura Rose Lewis, Bob Knoebel, Megan Schooley, Cami Bustos, Jeanne Liston, Deb Van Law, Herbert Romero, Justin Highhouse, Allen Tigart and Assistant Marshal Gaston made public comments. The Clerk received ten (10) written comments which had been forwarded to the full Council and added to the meeting packet materials on the City website. Burns closed public comment. The Council discussed the matter.

Johnson surmised that all the verbal and written comments were positive and in favor of the resolution. Brown suggested that the Mayor write a letter to request that national leaders fix immigration reform. Johnson agreed that immigration reform was needed, but that the Council takes an oath to support the Constitution. Johnson noted that if the City takes federal funds, it needs to support federal laws and the Constitution. Cappel noted that the Constitution should be followed, but it was crafted in a different time. Cappel noted that he was grateful that so many people have turned out in support of this item. Cappel noted that parties of both sides have had time to express opinions and the representation is overwhelmingly in favor of passage. Johnson noted that the law of the land was the law and that if you are not following the law, you are breaking the law. Mahoney noted the Bellevue Marshal's office does not handle immigration. Brown motioned to approve resolution 2236 as presented. Goldman seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- no, Rangel- yes. Motion passed.

NEW BUSINESS

7. CONTINUATION: 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 thirty-six (36,000) 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, Continued on the record to a date certain of December 13, 2021: Diane Shay, Community Development Director. NOTE: THIS ITEM WILL BE TABLED. Shay covered notice and noted that further approval was not needed. Shay presented the staff report. Goldman motioned to table until the City receives more information on wastewater capacity. Johnson seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.
8. PUBLIC HEARING: Consideration of City-initiated text amendments to the Bellevue City Code, Title 10, Chapter 6, General Residential, §10-6-2, to allow multi-family developments to be built on a 3,000 square foot lot without being linked to an affordable housing entity; amending Title 10, Chapter 7, Business District §10-7-2, to permit residential units in a mixed use building and establishing a minimum dwelling unit size of 350 square feet; amending Title 10 to add a new Chapter 7A, creating a Residential Overlay District that will permit multi-family residential developments in the Business District; a map depicting the boundaries of the overlay district will also be considered: Diane Shay, Community Development Director. NOTE: THIS ITEM WILL BE TABLED. Shay covered notice. Johnson motioned that notice was appropriate. Brown seconded. All in favor and the motion passed. Shay presented the staff report and noted that it was not good planning to proceed with this matter until after the City has a better grasp of its

infrastructure. Allington noted that public comment was not relative since the item was planned to be tabled. Goldman motioned to table the matter. Cappel seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.

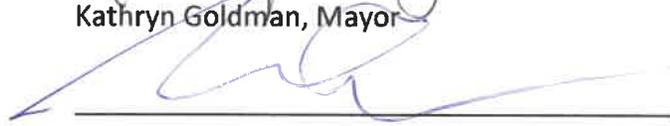
- 9. Council Discussion and Consideration of Resolution #2237: Approval of Contract with Chris Corwin d/b/a Wood River GIS Consulting to Provide GIS Mapping Services: Diane Shay, Community Development Director.** Burns noted that the current budget included funds for GIS in Water, Wastewater and Community Development. Shay noted that none of the department heads she spoke with were interested in participating in GIS mapping. Gaston noted that the Marshal's office had no interest in GIS. Johnson noted that the City needed an asset inventory of the water system. Brown noted that if this activity makes the staff more productive, he was supportive. Goldman and Mahoney agreed that the City need to know what it has. Johnson motioned to approve the resolution as presented. Goldman seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes. Motion passed.
- 10. Council Discussion and Decision on Resort City Status and future steps needed: Ned Burns, Mayor.** Burns noted that he has been researching and discussing this issue. Bellevue is the only City in the Wood River Valley that has not adopted Resort City status. Burns gave recap of the data presented in the Council packet. Burns noted that the process for the Council would be to affirm by motion and then do the items needed to take before the voters. Brown noted that he had experience with LOT in Sun Valley. Brown noted that the City needed to think about other sources of revenues including those that have worked well for Hailey, Ketchum, and Sun Valley. Goldman noted that Victor and Driggs are both similar to Bellevue in their distance from Jackson Hole. Goldman noted that both get LOT and use to fund Street activities. Johnson noted that potential lodging receipts would be enough to look at seriously and thinks that a liquor LOT would impact locals more than tourists. Mahoney noted that his business serves food and liquor. Mahoney noted that eighty (80) percent of his business was locals, ten percent were out of state and ten percent were in-state tourist. Mahoney noted that the Council should look at this more and not be in a hurry to pass this tonight. Allington noted that Resort City status needed to be backed with concrete information. Brown asked for a statement for Council to consider for the next meeting and suggested that Burns work with Carole Waller. Johnson noted that Bellevue is part of a resort area and needed to focus on tourism and not residents. Johnson noted that use of funds needed to be discussed. Cappel agreed that any LOT needed to focus on the tourist demographic.
- 11. Request for Funds: Removal of Cottonwood Tree above Glen Aspen Lift Station for \$1,260.00, Maintenance and Repairs 51160, Wastewater: Jason Calhoun, Streets Supervisor.** Goldman motioned to approve the request for funds as presented. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes, Rangel- yes.

Motion passed.

- 12. COVID19- Council Discussion and Potential Added Actions Needed with Current Risk Levels and Trends.** Ned Burns, Mayor. Burns gave a brief update noting that out of forty-four (44) recent cases four (4) were in Bellevue. Burns noted that our local hospital was not in a crisis mode and was catching up with deferred items.
- 13. Council Discussion and Decision on Availability for the December 27, 2021, Regular Meeting:** Ned Burns, Mayor. The majority of Council members stated they were not available for the December 27, 2021, meeting and the Clerk/Treasurer will cancel the meeting due to a lack of quorum.
- 14. Adjournment.** Goldman motioned to adjourn. Mahoney seconded. All in favor. The motion passed and the meeting adjourned at 8:27 p.m.



Kathryn Goldman, Mayor



Marian Edwards, City Clerk/Treasurer