

Bellevue Common Council
Monday March 22, 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 Doug Brown, Greg Cappel, Kathryn Goldman, Tammy Davis, Chris Johnson, and Shaun Mahoney 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; Diane Shay, Community Development Director; Frank Suwanrit, Public Works 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, at the Bellevue Public Library, at Atkinson's Valley Market and on the City website on March 17, 2021. Goldman motioned that the notice, posted in five (5) locations, 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 updated the Council on the status of the work at the Howard Preserve and noted that he was impressed with the work of the Wood River Land Trust, the Friends of the Howard Preserve and the Oxbow contractor. Davis noted that the Haunted Forest wants to start discussions in the near term about the event in the fall 2021 and that she is learning about using a timed ticket entry system as a part of the 'Artivism' event in conjunction with the Spot. Blaine County Commissioner Fosbury noted that the County is considering a declaration of drought in case there is funding for assistance and will keep the City apprised.

OLD BUSINESS

3. Consent Agenda:
 - a. Minutes of March 8, 2021
 - b. Claims from March 9, 2021 to March 22, 2021
 - c. Financial Reports

Goldman asked staff and the City Attorney about the current water right activities and requested an update from water rights counsel prior to approving the \$946.50 McHugh Bromley payment. Burns requested that the Council hold \$87.50 from City Attorney Allington's claim payable. Goldman motioned to accept the consent agenda as amended by

holding the \$946.50 McHugh and \$87.50 Allington amounts from payment. Cappel seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed. Goldman requested that staff and Allington have McHugh Bromley attend a near term Council meeting to provide an update.

NEW BUSINESS

4. Public Hearing on and consideration of Ordinance #2021-04, Development Impact Fees: Diane Shay, Community Development Director and Rick Allington, Bellevue City Attorney. Shay covered notice. Goldman motioned that the notice was appropriate. Brown seconded. All in favor and the motion passed. Shay presented the staff memorandum. Burns opened public comment. There was no public comment. There were no written comments received. Burns closed public comment.
5. Passage and Adoption of Ordinance #2021-04, Development Impact Fees and Authorization to Publish by Summary: Diane Shay, Community Development Director and Rick Allington, Bellevue City Attorney. Cappel moved to change the Ordinance number to 2021-03, approve the suspension of reading of the proposed Ordinance on three different days and to have the title read once under Idaho Code 50-902 prior to adoption. Goldman seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed. Shay read the Ordinance title for the record:

BELLEVUE ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, AMENDING TITLE 9, BUILDINGS AND CONSTRUCTION, OF THE BELLEVUE CITY CODE BY ADDING A NEW CHAPTER, CHAPTER 5, DEVELOPMENT IMPACT FEE SCHEDULE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Cappel motioned to approve the Ordinance with the revised number of 2021-03, authorize it to be published by summary and to incorporate the Council's discussion on this matter from the February 22, 2021 meeting. Davis seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed.

6. Public Hearing: Renewal of the Bellevue Emergency Powers Ordinance: Ned Burns, Mayor. Edwards covered notice, including that the notice was posted in five (5) public locations. Goldman motioned that the notice was appropriate. Mahoney seconded. All in favor and the motion passed. Burns presented the following statement:

We are here today to renew the Bellevue Emergency Powers Ordinance, to prevent a lapse in legal coverage for our community and to keep our existing protections under our active public health orders in place. Statewide, Idaho is operating under Stage 3 Stay Healthy Guidelines. The CDC and the Governor's current Public Health Order continue to recommend wearing face coverings while in public. Blaine County continues to

report new confirmed cases of Covid-19. However, our county leads the State of Idaho in vaccination rates with over forty percent of our population have at least one shot and over a quarter of Blaine County residents having two shots and being fully vaccinated. We are well on the way of having 'local' herd immunity, but we still have a way to go.

Bellevue Emergency Powers Ordinance 2020-07, adopted on September 25, 2020 sunsets this Friday, March 26, 2021. The Bellevue Public Health Order passed in July 2020 that requires masks remains in effect under this renewed Emergency Ordinance and we continue to expect businesses and private gatherings to follow the size limitations and spacing standards under the Governor's current Stage 3 Stay Healthy Guidelines.

With the recent passage of amendments to Idaho Code 50-304 and 50-606 in the past week, which were signed by the Governor I am recommending that the proposed Emergency Ordinance 2021-05 be amended upon passage by the Council to remove the wording giving the Mayor and Council the ability to enforce quarantine laws within five (5) miles of the City limits. These references appear on page one of the Ordinance in your packet, and I propose that they be deleted at final adoption to conform to the newly passed legislation.

Burns opened public comment. Blaine County Commissioner Fosbury made a public comment. There were no written comments received. Burns closed public comment. The Council discussed the merits of continuing the emergency ordinance. Brown noted that the Idaho Legislature needed to go into recess due the covid19 outbreak in the House of Representatives and staff. Goldman noted that many locals had left town for spring break and could return from areas with more community spread. Johnson asked questions about the next sunset date which were addressed to by Burns. Johnson noted that the City needs to be planning for the performance metrics expected to allow the emergency ordinance and public health order to sunset. Allington shared information that the current Blaine County vaccination rate could have seventy (70) percent of residents vaccinated by July 2021. Burns agreed that metrics needed to be determined and that standards were starting to be discussed in the weekly Mayor's meeting for what the expectations should be to lift the public health requirements. Cappel noted that he wanted to err on the side of being conservative and safe.

7. Adoption of Ordinance #2021-05, Renewal of the Bellevue Emergency Powers Ordinance, authorize the Mayor to read, by title only, waive the 2nd and 3rd readings, and to take effect by proclamation of the Mayor upon posting in at least five (5) public places in the City: Ned Burns, Mayor. Goldman moved that the council suspends reading of the Emergency Powers Ordinance 2021-05 on three different days and have the title read once under Idaho Code 50-902 prior to adoption. Cappel seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed. Edwards read the Ordinance title for the record:

CITY OF BELLEVUE ORDINANCE NO. 2021-05

AN EMERGENCY ORDINANCE OF THE CITY OF BELLEVUE, BLAINE COUNTY IDAHO, ESTABLISHING EMERGENCY POWERS; SETTING FORTH THE AUTHORITY, PURPOSE, INTENT, AND SCOPE; SETTING DEFINITIONS; DESCRIBING PUBLIC HEALTH EMERGENCY ORDERS; ESTABLISHING PROCESS FOR ENACTING PUBLIC HEALTH EMERGENCY ORDERS; PROVIDING FOR SUSPENSION OF CERTAIN SERVICES, ORDINANCES, AND POLICIES; ESTABLISHING PENALTIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR EMERGENCY POSTING, AN EFFECTIVE DATE, AND A SUNSET DATE.

Goldman motioned to approve, as revised to remove the 5 mile outside of the City wording, the passage of Emergency Powers Ordinance 2021-05 and to take effect by proclamation of the Mayor upon posting in at least five (5) public places in the City. Cappel seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed.

8. Executive Session to Discuss Personnel, Pending Litigation and/or Land Acquisition Pursuant to Idaho Code §74-206. Goldman motioned to enter executive section under Idaho Code 74-206 (1) (b). Cappel seconded. Roll call vote results: Mahoney- yes, Davis- yes, Goldman-yes, Brown- yes, Cappel- yes, Johnson-yes. Motion passed and the Council entered executive session at 6:57 p.m. Goldman motioned to leave executive session. Brown seconded. All in favor. The motion passed and the Council returned to the regular session at 7:53 p.m.
9. Adjournment. Goldman motioned to adjourn. Johnson seconded. All in favor. The motion passed and the meeting adjourned at 7:53 p.m.



Ned Burns, Mayor



Marian Edwards, City Clerk/Treasurer