

Bellevue Common Council  
Monday November 22, 2021  
Bellevue City Hall, 115 E Pine St, Bellevue  
Regular Meeting Minutes

6:02 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 (arrived 6:04pm), Doug Brown, Shaun Mahoney, and Chris Johnson, all appearing by teleconference. For the record, Jennifer Rangel 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; Mynde Heil, 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 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.  
Jeff Pfaeffle requested that the Council have a discussion on new housing in Strahorn during the meeting. Burns and Allington conveyed that asking for a discussion on a topic not included on the agenda was not appropriate and that Pfaeffle follow the established procedure of taking his request to the Planning and Zoning Department for the appropriate steps prior to such a manner coming before the full Council for consideration. Chris Watson thanked the Council for the relocation of a stop sign on 6th and Elm and suggested that Main Street residences be owner occupied.

OLD BUSINESS

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

Goldman asked for a clarification on her comments under item number five (5). Edwards and Goldman discussed the change needed and Edwards agreed to make same. Goldman asked

about the status of the water meter installation project. Burns noted that the expenses shown on the Claims Payable report were to purchase the remaining items needed to complete the installation in the Spring of 2022. Goldman asked about the water conjunctive management expenses and Edwards responded. Goldman motioned to approve the consent agenda as amended. Cappel seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

4. 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) (b) and (f). Johnson seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed and the Council entered executive session at 6:27pm. Goldman motioned to leave executive session. Johnson seconded. All in favor and the Council returned to the regular session at 7:19pm.

Goldman motioned to pursue a settlement with senior surface water users per the advice of legal counsel. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- no. Motion passed.

5. 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 October 25, 2021, to the date certain of November 22, 2021: Diane Shay, Community Development Director. Shay re-confirmed notice and stated that no additional notice or motion on notice was required. Shay presented the staff report and noted the clarifications made to per the motion made by Doug Brown at the October 25 meeting. Burns opened public comment. Jeff Pfaeffle and Tom Blanchard made public comments. Shay read a letter Colleen Clark for the record. Edwards confirmed that the written comments received over the past meetings from Evan Stelma, Werner Morawitz and Colleen Clark were part of the website packet materials. Burns closed public comment. The Council discussed the matter.

Johnson noted that large developments needed to be on public transportation and liked the inclusion of schools and hospitals as appropriate large facilities. Johnson noted that commercial development would be needed to help provide good jobs to support housing. Brown noted that varied housing opportunities needed to be available and that too many limitations keep developers and businesses from making inquiries. Cappel noted that precluding economic and community impact studies to come before the Council by deleting all of Chapter 16 was of concern as that information could provide the Council valuable data. Cappel noted concern over removing all safeguards unnecessarily and that doing economic analysis as part of a new proposed facility is a good thing. Goldman noted that she wanted Bellevue to have businesses and better jobs. Goldman noted that encouraging the use of public transportation was important and agreed that economic studies were important.

Mahoney noted that the Design Review process needs to be enhanced, that big box stores were not coming to Bellevue soon and that the groundwork needed to be laid for smaller businesses to come to town.

6. Consideration of passage of Ordinance #2021-13, an Ordinance adopting City-initiated text amendments to Title 10, of the Bellevue City Code, Continued on October 25, 2021, to the date certain of November 22, 2021: Note that Ordinance Number has been updated: Diane Shay, Community Development Director. Johnson motioned to suspend the reading of Ordinance 2021-13 as presented that allows for public buildings, churches, and public facilities on three (3) different days and have the title of the proposed ordinance read once prior to adoption. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- no, Brown- yes, Cappel- no, Johnson- yes. Motion failed.

Johnson motioned to read Ordinance 2021-13 for the first time by title. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- no, Johnson- yes. Motion passed. Burns read the title of the proposed ordinance for the first (1<sup>st</sup>) time:

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; 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; 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; AMENDING TITLE 10, CHAPTER 16, LARGE SCALE DEVELOPMENT CONDITIONAL USE PERMIT BY DELETING CHAPTER 16 IN IT'S 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.

Johnson motioned to continue on the record the second (2<sup>nd</sup>) reading of Ordinance 2021-13 to December 13, 2021. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

7. Consideration and passage of the Summary of Bellevue Ordinance #2021-13: Rick Allington, Bellevue City Attorney, Continued on October 25, 2021, to the date certain of November 22, 2021: Note that Ordinance Number has been updated: Rick Allington, Bellevue City Attorney. Johnson motioned to continue on the record the second (2) reading Ordinance 2021-13 to December 13, 2021. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- yes, Brown- yes, Cappel- yes, Johnson- yes. Motion passed.

#### NEW BUSINESS

8. COVID19- Council Discussion and Potential Added Actions Needed with Current Risk Levels and Trends. Ned Burns, Mayor. Burns gave a brief update noting that local trends are on a positive trajectory and that Idaho is out of crisis of care limitations. The Council discussed whether the mask mandate should stay in effect over the Thanksgiving Holiday. Johnson motioned to immediately rescind the current mask order. Brown seconded. Roll call vote results: Mahoney- yes, Goldman- no, Brown- yes, Cappel- no, Johnson- yes. Motion passed.
9. Adjournment. Brown motioned to adjourn. Johnson seconded. All in favor. The motion passed and the meeting adjourned at 8:57 p.m.



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Ned Burns, Mayor



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Marian Edwards, City Clerk/Treasurer