



NOTICE OF PUBLIC MEETING
Monday, March 7, 2022
City Council Chambers
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), seating in the Council Chambers may be limited. All seating is available on a first-come, first-serve basis. The public also may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.

This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor and Council:

- Acceptance and/or Receipt of Minutes
Action Desired: To receive recommendations from the Planning and Zoning Commission (5)
- Calendars, Announcements, Reports, and Updates (10)
- Liaison Reports and Councilmember Concerns (10)

Municipal Services and Parks and Recreation:

- Update: Aquatic Center Dehumidification Project (20)
Action Desired: To approve a cash transfer from the General Fund to the Recreation Fund (or take other action deemed appropriate)

Public Works:

- Update: Greater Idaho Falls Transit (GIFT) (15)

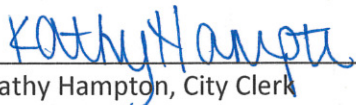
Office of the Attorney, with other departments:

- Discussion: Noise Ordinance Introduction (20)

Mayor and Council:

- Legislative Update (15)

DATED this 4th day of March 2022



Kathy Hampton, City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: March 2, 2022

RE: March 1, 2022, Planning Commission Action

Planning Commission took the following action during the March 1, 2022, meeting.

1. **ANNX22-001: Annexation/Initial Zoning. 1.001 acres, NW ¼ of Section 16, Township 2 North, Range 38 East. Generally located north of Bentley Way, east of N Woodruff Ave., south of Lincoln Rd., west of N 25th E.** On March 1, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the annexation and initial zoning of LC to the Mayor and City Council as presented.
2. **RZON22-004: Amendment of the Comprehensive Zoning Ordinance Tables 11-2-1, 11-2-2 and 11-2-3, amending the uses allowed in residential, commercial, and industrial zones.** On March 1, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).



**PARKS & RECREATION
SHADE TREE COMMITTEE MINUTES
Tuesday, January 25, 2022
Web Ex Meeting
12:00 P.M.**

Members in Attendance:

Matt Hill, Gerry Bates, Rich Potter, Jon Russell, Lee Washburn, Ronnie Campbell, Kim Johnson, Brian Stevens, Hollie Pettingill, Randy Westergard, John Radford, Sam Ellsworth, David Vest, and Terrie Safford

Call To Order – Matt Hill

Matt Hill called the meeting to order at 12:03 pm.

CITY REPORT

- New Shade Tree Committee members are David Vest and Sam Ellsworth. Reappointed Matt Hill and Kim Johnson.

APPROVAL OF MINUTES

- Kim Johnson moved to approve March, April, May, September, and October 2021 minutes and Gerry Bates seconded. All in favor.

CURRENT CITY FORESTRY STATUS

- Tree Safety Protection Plan - Lee Washburn is still working on the need for a tree protection plan when construction projects are being done on City of Idaho Falls property. He will send it out for review before the next few meetings and before it goes to council. Gerry said it is good to have one for every project we do because trees are being removed without the approval of the Shade Tree Committee. John Radford suggested we have an engineer from Public Works come to our meetings. He will talk to Chris about it and get back to us. Contractors need to comply with the Tree Protection Plan and if tree damage accrues there needs to be penalties for those actions.
- Winter Work Plan - Horticulture and Forestry is doing tree trimming on Sunnyside, Poitevin Park, Riverwalk, and Tautphaus. Snow removal as needed and cuttings in the greenhouse for the topiaries to which the Ram and Doe topiaries are being redone this year. The ordering of plugs, seeds, plastics and chemicals are being placed. There were 3 trees hit on Riverside Parkway in the last couple of weeks, we have removed them.

- Heritage Park Design and Tree Selection - It will be mostly native trees and shrubs and not a lot of turf like most parks, it will have a creek running through it. Lee would like the committee to help with the selection of the trees for the park. John Radford asked what trees are there now? Lee says there are invasive trees and plants like Russian Olive and seedlings from Elms that blew in and many will be removed. Heritage Park plans will be brought to a meeting with a list of trees and plants that Lee and Jon have been working on. Sam Ellsworth said he has started a list of native trees and plants he will bring.
- Arbor Day 2022 – Would like to do a spring Arbor Day at Reinhart Park again this year because there are more trees that need to be removed and replaced. We set a tentative date for May 10th or 13th and Gerry Bates will be available at that time. We will start looking for a school to help with this. We will nail down all the details for the next meeting in February.

Announcements/Adjournment

- Gerry Bates announced that Jon Russell completed the ISA Arborist license. Congratulations Jon!
- Kim Johnson motioned adjournment and Rich Potter seconded. All in favor.

Next meeting will be February 22, 2022

Meeting recorded by Terrie Safford

Idaho Falls Downtown Development Board Meeting held February 1, 2022 at 9:00am in the Arts Council conference room. Those in attendance: Jake Durtschi, Jill Hansen, Kevin Cutler, Brandi Newton, Tasha Taylor, Kasi Nelson, Antonio Meza, Chip Langerak, Shanon Taylor, Emily Fitzpatrick, Kevin Josephson, Steve Fischbach, Anas Almassrahy. Staff – Catherine Smith, Mala Lyon and Juan Hernandez guest - Katie Fitz – Post Register

Minutes of the January 11, 2022 meeting reviewed Kevin Cutler motioned to accept, Jill Hansen seconded; board approved.

Financial report – Brandi – we had budgeted income from Winterbrew which was canceled; snow removal expenses are still high; but the budget is still in good shape. Brandi motioned to accept; Tasha Taylor seconded; board approved.

Catherine is leaving as the IFDDC executive director to pursue other opportunities. A search committee has been formed which will include Brandi, Kevin Cutler, Kasi and Jake. Jake suggested we contract with BBSI in our search for a new director for \$3,500. They will help create a job description and they have experienced recruiters that utilize the latest methods and candidate screening techniques to identify the most qualified people. Brandi motioned that we contract with them; Antonio seconded, and board approved. Catherine has agreed to come in for a few hours every Friday to keep things going and to train the new person.

Catherine – Valentine’s Day Bingo event – this was suggested by the owners of Winnie & Mo. People will pick up a bingo card from them and go to different businesses and complete what is on the card, then return the card to Winnie & Mo to be entered into a drawing for a downtown gift certificate. We had started to plan our St Paddy’s Day event and wanted to have it on the Broadway Plaza, but the city denied our application, as they are concerned about having a large group of people in the plaza over the parking garage. Jill said she would reach out to the Oppenheimer’s to get engineering info that can be given to the city to resolve their concerns. The plaza was built to be a gathering place for events.

Construction 2022 -

The intersection of Broadway and Yellowstone will be redone this summer. We are hearing that traffic will be rerouted around that area, but in a meeting yesterday it was said they will keep one lane of traffic open. We do not have a timeline for this yet.

Park Avenue water mainline replacement – will begin in March starting at the A Street and Park intersection. Once that is finished, they will move on to the Park Avenue and Broadway intersection. The project is to take 12 weeks.

Water tower – will be placed in the southeast corner of the library parking lot. During construction the south half of the parking lot will be blocked off for the construction site. In a meeting yesterday I suggested that they start getting signs and info out now about where other parking options are.

Education works if you can get it out to the community. There is an overflow parking lot on Cliff Street and rows of all-day parking east of the library behind Chesbro. This lot is used by downtown employees like Chesbro that has 60+ employees. It was suggested in this meeting that lot be turned into a two hour lot, but we strongly disagreed with that idea. We have parking it just needs to be utilized better. The parking lots on the east side of Yellowstone by the railroad tracks are underused and the one furthest south is empty. But no one feels safe crossing the Yellowstone Highway. Chip said he timed that walk from the Yellowstone lots and it is 6 minutes. The intersections on Broadway are not safe. Recently an employee of the Villa was hit while crossing. The Celt has also had employees hit by cars.

Things can be taken care of once you find the right person to talk to. We had lamp pole lights out by the Villa and after talking to several different departments connected with I.F. Power thru their Facebook page and got them fixed. Kasi asked if anyone on the city council works downtown or owns a building as that experience can be helpful as decisions are made.

Board of Director elections will be held in April. The executive committee serves for two years. We will email a current list of our board and you will see the term limit info. Official nominations will be accepted at our March board meeting.

The board expressed a sincere thank you to Catherine for all her work and achievements over the past 5 years. The downtown has grown and improved under her guidance. It has not been an easy task for her, but she did an excellent job and will be missed.

Adjourned at 9:45am The next board meeting will be held March 1, 2022

Respectfully submitted

Jill Hansen, secretary and Mala Lyon

Legal: Noise Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 4 BY ADDING SECTION 9 PROHIBITING NUISANCE NOISES AND AMENDING CITY CODE SECTION 8-7-1 TO REGULATE THE TIME, PLACE, AND MANNER OF NOISE GENERATED BY A VARIETY OF ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City is an attractive destination for both visitors and inhabitants; and

WHEREAS, part of what makes the City particularly attractive is the beauty, peace, and quiet of its environs; and

WHEREAS, the Council wishes to encourage the peaceable enjoyment of the City, its amenities, neighborhoods, and open spaces; and

WHEREAS, in order to facilitate the wide variety of activities within the City, while promoting mutual respect, the City wishes to establish general noise regulations; and

WHEREAS, such regulations balance fairly the sometimes competing activities within City limits and establish expectations regarding the amount and timing of noise expected by the community during certain hours and within certain areas within City limits; and

WHEREAS, these regulations reflect community standards and are an exercise of health, safety, and welfare police powers granted to the City by the Idaho Constitution, the Idaho Code, and the City's charter; and

WHEREAS, the Council hereby declares certain noise to be a general public nuisance as set out in this Ordinance; and

WHEREAS, the Council also amends the current construction hours to be consistent with the Code language adding for nuisance noises.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 5, Chapter 4, Section 9, of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

5-4-9 NUISANCE NOISE.

A. Purpose. Plainly audible noise which due to its volume, its duration, or its location disturbs, injures or endangers the comfort, repose, health, peace, or safety of persons who are not voluntary listeners, is hereby declared to be excessive and harmful to the welfare of the occupants in the City and; therefore, a public nuisance. Further, sounds coming from inside a vehicle louder than necessary for the hearing of persons within the vehicle, are deemed excessive and; therefore, a public nuisance.

B. Definitions.

Construction. Any site preparation, assembly, erection, repair, alteration, or similar action, including demolition of buildings or structures.

Demolition. Any dismantling, destruction, or removal of buildings, structures, or roadways.

Emergency Work and Public Works Activities. Any work or action necessary to deliver essential public services including, but not limited to, constructing or repairing water, gas, electricity, broadband fiber, telephone, sewer facilities, or transportation facilities, removing fallen trees on public rights-of-way, sanitation, plowing snow, tree trimming and removal, dredging navigational waterways, or abating life-threatening conditions.

Plainly Audible. Any sound that can be detected by a person using unaided hearing faculties. For example, if a sound source is a portable or personal vehicular sound amplification or reproduction device, the rhythmic bass component of the music is sufficient to be considered plainly audible even if the title of music, words, or artist is not distinct or identifiable.

Vehicle. A conveyance that is propelled other than by human or animal power on land.

C. Noise Prohibited. No person shall make, continue, or cause to be made, or allow to be made on any premises or any public place or public right-of-way in the City, from any radio, cd/dvd/mp3 player, portable computer, smartphone, tablet, computer, tape player, television, musical instrument, music streaming service, phonograph, sound amplifier, or similar sound emitting devices, any excessive, loud, unnecessary, or unusual Plainly Audible noise. Specifically prohibited is the playing, using, operating, or permitting to be played, used, or operated, any device for playing, producing, or reproducing Plainly Audible sound at a louder volume than is necessary for the hearing of persons who are voluntary listeners on the premises or in the building, room, or chamber in which the sound is being played, produced, or reproduced.

D. Excessive Vehicular Noise Prohibited. No person shall use, operate, or permit to be used, played, attached, installed, or operated, radios, cd/dvd/mp3 players, portable computer, smartphones, tablets, computers, tape players, phonography, vehicle stereo systems, televisions, glasspack mufflers, loud tailpipes, and similar amplified or unamplified sound emitting devices, modifications, or apparatuses in or on a motor vehicle loudly enough to disturb the peace, quiet or comfort of persons who are involuntarily subjected to the Plainly Audible sound other than persons on the same premises, or within ten feet (10') of the vehicle from which the sound is

emitted; provided; however, that emergency vehicles and persons engaged in lawful parades including sirens, exhaust, music, loud speakers, and associated noises shall be exempt from the provisions of this Subsection for the duration of the activity.

E. Quiet Hours. No person shall shoot off fireworks or allow fireworks to be shot off or engage in or allow prolonged shouting, yelling, hooting, whistling, singing, or playing of musical instruments loud enough to disturb the peace, quiet and comfort of persons who are involuntarily subjected to such noise between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. local time; provided, however, that persons engaged in school-related or sports-related activities shall be exempt from the provisions of this Subsection for the duration of the activity.

F. Construction Noise. No person shall engage in construction, repair, or demolition of buildings, streets, poles, etc., including site excavation and grading, between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. local time except for Emergency Work and Public Works Activities, as defined in this Chapter, or in case of urgent necessity in the interest of public health and safety and with the permission of the Director of the Public Works Department.

G. Lawn and Woodcutting Noise. No person shall engage in the use of chain saws and/or other woodcutting equipment, or gasoline or electric powered lawn care equipment between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. local time in any residential zone.

H. Exceptions:

1. The prohibitions in this Section shall not apply to the following:
 - a. A government agency or persons acting within the course and scope of such government agency's lawful functions;
 - b. Work or activities specifically authorized by the Director of the Public Works Department, such as night construction, etc.
 - c. The brief celebratory noisemaking at twelve o'clock (12:00) midnight local time on New Year's Eve.
 - d. Celebratory lighting of fireworks on the third, fourth, and fifth of July between eight o'clock (8:00) p.m. and midnight local time.
 - e. During an event permitted by the Director of Parks and Recreation.
 - f. Activities and events authorized by an educational institution regulated by the Idaho State Board of Education.
 - g. Operation of trains and airplanes.

I. Penalty: A person who violates any provision of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine.

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 3. Codification Clause. The Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2022.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, Ph.D., MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 5, CHAPTER 4 BY ADDING SECTION 9 PROHIBITING NUISANCE NOISES AND AMENDING CITY CODE SECTION 8-7-1 TO REGULATE THE TIME, PLACE, AND MANNER OF NOISE GENERATED BY A VARIETY OF ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK