

January 25, 2018

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, January 25, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember John Radford
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Casper invited Cole Zitzman, an eighth-grade student at Rocky Mountain Middle School and Boy Scout Troop 442, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda or noticed for a public hearing. No one appeared.

Consent Agenda:

Office of the Mayor requested reappointments to Brent Dixon – Planning & Zoning Commission; Renee Magee – Historic Preservation Commission; Julie Williams – Historic Preservation Commission; Graham Whipple – Historic Preservation Commission; and, Alex Creek – Board of Adjustments.

Municipal Services requested approval of Bid IF-18-K, Steel Refuse Containers for Public Works; Bid IF-18-05, Roll-off Container Tilt Frame mounted on a Cab and Chassis for Public Works; Bid Award IF-18-08, Decorative Street Light Poles and Luminaire for Idaho Falls Power; and, Bid Award IF-18-09, Padmount Transformers for Idaho Falls Power.

The City Clerk requested approval of minutes from the January 11, 2018 Council Meeting, and approval of license applications, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Regular Agenda:

Public Works

Subject: Easement Vacations – Freeway Commercial Center Divisions 1, 2 & 3

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As earlier authorized, the City Attorney has prepared the necessary documents to vacate several easements within the Freeway Commercial Center Division 1, 2 & 3. The purpose of these vacations is to eliminate overlapping State of Idaho easements along Pancheri Drive and to make better use of the property on the interior portions of the development.

To the request of Councilmember Francis, Public Works Director Chris Fredericksen confirmed there will be no change to the landscape or buffer zones as this is strictly utility easements.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the ordinance vacating Freeway Commercial Center Divisions 1, 2, & 3 under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3153

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF AN EASEMENT LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENT SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Idaho Falls Power

Subject: Permission to Contract with Premier Technology Inc. for Shaft Seal Manufacturing

In accordance with Idaho Code 67-2805, Idaho Falls Power solicited quotes for shaft seal manufacturing from seven companies. Two contractors submitted quotes. Premier Technology Inc.'s quote for \$67,728 was the low quote. Idaho Falls Power budgeted \$70,000 in the FY17/18 budget for the work.

Councilmember Radford noted this spare shaft seal will replace the shaft seal used during the recent sedimentation removal.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to authorize a contract with Premier Technology Inc. in the amount of \$67,728. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Community Development Services

Subject: Public Hearing – Conditional Use Permit for 12 Single-Unit Attached Homes in an R-1 Zone, Carriagegate Division No. 6

For consideration is the application for a Conditional Use Permit (CUP) for 12 single-unit attached homes in an R-1 Zone, Carriagegate Division No. 6. The Planning and Zoning Commission considered this application at its December 5, 2017 meeting and recommended approval by unanimous vote of the CUP and a request to reduce the front yard setback from 30 feet to 20 feet. Staff concurs with this recommendation.

Mayor Casper briefly explained the public hearing process. She opened the public hearing and ordered all items presented be entered into the record.

Community Development Services Director Brad Cramer appeared with the following:

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- Slide 1 – Property under consideration in current zone
- Slide 2 – Aerial photo of property under consideration
- Slide 3 – Additional aerial photo of property under consideration
- Slide 4 – Site Plan

Director Cramer stated the site plans have been reviewed and comply with the zoning ordinance.

- Slide 5 – Rendering of homes previous built by developer
- Slide 6 – Photo looking southwest from northeast corner
- Slide 7 – Photo looking west from northeast corner

Director Cramer stated all CUP applications must meet the required criteria. However, the Local Land Use Planning Act (LLUPA) Statute was revised to allow variations to the standards through a CUP hearing. He noted the previously requested variance to reduce the front yard is due to the garage being located through the alley on the back side of the building. This application meets all remaining criteria of the ordinance and is consistent with policies of the Comprehensive Plan.

To the request of Councilmember Hally, Community Development Services Assistant Director Kerry Beutler identified the retention pond. Director Cramer noted he is unfamiliar with plans for the retention pond.

Mayor Casper requested any public comments. No one appeared. Mayor Casper closed the public hearing.

Councilmember Smede believes this is an innovative approach to new development. She reiterated the variance and believes it fits well within the neighborhood.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Conditional Use Permit for 12 single-unit attached homes in Carriagate Division No. 6. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Conditional Use Permit for 12 single-unit attached homes in Carriagate Division No. 6, and give authorization for the Mayor to execute the necessary documents.

To the request of Mayor Casper, Mr. Fife reviewed the Reasoned Statement of Relevant Criteria and Standards process, which follows the LLUPA requirement. He noted approval of the Reasoned Statement of Relevant Criteria and Standards supports the decision made by fact-finding.

Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing – Rezoning from R-3A to C-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 1, Block 1, 17th Street Medical Plaza

For consideration is the application for Rezoning from R-3A to C-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 1, Block 1, 17th Street Medical Plaza. The Planning and Zoning Commission considered this application at its December 5, 2017 meeting and recommended approval by a 4-1 vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer briefly reviewed the rezoning process and requirements, stating the rezone is not to consider the specific use requested by the applicant. He also reviewed the following:

- Slide 1 – Property under consideration in current zone
- Slide 2 – Future Land Use Map of the Comprehensive Plan
- Slide 3 – Aerial photo of property under consideration
- Slide 4 – Additional aerial photo of property under consideration

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Slide 5 – Photo looking southeast from northwest corner

Slide 6 – Photo looking northeast from southwest corner

Slide 7 – Photo looking north from south

Director Cramer noted the dissenting vote from the Planning and Zoning Commission member was due to concern with regard to introducing commercial uses into the area. He indicated the zone change was requested to allow construction. Director Cramer reviewed landscape requirements as well as cross access agreements.

Mayor Casper requested any public comment.

Jeff Freiberg, Idaho Falls, appeared. He confirmed the two (2) cross access points would be from Hoopes Avenue and from 17th Street through a parking lot.

Mayor Casper closed the public hearing.

Councilmember Smede indicated public comments were received with only one (1) concern from a medical practitioner regarding the safety of the parking lot. This rezone would be similar to other employment centers, including medical offices. She believes the rezone would fit well within the Comprehensive Plan.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance rezoning Lot 1, Block 1, 17th Street Medical Plaza from R-3A to C-1, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3154

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE REZONING OF LOT 1, BLOCK 1, 17TH STREET MEDICAL PLAZA DIVISION NO. 1 AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R-3A ZONE TO C-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezone of Lot 1, Block 1, 17th Street Medical Plaza from R-3A to C-1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: Public Hearing – Annexation and Initial Zoning of R-2A, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 6.845 acres, NE1/4, Section 23, T 2N, R 37E

For consideration is the application for Annexation and Initial Zoning of R-2A, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 6.845 acres, NE1/4, Section 23, T 2N, R 37E. The Planning and Zoning Commission considered this application at its December 5, 2017 meeting and recommended approval by a 4-1 vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing. She noted that Director Cramer resides within the impact zone, therefore Assistant Director Beutler will be presenting this item. Mayor Casper ordered all items presented be entered into the record.

Assistant Director Beutler appeared with the following:

Slide 1 – Property under consideration in current zone

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Slide 2 – Future Land Use Map of the Comprehensive Plan

Assistant Director Beutler indicated the long-term approach would have higher-density residential uses.

Slide 3 – Aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration, currently vacant and undeveloped

Assistant Director Beutler indicated this is a Category A annexation.

Slide 5 – Photo looking southeast from northwest corner

Assistant Director Beutler indicated annexation and proposed development will include curb, gutter, and sidewalk improvements.

Slide 6 – Photo looking northeast from southwest corner

Slide 7 – Photo looking northwest from southeast corner

Slide 8 – Photo looking west at south edge

Assistant Director Beutler briefly reviewed the R2 and R2-A zoning uses, setbacks, and density requirements. Brief discussion followed regarding County property located within City boundaries as well as Initial Zoning.

Mayor Casper requested any public comment.

Blake Jolley, Connect Engineering, appeared. He indicated a neighborhood meeting was not held pending staff review, although a neighborhood meeting will be scheduled in the near future. He noted these meetings are held to address any concerns. He indicated the R2-A zone was preferred to allow six-plex units.

Brad Cramer, Idaho Falls, appeared. Mr. Cramer stated he cares about his neighborhood as well as his neighbors. He believes the neighborhood is a convenient neighborhood and he is anxious for the development of sidewalks along the roadway. He is in favor of the annexation and believes housetops may provide the opportunity for more businesses to succeed. Mr. Cramer noted a neighborhood meeting was recently held at his residence and density appeared to be a concern from the neighbors. He noted, as a staff member, he has had no conversation with the applicant.

Mayor Casper closed the public hearing.

Councilmember Smede believes Idaho Falls is known for rigorous housing standards and noted that Idaho has been recognized as the fastest growing State. She supports this annexation and believes the traffic will not disrupt the neighborhood. She also believes this will fit the Comprehensive Plan and the R2-A will fit within the neighborhood. Councilmember Radford noted Idaho Falls is one of the fastest growing cities within the State and affordable housing can be an issue. He also believes in the convenience surrounding the neighborhood. He believes the sidewalk in close proximity needs to be addressed.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing 6.845 acres, NE1/4, Section 23, T 2N, R 37E, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3155

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 6.845 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for 6.845 acres, NE1/4, Section 23, T 2N, R 37E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance assigning a Comprehensive Plan Designation of Higher Density and establishing the initial zoning for 6.845 acres, NE1/4, Section 23, T 2N, R 37E as R-2A (Residence Zone), under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary, that the Comprehensive Plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning, and amendment to the Comprehensive Plan on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3156

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 6.845 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R-2A ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning as R-2A for 6.845 acres, NE1/4, Section 23, T 2N, R 37E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Freeman, to adjourn the meeting at 8:45 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR