

March 8, 2018

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 8, 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 Jim Freeman
- Councilmember John Radford (by telephone)
- Councilmember Shelly Smede
- Councilmember Michelle Ziel-Dingman

Also present:

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

Pledge of Allegiance:

Mayor Casper invited Ethan Campbell, a student at Eagle Rock Middle School and Boy Scout Troop #337, to lead those present in the Pledge of Allegiance. Mayor Casper noted Ethan is a grandson of former Mayor Tom Campbell.

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:

Municipal Services requested approval of Bid IF-18-06, Replacement Salt/Sander Trucks for Public Works; Bid IF-18-04, Replacement Side Load Refuse Container Trucks for Public Works; and, Information Technology Annual Network Storage and License Plan Purchases.

The City Clerk requested approval of minutes from the February 20, 2018 Council Work Session and Executive Session, and February 22, 2018 Council Meeting; and, license applications, all carrying the required approvals

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

Regular Agenda:

Public Works

Subject: Local Highway Technical Assistance Council Agreement for Children Pedestrian and Safety Program Grant

For consideration is an agreement with the Local Highway Technical Assistance Council (LHTAC) for the use of grant funds to construct sidewalk improvements along Riverside Drive, Science Center Drive and Anderson Street.

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These improvements are intended to provide better non-motorized access to the river walkway and Bush Elementary. The proposed grant is for \$240,000.

Councilmember Francis stated this connection is part of the community connectivity. This project is at no cost to the City and is estimated to be completed by summer 2018.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to accept or approve the Local Highway Technical Assistance Council Agreement and authorize the Mayor and City Clerk to execute the necessary documents to implement this agreement. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Right-of-Way Vacation – Briggs Street

As earlier authorized, the City Attorney has prepared the attached documents to vacate a public street known as Briggs Street, described as Lots 1-18 and Lots 29-46, Block 8 of the Mayflower Addition. The purpose of the vacation is to accommodate a proposed building remodel.

Councilmember Freeman stated this property is located between BMC and Wackerli and is currently a dead end street. He indicated Wackerli will be expanding their business.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Ordinance vacating a portion of a public street known as Briggs Street, described as Lots 1-18 and Lots 29-46, Block 8 of the Mayflower Addition, 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 Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3159

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A PORTION OF A PUBLIC STREET LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED STREET SHALL VEST AS SPECIFIED IN SECTION 2 OF THIS ORDINANCE; RESERVING TO THE CITY A PUBLIC UTILITY AND EMERGENCY ACCESS EASEMENT AS DESCRIBED 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.

Subject: Easement Vacation – Mountain View Hospital

As earlier authorized, the City Attorney has prepared the attached documents to vacate a utility easement on Lot 4 Block 5, First Amended Plat of Channing Way Addition, Division No. 5 owned by MPT Hospital, LLC. MPT is deeding a new replacement utility easement in an alternate location on the property.

Councilmember Freeman stated Mountain View Hospital will be expanding their business.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Ordinance vacating a utility easement on Lot 4 Block 5, First Amended Plat of Channing Way Addition, Division No. 5, 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 Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3160

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.

Mr. Fife stated the ordinance title contained an error and should read ‘Section 2’ instead of ‘Section 3’. There was consensus of the Council to allow the City Clerk to make the necessary change.

Parks and Recreation

Subject: Rodeo Producer Agreement Mo Betta Rodeo

The Parks and Recreation Department respectfully requests authorization to enter into an agreement with Mo Betta Rodeo, Inc. in the amount of \$82,050.00 plus lodging for five (5) nights for the rodeo production crew members. This contract has a one (1) year term.

Councilmember Dingman stated the War Bonnet Roundup Rodeo will be held in August. The City is entering its 108th year of the rodeo. The agreement amount is approximately 30% of the total rodeo budget. Councilmember Dingman reviewed the minor changes included with the partnership agreement. She noted a typo on Page 2, Section 3, within the agreement.

It was moved by Councilmember Dingman, seconded by Councilmember Smede, to approve the agreement with Mo Betta Rodeo, Inc., changing Section 2, Item 3, to read Three Hundred Dollars, in the amount of \$82,050.00 plus lodging, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman, Hally. Nay – none. Motion carried.

Subject: Idaho Falls Zoo Concession Agreement

For consideration is the Idaho Falls Zoo Concession Agreement with MLC Taylor Services, LLC. This food and beverage concession agreement has a one (1) year term.

Councilmember Dingman stated the long-time zoo concessionaire has retired. MLC Taylor is the concessionaire for the three (3) City golf courses. She noted a vending option is included in the agreement. She also noted a change on Page 6, Section 10, which should read ‘Zoo’ instead of ‘Golf’.

It was moved by Councilmember Dingman, seconded by Councilmember Smede, to approve the Idaho Falls Zoo Concession agreement with the change in Section 10, Page 6 to change the word from Golf to Zoo, with MLC Taylor Services, LLC, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Idaho Falls Power

Subject: Approve Granting an Easement to Rocky Mountain Power

For consideration is a proposed easement to Rocky Mountain Power for an overhead power line crossing city property in the vicinity to serve the Verizon tower located on property adjacent to city property near the Upper Power Plant.

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Councilmember Hally stated Verizon received approval from Bonneville County to construct the tower. It was then determined the City owned the road, not the County.

It was moved by Councilmember Hally, seconded by Councilmember Freeman, to grant the easement to Rocky Mountain Power and authorize the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: Resolution Amending the Idaho Falls Power Service Policy

For consideration is a resolution adopting modifications to the Idaho Falls Power Service Policy. The revisions incorporate language related to conduit installation requirements, changes to primary and secondary conduit locations, and clarification of requirements for residential service upgrades.

Councilmember Hally stated this item was discussed at the March 8 Idaho Falls Power (IFP) Board Meeting. He noted IFP does not intend to provide commercial services to residential areas.

It was moved by Councilmember Hally, seconded by Councilmember Dingman, to approve the Resolution adopting modifications to the Idaho Falls Power Service Policy, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

RESOLUTION NO. 2018-03

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE IDAHO FALLS POWER SERVICE POLICY (2018) AS MODIFIED, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Community Development Services

Subject: Public Hearing - Annexation and Initial Zoning of R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Brookside Divisions No. 5 and 6

For consideration is the application for annexation and initial zoning of R1, Annexation and Zoning Ordinances and Reasoned Statements of Relevant Criteria and Standards for Brookside Divisions 5 and 6. The Planning and Zoning Commission considered this item at its February 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing.

Community Development Services Assistant Director Kerry Beutler appeared with the following:

Slide 1 – Property under consideration in current zoning location

Slide 2 – Comprehensive Plan of the Future Land Use Map

Slide 3 – Aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration

Slide 5 – Photo looking southwest from Revere Drive

Slide 6 – Photo looking north from end of Sutter Lane

Assistant Director Beutler stated this property is currently undeveloped and vacant.

Mayor Casper ordered all items and information be entered into the record.

Mayor Casper requested any public comment.

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Daryl Kofoed, Idaho Falls, appeared. Mr. Kofoed reiterated Assistant Director Beutler's statements. He indicated there is infill of the similar type housing on both sides of the property. He also indicated there is collaboration between the two developers.

Mayor Casper closed the public hearing.

Councilmember Smede referred to a recent newspaper article indicating housing is low in the community. She believes the opportunity to annex this number of acres is a good opportunity. Councilmember Smede believes this item fits well in the Comprehensive Plan and is a nice connection between the current existing neighborhoods. She indicated the area is located within the Area of Impact. Mr. Fife clarified Councilmember Smede's comments regarding the newspaper article are only related to annexation and not applied to the proposed zoning.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing Brookside Divisions 5 and 6, 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 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. 3161

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 27.125 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for Brookside Divisions 5 and 6, 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance assigning a Comprehensive Plan Designation of Low Density and establishing the initial zoning for Brookside Divisions 5 and 6 as R1 (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 Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3162

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 27.125 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R-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 Initial Zoning as R1 for Brookside Divisions 5 and 6, and give

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authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing - Rezoning from R-1 to R-2A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 1, Block 1, Bonneville County Fire Protection District Division 1

For consideration is the application for a Rezoning from R-1 to R-2A and Reasoned Statement of Relevant Criteria and Standards for Lot 1, Block 1, Bonneville County Fire Protection District Division 1. The Planning and Zoning Commission considered this item at its February 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

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

Assistant Director Beutler presented the following:

Slide 1 – Property under consideration in current zoning location

Assistant Director Beutler stated this property was annexed into the City in 1971 although the property has remained undeveloped and vacant. He noted the adjacent property and stated both properties are under the same ownership. The owner of the property has requested the rezone to allow development under the same zoning designation.

Slide 2 – Aerial photo of property under consideration

Slide 3 – Additional aerial photo of property under consideration

Slide 4 – Comprehensive Plan of the Future Land Use Map

Slide 5 – Photo of site at corner of Skyline and Carmel Drives

To Mayor Casper's response, Assistant Director Beutler stated the Bonneville County Fire Protection District Division 1 was the title of the subdivision plat at the original time of platting.

Mayor Casper requested any public comment.

Barry Bame, Connect Engineering, appeared. Mr. Bame had no additional comments.

Councilmember Smede indicated this property is less than 1/3 acre. She reiterated the adjacent property was recently annexed into the City with the same property ownership intended for same use standards. She stated there were two (2) Planning and Zoning Commission public hearings due to concerns of the neighbors and the potential increase of traffic. She noted this particular area will be zoned R-2A and located next to arterial and connector streets.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance rezoning Lot 1, Block 1, Bonneville County Fire Protection District Division 1 from R-1 to R-2A, 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 Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3163

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, BONNEVILLE COUNTY FIRE PROTECTION DISTRICT DIVISION 1 AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R-1 ZONE TO R-2A ZONE; 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 rezone of Lot 1, Block 1, Bonneville County Fire Protection District Division 1 from R-1 to R-2A, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

There being no further business, the meeting adjourned at 8:12 p.m.

s/ Kathy Hampton _____
CITY CLERK

s/ Rebecca L. Noah Casper _____
MAYOR