

**March 14, 2019**

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, March 14, 2019, 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:

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

**Pledge of Allegiance:**

Mayor Casper requested Kamryn Roos, a 5<sup>th</sup> grade student at Rimrock Elementary, accompanied by her father, Josh Roos, City Treasurer, to lead those present in the Pledge of Allegiance.

**Public Comment:**

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter. No one appeared.

**Consent Agenda:**

Municipal Services requested approval of Treasurer's Report for the month of January, 2019; Bid IF-19-17, Six Replacement Mowers for Parks and Recreation Department; and, Bid IF-19-19, Replacement Patch Truck for Public Works.

Public Works requested approval of Bid Award – Park Avenue and D Street Water Line; Bid Award – 49th South Water Line from S 15th East to 1900 49th South; and, Bid Award – Elva Street Sidewalk, N Holmes Avenue to Wabash Avenue (Site Prep).

The City Clerk requested approval of Expenditure Summary for the month of February, 2019; minutes from the February 28, 2019 Council Meeting; and, license applications, all carrying the required approvals.

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

**Regular Agenda:**

**Idaho Falls Power**

**Subject: Approve Relicensing Professional Services Consultant Recommendation**

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In November 2018, Idaho Falls Power (IFP) advertised a Request for Qualifications (RFQ) for consultants to aid in the development of a relicensing plan for the hydroelectric projects. IFP received five submittals from qualified firms and through an evaluation/selection process by a panel of IFP staff, Kleinschmidt was selected as the most qualified to develop a plan within the scope of the RFQ. Kleinschmidt's proposal for consulting services is a not-to-exceed amount of \$70,000.

Councilmember Hally stated the City turbines, located in the Snake River, must be relicensed by the Federal Energy Regulatory Commission (FERC). The relicensing ensures the turbines are operating at the benefit of the ratepayers and is for the protection of the environment. Councilmember Hally briefly reviewed the RFQ process. He stated this item has been reviewed in a previous IFP Board Meeting.

It was moved by Councilmember Hally, seconded by Councilmember Radford, to approve the Professional Services Agreement with Kleinschmidt, 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.

### **Municipal Services**

#### **Subject: Bid IF-19-20, Motor Fuels and Lubricants for City Vehicles and Equipment**

It is the recommendation of the Municipal Services Department to accept the lowest responsive, responsible bid from Lynch Oil, Inc. of Burley, Idaho to provide motor oil in the amount of \$28,858.96 and the lowest responsive, responsible bid from Conrad and Bischoff for the fuel dispensing system and the fuel station in the amount of \$12,401.80.

To the request of Councilmember Francis, Municipal Services Director Pamela Alexander clarified the bid is renewed annually. She stated there are three (3) sections to the bid and when the bid opening occurred various vendors had suggestions of cost efficiencies. Due to these suggestions, the General Services Administrator held a re-bid for one of the specific sections.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the lowest responsive, responsible bid from Lynch Oil, Inc. of Burley, Idaho to provide motor oil, and the lowest responsive, responsible bid from Conrad and Bischoff for the fuel dispensing system and the fuel. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

### **Public Works**

#### **Subject: Local Highway Technical Assistance Council (LHTAC)/Local Agreement for Science Center Drive, Jefferson to N Boulevard Project**

For consideration is an agreement with the LHTAC for a 2019 Local Strategic Initiatives grant covering design and construction costs of the Science Center Drive; Jefferson Avenue to N Boulevard project. The amount of the grant is \$849,000.00 and no local financial match is required.

Councilmember Freeman stated this stretch of road is one of the most rutted roads in the City. He stated this project also includes paving sections of various other roads that have never been paved in the past.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Local Highway Technical Assistance Council Agreement for a 2019 Local Strategic Initiatives Program, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

### **Community Development Services**

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**Subject: Annexation and Initial Zoning of I&M with T-2 Overlay, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E**

For consideration is the application for Annexation and Initial Zoning of I&M with T-2 Overlay, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E. The Planning and Zoning Commission considered this item at its January 8, 2019, meeting and recommended approval by unanimous vote (or other vote). Staff concurs with this recommendation.

Councilmember Smede stated the area is currently undeveloped and has no street frontage but will have future street access and future plat. She also stated the majority of the land is vacant with the exception of a Bonneville County building. She noted the T-2 Overlay currently exists on the surrounding areas. This area is located in a Higher Education area but the new code changes it to Industrial Zoning.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E, 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:

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.519 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 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Higher Education Centers and to approve the ordinance establishing the initial zoning for 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E as I&M Zone with the T-2 Overlay, 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 City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning Office. 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:

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.519 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS I&M ZONE WITH THE T-2 OVERLAY 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 of I&M Zone with the T-2 Overlay, for 1.519 Acres SW Corner, NE 1/4, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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**Public Hearing – Ordinance adopting changes to Title 11, Chapter 6 of the Comprehensive Zoning Code**

For consideration is an ordinance amending Title 11, Chapter 6 of the Idaho Falls Comprehensive Zoning Code. The changes shift responsibility for Conditional Use Permits from the Planning and Zoning (P&Z) Commission to the Board of Adjustment (BOA) and also adjusts the required interval between submittal of applications that have been denied from one year to six months. The Planning and Zoning Commission considered this item at its February 5, 2019 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.

Community Development Services Director Brad Cramer stated this ordinance change was discussed at the March 11, 2019 Council Work Session. He clarified an erroneous strike-through in the revised ordinance in table 11-6-1, which should remain 'PZ'. He noted the P&Z preferred to keep the reviewing authority for Planned Unit Developments, as this is more appropriate. He also noted this amendment will change the required interval between failed or denied applications to six (6) months rather than one (1) year. Mayor Casper questioned the 'ZA' included in the key, Director Cramer indicated the ZA (Zoning Administrator) is correct but was inadvertently omitted from the key table.

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

Councilmember Smede stated the BOA generally meets on a less frequent basis than P&Z Commission. This change will allow the BOA to meet more often which will assist in experience and training of those board members. Public hearings for Conditional Use Permits will not change and final approval will continue to be presented before the City Council. Councilmember Smede noted this amendment will provide efficient use of the Boards' and Commissions' time, will provide more consistent training opportunities between the two groups, and, will increase the opportunity to focus on the planning functions of the Commission.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve, with the revision specified by Director Cramer, the Ordinance amending Title 11, Chapter 6 of the Comprehensive Zoning Code 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, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6 OF THE IDAHO FALLS CITY CODE, AMENDING THE COMPREHENSIVE ZONING CODE TO DESIGNATE THE BOARD OF ADJUSTMENT AS THE INITIAL REVIEWING BOARD FOR CONDITIONAL USE PERMITS AND MODIFY THE TIMEFRAME AN APPLICANT MUST WAIT TO RESUBMIT AN APPLICATION FOLLOWING DENIAL; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Announcements and Adjournment:**

Mayor Casper invited the public to celebrate March 17, St. Patrick's Day, responsibly. Councilmember Radford stated the first fiber customer was recently connected. He stated the fiber infrastructure is important for the future. Mayor Casper indicated the success of the pilot project will determine fiber extension to the rest of the City.

There being no further business, the meeting adjourned at 7:59 p.m.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR