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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 12, 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:

Councilmember Thomas Hally
Councilmember Michelle Ziel-Dingman
Councilmember Jim Freeman
Councilmember Jim Francis
Councilmember John Radford
Councilmember Shelly Smede

Absent:

Mayor Rebecca L. Noah Casper

Also present:

Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Pro Tem Hally invited Corbin Willis, Troop 328 and eighth-grade student at Taylorview Middle School, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Pro Tem Hally 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 new appointments to Brandon Lee – Parks & Recreation Commission; Randy Elwood – Golf Advisory Board; Aaron McCracken – Shade Tree Committee; Dean Nielson – ADA Advisory Board; Stacey Barrett – ADA Advisory Board; Hailey Holland – ADA Advisory Board; Kalob Parsons – ADA Advisory Board; Kevin Pirnie – ADA Advisory Board; and, submitted official Proclamations from the preceding month.

Idaho Falls Power requested ratification of Power Confirmation Agreements; approval of BPA Customer Portal Agreement; approval of Power Engineers Agreement; and purchase of traffic cabinets from Econolite.

Municipal Services requested transfer of City property request to Roberts, Idaho Fire District; approval of Bid IF-18-13, Replacement Sander Flusher Hooklift Truck for Public Works; Bid IF-18-14, Phase I Renovation for the Idaho Falls Civic Center for the Performing Arts; Bid IF-18-16, Idaho Falls Civic Center for the Performing Arts Theater Seating; and, IF-18-N, Self-Contained Breathing Apparatus (SCBA) Compressor Replacement for the Fire Department.

Public Works requested approval of Bid Award – 25th Street Improvements; Bid Award – Riverside Drive to Iona Street Pedestrian Connection; and, Bid Award – Sewer Rehabilitation – 2018, Phase II.

The City Clerk requested approval of the Treasurer's Report for the month of February, 2018; Expenditure Summary for the month of March, 2018; minutes from the March 19, 2018 Council Work Session; March 22, 2018

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Council Meeting; and March 29, 2018 Special Meeting – Idaho Falls Power Board; and, license applications, all carrying the required approvals.

Councilmember Dingman believes the Council is anxious to see the renovations to the Civic Center for the Performing Arts facility. These renovations are partially due to the partnership with private donors. Councilmember Francis stated due to the lower dollar amount of bids received for the Sewer Rehabilitation – 2018, Phase II project, Public Works was able to double the amount of sewer rehabilitation work. He commended the Public Works Departments.

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

Regular Agenda:

Idaho Falls Power

Subject: Asset Purchase Agreement with Rocky Mountain Power for Prestwich Estates

For consideration is the Asset Purchase Agreement between the City of Idaho Falls and Rocky Mountain Power related to the Prestwich Estates Subdivision. This transfer is being completed in accordance with the Service Allocation Agreement between the two entities as approved by the City Council on September 28, 2017. The portion of the buy out to be paid by the customers (\$31,598.06) will be collected through the consumptive use surcharge.

Councilmember Dingman commended the Idaho Falls Power staff.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Asset Purchase Agreement with Rocky Mountain Power for Prestwich Estates in the amount of \$92,713 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.

Subject: Asset Purchase Agreement with Rocky Mountain Power for Jackson Hole Junction

For consideration is the Asset Purchase Agreement between the City of Idaho Falls and Rocky Mountain Power related to Jackson Hole Junction. This transfer is being completed in accordance with Service Allocation Agreement between the two entities as approved by the City Council on September 28, 2017. Jackson Hole Junction will be responsible for 50% of the transfer fee which will be collected in conjunction with the line extension fees for electric service extension into this development.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Asset Purchase Agreement with Rocky Mountain Power for Jackson Hole Junction in the amount of \$77,892 and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Public Works

Subject: Easement Vacation – Portion of Dedicated Easement located Southeast of Broadway/Old Butte Road Intersection

As earlier authorized, the City Attorney has prepared the document to vacate a portion of the public utility easement located southeast of Broadway/Old Butte Road Intersection.

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Councilmember Freeman stated the developer constructed a portion of the building foundation into the utility easement. This agreement will allow the City to obtain an additional easement in an adjacent location.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Ordinance vacating a portion of the public utility easement located southeast of Broadway/Old Butte Road intersection 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, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3170

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.

Municipal Services

Subject: IF-18-O, Self-Contained Breathing Apparatus for Public Works Department for Water and Wastewater

It is the recommendation of the Municipal Services Department and Public Works to piggyback the Public Procurement Authority (PPA) bid to furnish nine (9) replacement self-contained breathing apparatus (SCBA) packs from Municipal Emergency Services for a total of \$74,334.80.

Councilmember Freeman stated this item was piggybacked to obtain a better price. He indicated the SCBA will be used for safety regarding chlorine and methane gases which may be underground.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to purchase the Self-Contained Breathing Apparatus equipment for Public Works in the amount of \$74,334.80. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Parks and Recreation

Subject: Tautphaus Park Zoological Society Agreement

For consideration is the Tautphaus Park Zoological Society (TPZS) Agreement. The purpose of this agreement is to formally establish and memorialize the working relationship with the City of Idaho Falls and the TPZS, track fundraising and membership efforts, and continue the collaborative relationship between the Idaho Falls Zoo and TPZS. The TPZS Board of Directors unanimously approved this agreement at their board meeting held on Tuesday, March 13, 2018.

Councilmember Dingman stated the TPZS has performed tremendous work for the benefit of the zoo. She expressed her appreciation for the continued support of this community project. She noted the zoo was created and funded through a process with the Works Progress Administration (WPA), created in 1935, to bring public and private partnerships together for the community. Councilmember Dingman briefly reviewed the items within the agreement. Councilmember Radford also recognized private/public partnerships, stating the TPZS group has put forth much effort. He expressed his appreciation to David Pennock, Zoo Superintendent, and Greg Weitzel, Parks

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and Recreation Department Director, for their assistance. He also recognized the TPZS fundraising efforts for the zoo education center.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the Tautphaus Park Zoological Society Agreement 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.

Subject: Memorandum of Understanding – Heritage Park Earth Materials Donation from Jackson Hole Junction Commercial Center, LLC

For consideration is a Memorandum of Understanding (MOU) with Jackson Hole Junction Commercial Center (JHJCC) to accept the donation and hauling of topsoil and structural fill for the new Heritage Park site development.

Councilmember Dingman stated the formalized groundbreaking for Heritage Park occurred earlier in the day. She believes this is another phenomenal partnership between public and private entities. She recognized the generous donation of topsoil. She briefly reviewed the items within the MOU stating the material donation amounts to ~\$400,000 in cost savings to the City. Councilmember Hally stated approximately 3000 dump truck loads of dirt will be donated to the park. He reiterated the benefit of partnerships. Councilmember Radford expressed his appreciation to Matt Morgan Construction.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the Memorandum of Understanding with Jackson Hole Junction Commercial Center, LLC and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Human Resources

Subject: Approve Ordinance, Changes to City Code, and Changes to Personnel Manual

The Human Resources Department respectfully requests that the Council consider and vote on a proposed ordinance and proposed changes to the City Code and Personnel Manual with respect to granting “for cause” status to non-probationary, sworn police officers.

Councilmember Francis stated this item was discussed at the April 9, 2018 Work Session. He prefers a two-step process as he believes the Council needs to confirm this is in the Police Department’s interest. Councilmember Hally believes the police have a unique role in the community with the elements to provide public safety. He commended the collaboration between Councilmember Francis and Ryan Tew, Human Resources Director. Mr. Kirkham clarified two (2) motions were appropriate.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the Ordinance amending Title 1, Chapter 8 and Title 3, Chapter 1, pertaining to a “Just Cause” standard 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 Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3171

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 1, CHAPTER 8 AND TITLE 3, CHAPTER 1 TO ALLOW A "FOR CAUSE" STANDARD TO APPLY IN EMPLOYMENT

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DISCIPLINE, GRIEVANCE PROCESSES FOR NON-PROBATIONARY POLICE OFFICERS, AND REMOVING REFERENCES TO CIVIL SERVICE FROM THE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to direct the Human Resources Department to adjust the City Personnel Manual Section 5, Paragraph J, to reflect the “for cause” just added to City Code. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Community Development Services

Subject: Request for Extension to Record a Final Plat – Carriagegate Division No. 6

For consideration is a request for an extension for the deadline to file a final plat for Carriagegate Division No. 6. The Subdivision Ordinance allows a plat to be recorded within 180 days of approval without an extension from the City Council. The plat was approved on August 10, 2017. The time to record expired on February 6, 2018. The reason for delay is due to the amount of time it has taken to finalize all of the required details.

Councilmember Smede stated the previous deadline to record a plat was 90 days.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the extension to record the final plat for Carriagegate Division No. 6 for a maximum extension of 30 days. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Request for Extension to Record a Final Plat – Linden Trails Division No. 2

For consideration is a request for an extension for the deadline to file a final plat for Linden Trails Division No. 2. The plat was approved on August 24, 2017. The time to record expired on February 20, 2018. The reason for delay is related to a delay resolving water rights issues associated with the property.

Councilmember Smede stated all water rates issues have been resolved.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the extension to record the final plat for Linden Trails Division No. 2 for a maximum extension of 30 days. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

Subject: Request for Extension to Record a Final Plat – Fairway Estates Division No. 21

For consideration is a request for an extension for the deadline to file a final plat for Fairway Estates Division No. 21. The plat was approved on August 24, 2017. The time to record expired on February 20, 2018. The reason for delay is the developer did not pay the Public Works inspection fees before the deadline.

Councilmember Smede stated all fees have been paid. The extension will begin 30 days from the current date.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the extension to record the final plat for Fairway Estates Division No. 21 for a maximum extension of 30 days. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Request for Extension to Record a Final Plat – Patriot Park

For consideration is a request for an extension for the deadline to file a final plat for Patriot Park. The plat was approved on April 27, 2017. The time to record expired on October 24, 2017. The reason for delay is the developer did not pay the Public Works inspection fees before the deadline.

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Councilmember Smede stated all fees have been paid.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the extension to record the final plat for Patriot Park for a maximum extension of 30 days. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Brookside Division No. 5

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Brookside Division No. 5. The Planning and Zoning (P&Z) Commission considered this item at its February 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Brookside Division No. 5, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Brookside Division No. 5, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. 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 Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Brookside Division No. 5, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Annexation and Initial Zoning of I&M-1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 135.995 acres

For consideration is the application for Annexation and Initial Zoning of I&M-1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 135.995 acres Section 35, T 2N, R 37E for the City's Sanitation Field. The Planning and Zoning Commission considered this item at its March 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this is a Category A annexation, located within the Area of Impact, and contiguous to City boundaries.

Councilmember Francis questioned the secondary zoning of R-1 on the south bank of the Snake River. Councilmember Smede indicated this zoning would ensure the green belt was protected. Community Development Services Director Brad Cramer stated the entire zone could be zoned as R-1 if preferred. He indicated this is a time sensitive issue with a Public Works agreement requiring electrical power to the area. Following brief discussion Mr. Kirkham stated the legal description is required for the annexation. Councilmember Radford reiterated the time constraint. Following additional brief discussion, there was consensus to annex the property as recommended with the possibility for a rezone at a future time.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B 135.995 acres Section 35, 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 Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

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At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3172

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 135.995 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 M&B 135.995 acres Section 35, T 2N, R 37E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Public Facility/Open Space and to approve the ordinance establishing the initial zoning for M&B 135.995 acres Section 35, T 2N, R 37E as I&M-1 Zone, under the suspension of the rules requiring three complete and separate readings and that it be ready 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 Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3173

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 135.995 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS I&M-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 I&M-1 for M&B 135.995 acres Section 35, T 2N, R 37E, 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.

Subject: Annexation and Initial Zoning of R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 5.15 Acres of 5th West Right-of-Way

For consideration is the application for Annexation and Initial Zoning of R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 5.15 Acres, NE 1/4 Section 12, T 1N, R 37E and NW 1/4 Section 7, T 1N, R 38E of 5th West Right-of-Way. The Planning and Zoning Commission considered this item at its April 3, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. The reason for the fast turn-around on this item from Planning and Zoning to City Council is the construction of the roadway is currently underway and needs to be under the jurisdiction of the City so City standards will apply.

Councilmember Smede stated the annexation will allow for the road to service the recently annexed Ivywood Subdivision.

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It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B 5.15 Acres, NE 1/4 Section 12, T 1N, R 37E and NW 1/4 Section 7, T 1N, R 38E of 5th West Right-of-Way, 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 Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3174

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.15 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 M&B 5.15 Acres, NE 1/4 Section 12, T 1N, R 37E and NW 1/4 Section 7, T 1N, R 38E of 5th West Right-of-Way, 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Low Density and to approve the ordinance establishing the initial zoning for M&B 5.15 Acres, NE 1/4 Section 12, T 1N, R 37E and NW 1/4 Section 7, T 1N, R 38E of 5th West Right-of-Way as R-1 Zone, under the suspension of the rules requiring three complete and separate readings and that it be ready 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, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3175

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 5.15 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 R-1 Zone for M&B 5.15 Acres, NE 1/4 Section 12, T 1N, R 37E and NW 1/4 Section 7, T 1N, R 38E of 5th West Right-of-Way, and give 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: Modification to City Codes Regarding Public Nuisances including Enforcement and Appeal Procedures

For consideration are modifications to the City’s Litter and Weed, Sidewalk Maintenance and Construction, and Graffiti Abatement Codes. The changes have been part of an effort to have a more standardized process for notification of a violation, enforcement of the ordinances, and to establish an appeals process.

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Councilmember Smede believes it is important to keep neighborhoods and the surrounding areas beautiful, presentable, and being a place to be proud of. She briefly reviewed the updates, stating the ordinances will create a unified approach versus an individual department process. She commended the previous work performed by Councilmember Dingman regarding these changes. Councilmember Dingman believes this is important for economic development, to keep the neighborhoods thriving, to ensure the process is consistent, and provide staff with the necessary tools. Councilmember Radford referred to the previous Village Improvement Society which believed in beautification.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Title 5, Chapter 8, regarding public nuisances, Litter and Weed abatement, 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, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3176

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 8 TO CLARIFY DEFINITIONS, PENALTIES, AND THE NOTICE OF ABATEMENT PROCESS AND TO PROVIDE FOR APPEAL TO THE BOARD OF ADJUSTMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Title 8, Chapter 10, regarding public nuisances, Sidewalk Maintenance and Construction Abatement, 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 Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3177

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8 CHAPTER 10 TO CLARIFY THE NOTICE OF ABATEMENT PROCESS; AND TO PROVIDE FOR APPEAL TO THE BOARD OF ADJUSTMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Title 5, Chapter 10, regarding public nuisances, Graffiti Abatement, 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 Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3178

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 10 AMENDING THE NOTICE ABATEMENT PROCESS AND PROVIDING AN APPEAL TO THE BOARD OF ADJUSTMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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Subject: Public Hearing – Adoption of New Zoning Ordinance and New Zoning Map, and Adjustments to City Code

For the past two years Planning Division staff, in partnership with Kushlan Associates, the Planning and Zoning Commission, and a steering committee has been working on comprehensive changes to the City's Zoning Ordinance. These changes are intended to more fully implement the City's comprehensive plan and generally modernize zoning regulations. The proposed changes have been presented through several means of public outreach. Some adjustments have been made based on feedback received through this public outreach. The changes to the Zoning Ordinance have required significant rezoning of properties throughout the City. These changes were also shown in the public outreach events. The Planning and Zoning Commission considered the ordinance and map at its March 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Pro Tem Hally opened the public hearing and ordered all items presented be entered into the record.

Director Cramer stated there has been a lot of work by a lot of people for the proposed zoning and map ordinances. He recognized Diane Kushlan, Kushlan Associates, as well as a steering committee consisting of architects, engineers, developers, real estate agents, City staff, and P&Z. He commended City staff and the public for their input. He stated an update of this magnitude has not occurred since 1964. He presented the following:

Slide 1 – Planning and Zoning Process: public outreach to develop Comprehensive Plan; Comprehensive Plan adopted; Zoning, Subdivision, and Sign Ordinances changed to reflect Comprehensive Plan policies; Ordinances enforced and staff monitors effectiveness, make changes as necessary.

Director Cramer stated code writing should be an ongoing review and process.

Slide 2 – Amendment process: Zoning Ordinance audit by Kushlan and Associates; iterative review process for entire code; review of zoning map; public outreach.

Slide 3 – Zone conversion: existing zones and proposed zones including Low, Medium, and High Density Residential Zones; Commercial Zones; Industrial Zones, and Special Purpose Zones

Director Cramer indicated the biggest change was in the available zones, some zones were eliminated and/or simplified.

Slide 4 – Low Density Residential Zone

Slide 5 – Medium and High Density Residential Zones

Slide 6 – Traditional Neighborhood (TN) Zone

Director Cramer stated this is the beginning of a form-based zone. He believes this may be a placeholder to study and plan for the older neighborhoods.

Slide 7 – Limited Commercial Landscape Buffer adjacent to Residential

Slide 8 – Blank Walls in Commercial Zones

Director Cramer stated this was designed to assist with the various modes of transportation.

Slide 9 – Current zoning map and proposed zoning map

Director Cramer stated the map will visually indicate where parks and open space are located.

Slide 10 – Process: adopt Zoning Ordinance changes; Staff Committee meets at least bi-weekly to go over issues and questions that arise during implementation; staff recommends changes to code at least every other month; staff also works on larger, Phase II changes as needed.

Slide 11 – Additional recommended changes: increase the maximum lot size for R-1 from 12,000 square feet to 13,500 square feet; exception amendments; allow exceptions to maximum lot size in R-1 for schools, churches, and other conditional uses; allow drive-thru's in PB zone (possibly only for financial institutions)

Director Cramer stated these changes are not currently included in the proposed zoning ordinance.

Councilmember Smede questioned the process for the unique development in a traditional neighborhood. Director Cramer indicated the process would apply to standards for development on a vacant lot or block requirements. This process would also relate to commercial uses within the TN Zone, although a public hearing may be required. Councilmember Radford believes communities of interest center around a place of gathering, which he believes the current code does not allow.

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Mayor Pro Tem Hally requested any public comment.

Stephanie Rose, 11th Street, Idaho Falls, appeared. Ms. Rose stated she is in favor of the proposed ordinance and she expressed her appreciation to the planning staff for their tremendous amount of research. She believes her residential area lost a lot of vitality with the zoning changes from the 1950's and 1960's. She indicated the buildings in this specific area are still intact although the businesses no longer exist due to zoning use changes. Ms. Rose stated she is excited for the residential changes and especially the vitality for the neighborhood. She described the area surrounding Poitevin Park and believes vitality will attract residents.

Kevin Alcott, Idaho Falls, appeared. Mr. Alcott expressed his concern for the proposed zoning maps with regard to minimum and maximum lot size. He does not believe there is allowance for mixed socioeconomic use and believes developers are being forced to segregate housing opportunities. He also believes this ordinance restricts the ability to have a broad spectrum of families and affordable higher-priced housing in the same neighborhood. Mr. Alcott stated he requested the front setbacks to be reduced as there is more room between the fronts of houses than in the lot. He believes the residential use needs to be looked at.

Director Cramer reappeared to address the lot size. He stated the R-1 Zone previously became a catchall for all residential development and staff received several negative comments. He indicated staff does not want to create rich or not-so-rich developments, the proposed lot size can be discussed. Director Cramer also indicated by review of development patterns, certain developments are larger and are more automobile oriented. He believes the R-1 Zone, with smaller lots sizes, is one way to create more walkable neighborhoods per the Comprehensive Plan. He stated the RP and R-1 Zones are both low density zones, therefore a mixed neighborhood is possible. He clarified the majority of Fairway Estates is proposed to remain at R-1 Zone. Director Cramer stated road widths is a Public Works issue and is not included in the proposed ordinance.

Diane Kushlan, Boise, Idaho, appeared. Ms. Kushlan expressed her appreciation to staff and the steering committee. She stated there are only a handful of cities around the State that have completed such a comprehensive update of their zoning process as she believes this is a very difficult and challenging process. She commended the staff and Council support.

Councilmember Freeman believes this is a work in progress and changes can be made at any time.

Councilmember Dingman expressed her appreciation to the public comments including Mr. Alcott's comments regarding socioeconomic segregation. She stated she supports the proposed ordinance and concurred with Councilmember Freeman.

Councilmember Francis concurred with Councilmember Dingman.

Councilmember Radford commended Director Cramer.

Mayor Pro Tem Hally closed the public hearing.

Councilmember Smede stated she attended all public hearings and adjustments to the code were made from each public hearing. She believes revisions will continue to occur. She also believes this has been a very thorough, two-year, process. She reiterated the staff review process for potential changes.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance rescinding City Code Title 10, Chapter 3 and adopting a Comprehensive Zoning Code by the addition of Title 11 to City 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, Smede, Dingman, Francis, Freeman, Radford. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

April 12, 2018

ORDINANCE NO. 3179

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RESCINDING CITY CODE TITLE 10, CHAPTER 3 AND ADOPTING A COMPREHENSIVE ZONING CODE BY THE ADDITION OF TITLE 11 TO CITY CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance creating new official zoning maps under the suspension of the rules requiring three complete and separate readings and that it be ready by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3180

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF PROPERTIES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE; CREATING NEW OFFICIAL ZONING MAPS; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Modification of Sign, Subdivision, and Road and Bridge Code Changes to Reflect Changes to the Zoning Ordinance

A major change to the City’s Zoning Ordinance is the removal and renaming of existing zones. Because other City Codes refer to these zones, the references to such zones need to be removed or modified to reflect the new Zoning Ordinance. For consideration are modifications to the City’s Sign, Subdivision, and Road and Bridge Codes which make these necessary changes. The changes will not affect the function of the codes and do not reflect any material changes to the requirements.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Titles 7 and 10 modifying the established comprehensive zoning names and abbreviations 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 Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3181

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLES 7 AND 10 MODIFYING THE ESTABLISHED COMPREHENSIVE ZONING NAMES AND ABBREVIATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

There being no further business, it was moved by Councilmember Radford, seconded by Councilmember Freeman, that the meeting adjourn at 9:13 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR