

**May 10, 2018**

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, May 10, 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  
Councilmember Shelly Smede

Absent:

Councilmember Michelle Ziel-Dingman

Also present:

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

**Pledge of Allegiance:**

Mayor Casper invited David Manson, Community Food Basket Executive Director, 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:**

Public Works requested approval of Bid Award – 8<sup>th</sup> & 9<sup>th</sup> Street Water Line Replacements.

The City Clerk requested approval of minutes from the April 12, 2018 Idaho Falls Power Board Meeting; April 14, 2018 Budget Workshop; April 23, 2018 Council Work Session and Executive Sessions; and, April 26, 2018 Council Meeting; and, license applications, including a Beer License to Hitt the Road, all carrying the required approvals.

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

**Regular Agenda:**

**Municipal Services**

**Subject: Write-Off of Unpaid Piranhas Swim Team Account**

As reviewed during the City Council Work Session on Monday, April 23, 2018, Municipal Services and Parks and Recreation respectfully requests authorization to write-off the Piranhas Swim Team (PST) account balance owed of \$16,919.97 as uncollectible.

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Councilmember Radford stated this issue was extensively discussed at the May 7, 2018 Work Session. The swim team was behind on payments and then disbanded. This item is being addressed for budgetary accounting reasons.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to write-off the Piranhas Swim Team account balance owed of \$16,919.97 as uncollectible. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

**Subject: Bid IF-18-18, Maeck Education Center**

It is the recommendation of the Municipal Services and Parks and Recreation Departments to accept the lowest responsive, responsible bid from Petra, Incorporated of Meridian, Idaho. Parks and Recreation is recommending awarding the base bid, plus alternatives 3, 4 & 5 for a total contact amount of \$968,039.00. The project includes a 4,500 square foot education center for the Idaho Falls Zoo to include multi-use classrooms, offices, storage, break room and restrooms.

Councilmember Radford stated this is another historic event. He noted the groundbreaking was held earlier in the day. This project is anticipated to be completed by October. At the request of Councilmember Francis, Municipal Services Director Pamela Alexander clarified the alternatives are for City staff to select, or not select, based on budget and other items. Alternatives 1 and 2 were not selected at this time.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the lowest responsive, responsible bid from Petra, Incorporated of Meridian, Idaho, for the Maeck Education Center for a total contract amount of \$968,039.00. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

**Community Development Services**

**Subject: Ordinance Amending City Code Title 10, Chapter 4 Adopting New Language for Flood Damage Prevention**

For consideration is an ordinance rescinding the current City Code language regarding flood damage prevention and adopting a new code based on a model ordinance provided by Idaho Department of Water Resources (IDWR). IDWR conducted a site visit and audit of the City's floodplain management program, including a review of the flood control ordinance. IDWR staff found the code needed to be updated to better reflect changes to Title 44 of the Code of Federal Regulations and the National Flood Insurance Program minimum standards. The City was given until May 31, 2018 to adopt a new ordinance.

Councilmember Smede stated this item was discussed at the April 23, 2018 Work Session. It is unknown when the code was last updated.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance amending Title 10, Chapter 4, adopting new language for flood damage prevention 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. Nay – none. Motion carried.

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

ORDINANCE NO. 3184

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 10, CHAPTER 4 BY RESCINDING CURRENT LANGUAGE AND IMMEDIATELY REPLACING IT WITH A MODIFIED VERSION OF THE IDAHO MODEL FLOOD DAMAGE PREVENTION ORDINANCE; PROVIDING

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SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4**

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4. The Planning and Zoning (P&Z) Commission considered this item at its April 3, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property includes 18 buildable lots. The plat includes a two (2) acre storm pond on the western end which also includes a sewer lift station.

Councilmember Francis questioned a comment in the P&Z minutes referencing the development of Maggie Street prior to any development north of this property. Community Development Services Director Brad Cramer stated Maggie Street is on the eastern side of this property. He indicated there was concern from the residents with the connection to Fox Run Drive. He believes an additional connection would prevent excessive traffic on Fox Run Drive. Director Cramer was not confident there was authority from the P&Z member to make that a requirement of development. He stated prior to any development on the north, a preliminary plat would be required with the appropriate process from staff. Mr. Fife does not agree with the P&Z member request. He does not believe the current process should affect the applicant who may develop adjacent to the property. Mayor Casper believes staff recommends best practices for development. Councilmember Smede stated Community Development Services thoroughly reviews the subdivision ordinances and the Comprehensive Plan prior to any recommendation.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Development Agreement for Park Place Division No. 4, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to accept the Final Plat for Park Place Division No. 4, 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, Hally. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Park Place Division No. 4, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Freeman, Francis, Radford. Nay – none. Motion carried.

**Subject: Public Hearing – FY2018 Community Development Block Grant Annual Action Plan**

Each year Idaho Falls receives an allocation from the Department of Housing and Urban Development (HUD) to fund the local Community Development Block Grant (CDBG) program. As part of the requirements for administration of this program the City must submit an Annual Action Plan to HUD outlining how that year's funds will be spent. To determine how to spend the funds, each year applicants submit requests for grant funding which are considered by the City Council. A public hearing must be held each year to hear the requests.

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

Lisa Farris, Grant Administrator, appeared. Ms. Farris stated a 30-day public comment period will follow the public hearing, and Plans must be submitted before June 26, 2018. Ms. Farris presented the following:

Slide 1 – Plan History

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- City applied/approved by Housing and Urban Development (HUD) as an Entitlement City
- City applies directly to HUD for annual CDBG funds

Ms. Farris stated the City is in the third year of the five-year Consolidated Plan

Slide 2 – 2004 to 2018 - \$5,845,462 total HUD/CDBG funds allocated to Idaho Falls; 2018 application status – 12 applications totaling \$374,538

Ms. Farris noted the allocation is \$391,880, this is higher than in previous years.

Slide 3 – City/CDBG Benefits: assists City in funding projects/programs not funded with General Fund; assists local service providers with filling a gap in service; and, assists City and local service providers in leveraging additional funding. FY2018 starts 15<sup>th</sup> year of participating in CDBG, FY2017 allocation = \$336,511.

Slide 4 – Criteria

- Must meet one (1) of three (3) National Objectives as determined by HUD
  - Benefit Low/Moderate Income (LMI) Clients – 2017 limitation = family of four (4) in Bonneville County with income <\$47,700
  - Prevent/eliminate conditions of slum and blight
  - Meet an urgent need
- Must be a HUD eligible activity
  - Construction of public infrastructure
  - Handicapped access to public facilities
  - Housing rehab, social services, business rehab
  - Acquisition, clearance, and disposition of property
  - Relocation costs, economic development, job creation or training
- Additional criteria
  - Must meet goals of five-year Consolidated Plan
  - Must be approved for the FY2018 CDBG Annual Action Plan

Slide 5 – LMI Neighborhoods (three (3) Census Tracts) Map

Slide 6 – CDBG program and HUD criteria, must meet one (1) of four (4) HUD priorities

- Community Development Priority – neighborhood revitalization activities that promote public health, safety and welfare (Code Enforcement)
- Economic Development Priority – improve economic conditions throughout the community for primarily LMI persons, also to benefit a slum and blight area such as downtown with the façade improvement program
- Housing Development Priority – encourage development of new, affordable single, multi-family, and special needs housing through private developers and non-profit agencies
- Public Service Priority – encourage partnerships with social service providers, faith-based groups, private businesses, school districts, non-profit agencies, and community leaders to meet the needs of families in poverty

Slide 7 – Photo of Community Development Priority, construction of public infrastructure

Slide 8 – Photo of Community Development Priority, Idaho Falls Rescue Mission

Slide 9 – Photo of Economic Development, assisting downtown through façade improvement projects

Slide 10 – Photo of housing rehab, disabled senior citizen’s home made Americans with Disabilities Act (ADA) accessible

Slide 11 – Public service examples of CLUB, Inc., Behavioral Health Center of Eastern Idaho, Idaho Legal Aid (Victims of Domestic Violence and Grandparents Raising Grandchildren), and Targhee Regional Public Transportation Authority (TRPTA)

Mayor Casper believes these applicants are those who serve the community with little budget and a lot of heart. She then invited representative(s) from each organization.

Idaho Legal Aid – Jake Workman, Managing Attorney, appeared. Mr. Workman stated Idaho Legal Aid is a non-profit law firm who serves low income. This year is the 50th anniversary of Idaho Legal Aid. Mr. Workman stated Idaho Legal Aid is completely grant funded and can only accept cases when money is available to accept that case type. The grant money is used to represent survivors and victims of domestic violence for civil protection orders

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(short-term safety). Idaho Legal Aid also assists with divorce and custody cases (long-term safety). Mr. Workman stated Idaho Legal Aid charges a reduced fee, they would be honored to continue this service. He indicated the requested funds of \$10,000 will assist approximately 33 families.

CLUB, Inc. – Dena Skinner, Housing Operations Manager, appeared. Ms. Skinner stated CLUB, Inc. has been in operation since 1988. She indicated the behavior health program has recently closed, therefore CLUB, Inc. is now strictly a housing program. CLUB, Inc. has received funds for the previous six (6) years which has been used for crisis intervention; staff time to carry an emergency phone for 24-hour service; partnership with hotels/motels in the community for emergency housing reasons; providing case management; and, emergency transportation. Ms. Skinner stated CLUB, Inc. has assisted 64 individuals in the previous year. CLUB, Inc. requested \$15,000.

Behavioral Health Crisis Center – Hailey Tyler, Director, appeared. Ms. Tyler stated the Behavioral Health Crisis Center opened in 2014. The first two (2) years were funded 100% by the State. The State has now requested a sustainability plan as State funding has been reduced to 80%, hence the request for \$25,000. Ms. Tyler stated the Behavioral Health Crisis Center helps to alleviate unnecessary incarceration and hospitalization for the mentally ill and substance use population. The funds help pay for case management providers, seven (7) days a week. Ms. Tyler stated State funding continues to decrease and the State has recently requested 50% funding. She indicated the center costs are ~\$1.4m annually. This service also assists displaced people find housing. Ms. Tyler stated the State has recently approved three (3) additional facilities around the State.

Eastern Idaho Community Action Partnership (EICAP) – Casie Adams, Contracts Manager with Area Agency on Aging (EICAP is the umbrella agency), appeared. Ms. Adams stated EICAP receives State and Federal funds to allow seniors (over the age of 60) to remain in their homes versus nursing home facilities. She indicated the request is for Grandparents Raising Grandchildren (GRG) as the Idaho Commission on Aging has stated State and Federal funds for guardianship is no longer allowable. Ms. Adams stated EICAP provides monthly support groups for education and discussion. The requested amount of \$8000 is to assist with funding with Idaho Legal Aid regarding legal issues such as custody and guardianships. This service helps to navigate and take proper steps to provide for grandchildren.

Community Food Basket – David Manson, Executive Director, appeared. Mr. Manson stated the Community Food Basket is the emergency food service program. The Community Food Basket is a ministry of the Regional Council of Christian Ministry with collaboration of ten (10) faith-based institutions regarding food insecurity. Mr. Manson stated in the previous year 11,357 families were served, 42% were children. The Community Food Basket is on pace to serve 12,200 families in the current year. Mr. Manson stated a mobile food pantry was recently launched at the College of Eastern Idaho as a regional support for other entities and agencies. Although there is now the ability to receive larger amounts of food, there is no loading dock. The \$12,000 request is to purchase a portable loading ramp which would assist in the capacity to receive and process additional food.

TRPTA – Amanda Ely, General Manager, appeared. Ms. Ely expressed her appreciation to the Council with the assistance of matching funds to continue operations. She stated the \$69,000 request is for match funds for two (2) buses. She indicated there are currently 37 buses within 4-5 years of useful life, most buses are exceeding 200,000 miles. Ms. Ely stated TRPTA, as a government entity, receives Federal funds but no matching funds. She stated TRPTA recently had a five-year service study performed, the bus size needs to be increased for safety reasons. All buses must be handicapped accessible with possibility of bicycle connection. Ms. Ely stated each bus costs \$230,000.

Idaho Falls Downtown Development Corporation (IFDDC) – Catherine Smith, Executive Director, appeared. Ms. Smith stated the requested amount of \$55,000 is for the façade improvement program. This program requires a property owner match as a public/private partnership. She indicated this program has been incredibly successful. Ms. Smith stated the most recent project was the Veterans Memorial Hall on Constitution Way, which restored the historic relevance of the building. Other recent projects included the Urban Nook, a salon in the downtown area. Ms. Smith indicated as downtown continues to boom there are more downtown property owners that are interested in leveraging these funds to help improve their properties. She believes downtown is on the cusp of reaping huge

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rewards in downtown Idaho Falls which needs to continue for economic development. She also believes these funds are a key tool to make these projects happen. She expressed her appreciation to Ms. Farris.

City Public Works Department – Chris Fredericksen, Director, appeared. Director Fredericksen stated the \$50,000 requested funds would be the fourth phase to continue to replace curb, gutter and sidewalk. He noted, per City Code, that property owners are responsible for curb gutter replacement. He indicated this requirement may be difficult in these specific LMI neighborhoods. Director Fredericksen stated the department will continue to work with Ms. Farris to determine the community needs. He indicated additional grants could be explored for curb, gutter and sidewalks in locations with gravel streets.

Idaho Falls Sr. Citizen Community Center – Valisa Say, Executive Director, appeared. Ms. Say stated the \$25,000 requested funding is to replace the original windows in the building, which was built in 1974. She indicated the Sr. Citizen Center provides the Meals on Wheels programs, as a non-profit donation-based organization. 59,000 meals were delivered in the previous year, with an increase of meals delivered occurring each year. The average donation for Meals on Wheels is approximately \$1.10. Approximately 30-40 in-house meals are served on a daily basis, approximately 100 meals on the holidays. No one is turned away from a meal, regardless of their age, and all meals are prepared by a certified dietician. Annual food costs are increasing while donations are decreasing. The average donation for a congregate meal is approximately \$2.20. It costs approximately \$6.50-\$9.50 to prepare a meal, this includes all expenses (equipment, utilities, etc.). 67,265 meals were prepared in the previous year. Even with all fundraisers and support, the center is almost \$1 short for every meal. Ms. Say stated 80-100 monthly programs are held at the Sr. Citizen Center. She indicated funding is received from other sources, which is approximately 50% of the budget. Senior donation is approximately 7.8% of the budget, individual support in 2017 = \$12,000. She believes the Sr. Citizen Center is important for seniors' socialization. It was noted per the City agreement, the Sr. Citizen Center is responsible for the maintenance of the facility although Ms. Say stated the City has been very generous for the assistance with this maintenance. The rent of the facility to the City is \$1 annually. It was clarified the window request does not apply to the food preparation/kitchen area as these windows were replaced in the previous year with grant funds.

Domestic Violence and Sexual Assault Center – there was no representative.

Habitat for Humanity Idaho Falls Area (H4HIF) – Karen Lansing, Executive Director, appeared. Ms. Lansing expressed her appreciation to the Council and the partnership with the City. She stated H4HIF builds and rehabs homes. H4HIF was contacted by a developer needing to relocate a home. This home is anticipated to be moved to a foundation on Science Center Drive and Elmore Street. Ms. Lansing stated the home is in relatively good condition and will be used for a single mom/two (2) daughter family. The funding request is \$18,000 to relocate the house and construct additional rooms in the basement. Projected total costs = \$65,320.

Ms. Farris reappeared. She stated this process began in December with the application timeline. The Federal budget was then received March 2018, identifying the actual allocation amount. The 30-day public comment period will end on June 10 and recommendations for projects will occur at the June 11 City Council Work Session to be approved and included in the Draft Plan submitted to HUD. A resolution will be presented at the June 14 City Council Meeting with electronic submission to HUD on June 18. Final date to submit to HUD is June 26. Funds will be allocated in July/August to begin projects and activities. Councilmember Francis questioned the extra money from the grant allocation and the actual requests. Ms. Farris stated these options will be discussed at the June 11 City Council Work Session. She clarified 15% of the grant funding can be used for the Public Service Activities, 70% of the grant funding must benefit LMI, 30% of the grant funding may be used for slum and blight, and, 20% of the grant funding is used for administration costs. She indicated this can be challenging.

Mayor Casper closed the public hearing and expressed her appreciation to all those participants.

No recommended action at this time.

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**Subject: Public Hearing – Ordinance Approving Amendments to Downtown Form-Based Code and Adopting the May, 2018 Edition of the Form Based Code**

For consideration are three (3) changes to the Downtown Form-Based Code. First is a new map which more clearly shows the Subdistrict designations. Second is a change to the allow building height in the Core A Subdistrict for Storefront Building Types. The final change is to increase the allowed maximum height for the Townhome Building Type in the Edge C Subdistrict from two (2) stories to three (3) stories only when located at least 100 feet from single story residential buildings. The Planning and Zoning Commission considered these changes at its April 3, 2018 meeting and recommended approval by unanimous vote. Because of the changes to the map, rather than modifying the December, 2017 version of the code, staff is recommending the adoption of a May, 2018 version.

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

Director Cramer appeared and stated this is the first revision since the Form Based Code and Zoning Ordinance was recently approved. He reiterated the clarity of the map which is now included in the City’s geographic information system (GIS) format. He also stated staff is proposing to increase the maximum height from five (5) stories to six (6) stories in the Core A Subdistrict which will be consistent with the General Stoop Building Type. Director Cramer stated in regard to increasing the maximum height for Townhome Building Type, as commercial buildings are built farther away from residential areas the height can be increased. This height increase was not considered in similar residential housing units.

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

Councilmember Smede believes revisions can be positive. She also believes these updates will create standards to protect and enhance the unique and historic character of downtown. She noted no one appeared at the P&Z public hearing. Councilmember Radford believes these changes are responsive to the needs of downtown. He expressed his appreciation to those efforts.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance amending Chapter 7 to Title 10, adopting the May 2018 edition of the Idaho Falls Form Based 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 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. 3185

AN ORDINANCE AMENDING CHAPTER 7 TO TITLE 10 OF THE IDAHO FALLS CITY CODE, ADOPTING THE MAY 2018 EDITION OF THE IDAHO FALLS FORM BASED CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

There being no further business, the meeting adjourned at 8:46 p.m.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR