



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, May 26, 2022

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Absent: Councilor Thomas Hally, and Councilor Jim Freeman

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper led those present in the Pledge of Allegiance.

3. Public Comment.

No one appeared.

4. Consent Agenda.

A. Idaho Falls Power

1) IFP 22-15 Electric Wire Purchase for Idaho Falls Power

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase electrical wire inventory for electric service. Adhering to IFP construction timelines, Irby Utilities, Royal Switchgear and Anixter Power Solutions were the lowest responsive, responsible bidders. Based on construction projections and unit bid prices, the base value is \$168,656.10 with a 5% tolerance of \$8432.81 for a total cost of \$177,088.91.

2) Idaho Falls Power Board Meeting Minutes - May 2022

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

B. Public Works

1) Bid Award - Sewer Line Rehabilitation 2022

On Tuesday, May 17, 2022, bids were received and opened for the Sewer Line Rehabilitation 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform sewer pipe lining on various lines throughout the city.

2) Bid Award - Thermoplastic 2022

On Wednesday, May 18, 2022, bids were received and opened for the Thermoplastic 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to place thermoplastic pavement markings at various locations throughout the city.

C. Municipal Services

1) Upgrade City Servers

This purchase will upgrade and refresh the city's Cisco servers that are approaching their useful life and recommended for an upgrade. The servers support various city information technology resources including, but not limited to network operations, utility billing, file storage, fire dispatching/station alerting, email services and GIS.

2) Minutes from Council Meetings

May 9, 2022 City Council Work Session; and May 12, 2022 City Council Meeting

3) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Francis, Radford, Burtenshaw, Dingman. Nay - none.

5. Regular Agenda.

A. Municipal Services

1) Purchase Generators for Fire Stations 4 and 5

The purchase and installation of the generators will power Fire Stations 4 and 5 independently during incidences that affect critical response and operational independence. Bids for the two generators were originally received on February 8, 2022, with Wheeler Electric being the sole bidder. The award was placed on hold until it was determined whether American Rescue Plan Act (ARPA) funds could be used for the purchase. Wheeler Electric provided updated quotes along with delivery and installation lead times on May 12, 2022.

Municipal Services Director Pamela Alexander appeared. She stated the total cost for this purchase is \$252,720. Council President Dingman stated this item was recommended by the ARPA Committee. She also stated the generators will allow power services in case of an emergency.

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, to accept and approve the quotes received from Wheeler Electric for a total of \$252,720.00 for the purchase and installation of two generators for Fire Stations 4 and 5. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw. Nay - none.

2) Resolution to Appoint City Impact Fee Administrator

The City's impact fee ordinance, Idaho Falls City Code §10-8-4, authorizes the Mayor to appoint an Impact Fee Administrator. The Mayor is recommending the appointment of Municipal Services Director, Pamela Alexander to serve as the City's Impact Fee Administrator.

Council President Dingman stated she agrees with the director of Municipal Services, as this is the director of financial transactions, and is the steward of how monies are collected and divided. Mayor Casper explained the reason for naming a specific individual, noting another director may have another/better reason to be the administrator in the future. She believes in that instance, the director of the department should be appointed versus a specific individual in the event there's an unanticipated departure.

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, to approve the resolution to appoint the Municipal Services Director Pamela Alexander as the City's Impact Fee Administrator and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Burtenshaw, Francis, Dingman. Nay - none.

RESOLUTION NO. 2022-14

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, DESIGNATING PAMELA ALEXANDER AS THE CITY'S IMPACT FEE ADMINISTRATOR; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

B. Public Works

- 1) Memorandum of Understanding and Resolution for Leading Idaho Local Bridge Program Applications
Senate Bill 1359, an appropriations bill, was signed by the Governor on March 16, 2022, funding the Strategic Initiatives Program with up to \$200 Million intended for local bridge maintenance. Two bridges within Idaho Falls are eligible for grant funding and include the bridge crossing the Idaho Canal at E 65th N and the bridge over the Butte Arm Canal at S Emerson Avenue. Approval of the MOU and Resolution will allow the city to submit applications for these bridge replacements.

Public Works Director Chris Fredericksen appeared. He stated the applications for this program are due June 8, 2022. Councilor Burtenshaw stated the grant application for the bridge at E 65th N would include this bridge to be five-lane for the arterial road, which is following the BMPO (Bonneville Metropolitan Planning Organization) recommendation.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Memorandum of Understanding (MOU) and Resolution for Leading Idaho Local Bridge Program Applications and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Dingman, Francis, Radford. Nay - none.

RESOLUTION NO. 2022-15

LEADING IDAHO LOCAL BRIDGE PROGRAM – LOCAL HIGHWAY JURISDICTION RESOLUTION

- 2) Ordinance Amending Title 10, Chapter 2, Bridge and Street Regulations and Rescinding Title 10, Chapter 5, Surface Drainage Fees

Attached for your consideration is a proposed Ordinance revising Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5 Surface Drainage Fees in its entirety. The proposed changes are requested due to the recent approval and implementation of development impact fees.

Director Fredericksen stated these changes were discussed during the implementation of the impact fees. He explained the primary change, noting the design and construction of arterial roadways shall now be the responsibility of the city, developers' proportionate share shall be from the payment of impact fees, design and construction of auxiliary lanes or other pertinences shall be paid for by the developer independent of impact fees, and developers shall be required to dedicate the right-of-way (ROW) to support the arterial classification as designated in the BMPO Access Management Plan. He stated this will also eliminate the collection of surface drainage fees. Per Councilor Francis, Director Fredericksen believes this would be effective as of June 1. Mr. Fife clarified this ordinance would be effective once the ordinance is published. Following brief discussion regarding the effective date and duplication of fees, Director Fredericksen does not believe there would be any duplication of fees.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance amending Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5, Surface Drainage Fees under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Burtenshaw, Radford, Dingman, Francis. Nay - none.

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

ORDINANCE NO. 3463

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 10, CHAPTER 2 TO CLARIFY THE RELATIONSHIP OF DEVELOPMENT IMPACT FEES ON CITY BRIDGE AND STREET REGULATIONS, AND RESCINDING CITY CODE TITLE 10, CHAPTER 5 IN ITS ENTIRETY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

C. Community Development Services

1) Ordinance to change the name of Merlin Court to Sparrow Hill Court.

Attached is an ordinance changing the street name of Merlin Court to Sparrow Hill Court. This change is requested by the developer. This name change would be an advantage to the developer as the project they are working on is called Sparrow Hill and the leasing office for the facility will be located at the end of the cul-de-sac that is currently Merlin Court. There are no buildings on Merlin Court, so no current addresses are affected by the change.

Councilor Burtenshaw noted there are no addresses that need to be changed as no one currently lives on Merlin Court.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance changing the name of Merlin Court to Sparrow Hill Court under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Radford. Nay - none.

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

ORDINANCE NO. 3464

AN ORDINANCE CHANGING THE NAME OF MERLIN COURT TO SPARROW HILL COURT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

2) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Caribou Crossing PUD.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Caribou Crossing PUD. On February 15, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the PUD as presented with the condition to provide a pedestrian connection from Easy Street to Kelsey Avenue through the 8-foot masonry wall. The applicant has made this adjustment on the attached site plan. Staff concurs with Planning and Zoning's recommendation.

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

Barry Bane, Connect Engineering, appeared. He stated the PUD is an island infill behind WinCo, and is approximately 2.68 acres. He also stated the proposal is for seven buildings, mainly consisting of fourplex townhomes, and one fiveplex townhome, for a total of 29 units, which calculates to 11 units per acre. He indicated this area is currently zoned LC (Limited Commercial) which reverts to the R3A (Residential Mixed Use) requirements which would have allowed up to 35 units per acre, noting the proposed PUD is well below the maximum density allowed. Mr. Bane stated the one variance refers to the setbacks on the north and south, noting the required setback is 25', however, they're seeking 16' on the north and 20' on the south which would allow more parking. He indicated he has worked with city staff regarding the parking pads in front of the fourplex units on the north and the south. He also indicated the variance is requested in order to get a full 20' parking pad on those units. Mr. Bane stated there are a total number of 20 spaces for the one-car garage with tandem parking in front of each of these spaces, with an additional ten spaces that are not tandem parking. He also stated the larger units have two-car garages, there are 21 parking stalls throughout the site for a total of 89 stalls, and not including the tandem parking the total is 69, which is over the required parking of 58. Mr. Bane stated there is the required 25% common area with amenities, with plans for a gazebo and a picnic area, as well as a pathway along the east side to cut out an entry way into the block wall on the north side to have access from the street to WinCo and other commercial in that area. He believes with the reduced setback to the north there is an existing 8-9' block wall and there will be additional trees as a required buffer. Mr. Bane indicated these units will be platted and sold individually and are to be considered single-family attached homes. He believes this will add needed middle market housing as well as being close to amenities and commercial shopping as a walkable area. He reiterated this is an infill, noting sewer and water can be easily accessible. Per Councilor Francis, Mr. Bane confirmed they will cut through the wall, he is unsure who owns the wall although he believes the wall is on the property.

Mayor Casper requested staff presentation.

Community Development Services Director Brad Cramer appeared. He presented the following:

Slide 1 - Property under consideration in zoning map

Director Cramer reiterated the site is zoned LC, this same zone is in the adjacent area. He also identified

additional adjacent zoning.

Slide 2 - Additional aerial photo of property under consideration

Director Cramer stated the wall was built as a condition of the WinCo shopping center and does fall on the property. He believes the wall could be cut out for a path as described.

Slide 3 - PUD site plan

Director Cramer stated per the Planning and Zoning (P&Z) minutes, P&Z recommended approval with modifications, which have been made. He identified the pathways behind each unit that connects through the development as well as a direct pathway to the gazebo, and a pathway that connects from Easy Street to the east side of the development. He noted the PUD complies with the standards other than the rear yard setbacks as a variance request.

Slide 4 - Front Elevation

Director Cramer identified the parking garages and additional parking.

Slide 5 - Photo looking from the curve of Caribou Street to the west

Slide 6 - Photo looking from Caribou Street to the northwest

Director Cramer identified where the pathway would be located and connected. He indicated another pathway could connect in the future as well.

Per Mayor Casper, Director Cramer stated WinCo was not a PUD. He stated the city used to plat and dedicate an entrance, which no longer occurs. Also per Mayor Casper, Director Cramer confirmed the wall was built as a buffer to the neighbors, is no longer a concern as a buffer, and is a pedestrian access.

Mayor Casper requested any public comment.

No one appeared.

Mr. Bane reappeared. Per Mr. Bane, Director Cramer stated the name for the PUD will not matter, the name only matters for the plat.

Mayor Casper closed the public hearing.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Planned Unit Development for Caribou Crossing PUD as presented. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Radford, Burtenshaw. Nay - none.

Noting the pathway was not listed in the criterias of the Reasoned Statement, it was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Reasoned Statement of Relevant Criteria and Standards with the addition of adding the pathway from Kelsey Avenue to Easy Street sidewalk to the Planned Unit Development for Caribou Crossing PUD and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Burtenshaw, Dingman, Radford, Francis. Nay – none.

- 3)** Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the

Northeast ¼ of Section 22, Township 2 North, Range 37 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Airport Overlay Limited Development Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R2. Staff concurs with this recommendation.

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

Barry Bane, Connect Engineering, appeared. He stated this property is approximately 5.61 acres located on the corner of Bellin and Pancheri on the west side of town, noting the acreage includes a portion of the road, therefore the future development property is less than the 5.6 acres. He also stated this property is a county island surrounded by city, noting sewer and water are close, and the requested initial zoning is R2 (Mixed Residential). Mr. Bane stated the area is designated as General Urban in the Comprehensive Plan, noting the definition of General Urban talks about a wide variety of housing types. He described these various types which are consistent with R2 designation. He believes the R2 is consistent with the surrounding zones and uses, noting there are duplexes to the east, smaller lots and R1 to the south, additional townhomes and multi-family to the west, and LC and R3A. He also believes R2 is not out of the norm for the area. Mr. Bane stated construction and upgrades to Pancheri and Bellin would come with this development, noting the continuation of the walking path on Pancheri would make this a walkable area. He also stated one would typically want medium and higher density on the corner as Bellin is classified as a major collector and Pancheri is classified as a minor arterial. Mr. Bane stated as this property is on a corner, it would be very difficult to develop as R1 as the city most likely would not allow multiple accesses off of Pancheri onto Bellin. He also stated he has talked with city staff, noting the two accesses into the property would be as far west and north as possible to split between the current intersections. Mr. Bane believes the P&Z concern was density and traffic. He stated a traffic impact study will be completed which will show and provide needed data for applicable upgrades as required for the city and the engineers. He also stated there will be 25' rear yard setbacks and 25' along the streets, and the required buffer to the north, which will come forward with the site plans. Mr. Bane stated he sees this as an infill project, reiterating the city utilities are not far, and the R2 fits the area. He believes this would allow the property to be developed, it would bring needed housing, and would be an asset to the city. Per Councilor Francis, Mr. Bane believes the remaining portion of Bellin is already annexed.

Mayor Casper requested staff presentation. Director Cramer appeared. Due to the number of inquiries, Director Cramer explained the process for the property including annexation, zoning, platting, site plans, and permits. He also explained that each of the previously described processes has its own public process, emphasizing this application is annexation and initial zoning. Therefore, the two questions before the council include 1-should this be part of the city and can the city provide services to the site, and if the first question is yes, then 2-is the R2 zone appropriate for the site based on the consistency with the Comprehensive Plan. Director Cramer noted several comments have been received, including a petition for a certain number of apartments. He emphasized there are no plans of development at this time, there is only an application for annexation and initial zoning.

He then presented the following:

Slide 1 - Property under consideration

Director Cramer identified the variety of surrounding zones.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer reiterated the General Urban although there is Suburban to the immediate south, noting a number of things could be appropriate. He also noted that in the Comprehensive Plan for Area 3, which this parcel is part of, the city should allow higher-density housing on the perimeter of neighborhoods and near major intersections. He stated staff believes the requested zone is consistent with the principles of the Comprehensive Plan and is consistent with other zones in the area.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated this is currently large lot development, single-family attached homes to the east, single-family detached homes to the north, east, and south, and single-family detached and attached to the west. Director Cramer clarified not all of Bellin has been annexed.

Slide 5 - Airport Compatible Land Use

Director Cramer stated the Airport Overlay needs to be included in the initial zone, noting this would not restrict development and the R2 would still work.

Slide 6 - Photo looking northwest from the intersection of Pancheri and Bellin

Slide 7 - Photo looking north from Pancheri

Per Councilor Radford, Director Cramer stated this intersection could see lights as warranted. He also stated the development agreement would include any necessary improvements that are triggered by the development and will also include impact fees. Mayor Casper indicated there were neighbor concerns for safety with the four-way intersection. She believes the necessary foundation will be/has been installed for a light. Mayor Casper reiterated the two questions as explained by Director Cramer, noting future concerns will have their own processes. Director Fredericksen appeared. He does not believe there is underground infrastructure for lights, although he believes this could be warranted in the future. Mr. Fife clarified any development will occur pursuant to other laws.

Mayor Casper requested any public comment.

Jim Key, W. Eldorado, appeared. He requested clarification on the order of comments being submitted.

Jason Anderson, Brentwood Circle, appeared. He stated the remainder of Bellin is not annexed, this is currently county. He also stated the zoning of R2, which would be rentals, may alleviate the strain of availability of housing, however, the more pressing issue is the less availability of housing and the more availability of potential home ownership. Mr. Anderson stated Idaho Falls has about 30% rentals, which has increased over the pandemic, based on city documentation from 2018-2019. He believes with the lowering ability to obtain homeownership it's exasperated by the large rental conglomerates. He also believes zoning of R1 would do more to serve the community than zoning at R2 and building rental units.

Cami Wilkinson, S. Bellin Road, appeared. She stated the intersection is a big concern to the neighborhood. She also stated she did the footwork with a petition for R1 versus R2, noting the petition has 350 signatures. Ms. Wilkinson read the petition. She stated the density of the traffic is horrible, noting there is a wreck at least once a week. She believes something needs to be done with traffic issue as it's not safe for pedestrians or vehicles. Ms. Wilkinson stated she received a lot of comments while collecting petition signatures, as several individuals did not receive a letter about the hearing. She also stated she built her home 33 years ago in the R1 area and she has seen fields turned into single-family housing dwellings, and she indicated the neighbors are kind. She described the pathway, noting where it ends on each side of the road. Ms. Wilkinson stated, while collecting signatures, most neighbors didn't even read the petition, they just signed as they recognize the traffic needs to be looked at. She also stated all signatures prefer zoning of R1 not R2 as that would be an additional 150 cars in this intersection. She is hopeful all land in this area would remain R1, which is also a neighborhood desire. Ms. Wilkinson submitted her signed petition for the record.

Jim Key, W. Eldorado, appeared. He stated he currently resides in the county. He questioned if the council has visited the site as there are very nice houses. He stated he does not have a strong opinion about the annexation although he has a strong opinion about the zoning. He believes there should be familiarity with provisions in R2, realizing there is no request for a plat yet. He believes the worst-case scenario is a lot of three-story fourplexes, which could be built up to 36' high under R2. Mr. Key stated he agrees with the previous traffic comments, stating traffic could be worse. He referenced the P&Z staff report, stating he does not believe this is a good description to the north. He reiterated there are very nice homes in the county, and he believes there is a proposed development of R2 that is completed surrounded by R1, which is not a favorable mix, noting these homes will be in the city someday, as the city wants to annex enclaves. He also believes the mixture of one small area would be small property. Mr. Key also referenced the townhomes and fourplexes in the P&Z staff report, noting vicinity is defined as 500'. He questioned the vicinity. He believes the R2 possibilities are not compatible with the lifestyles that want to be kept. He urged the council to review public comments submitted by Weston Davis as these comments are well thought out and sincere. Mr. Key recapped the P&Z meeting of April 5, 2022, stating P&Z collected comments for and against the annexation proposal, noting most comments pertained to the R2 zoning. He also stated the only comments in favor of the R2 were from the property owner and the developer, all other comments were to leave it alone or make as R1. He indicated Weston Davis has professional experience in dealing with P&Z matters. Mr. Key stated not mentioned in the staff report is that Bellin Road is narrow and is bordered by a canal and telephone poles, noting this point was made in 2013 when P&Z wanted to extend Bellin Road to the development on Sunnyside, and the residents were told that Old Butte Road would be extended south and would become an arterial to loop around Idaho Falls, which has not happened, so there is still the problem.

Shante Anderson, Bellin Circle, appeared. She expressed her appreciation for the opportunity for public comments, recognizing this is the only chance for the neighbors to be heard. She stated the designation of R2 allows a wide expanse of possibility for the developer which can include single-family housing or can include up to 17 units per acres, which the developer has indicated they could not do, however, the developer can change their mind during the process. Ms. Anderson stated this very thing has happened to the west of the small R2 designation as the builder intended to do more R1 housing but built more multi-unit housing, noting the neighbors invested in well-built homes in the R1 section. She believes they need some definition of more constraints of what the builder can do on this property. She agreed that traffic is a problem and traffic will be a mess by time it's all developed. She realizes the need for housing but she hopes in the excitement of the community growing that decisions are not made quickly

and that we ruin the very thing that attracts our city to other people, which includes providing consistent zoning and secure neighborhoods that are appropriate, and R2 would be an island within an island, which does not make sense. Ms. Anderson presumes the road being annexed is for an access point into the property, stating there are IDAPA codes which states there must be 600' from a light to the access point. She indicated Bellin Road is only 500' feet, which would not meet the IDAPA standards and cannot be an access point. She believes there is a challenge to meet the codes and the actual needs of the intersection and the area. She also believes R1-type housing could be constructed, acceptable, and fluent. Ms. Anderson stated the flow of traffic is contributed to four different schools within a mile to the intersection and is also affected and impacted by the INL (Idaho National Laboratory) parking lot which has created a significant amount of traffic on Bellin. She indicated 300 more parking spaces are being built in that parking lot. She is hopeful to maintain the community for those who want to stay.

Justin Yarrington, Periska Lane, appeared. He stated he agrees with the local residents. He indicated there will be potential impacts to this intersection due to the INL Park and Ride as INL has interests to expand that parking lot. He clarified he is not representing the INL but he believes there will be increased traffic on Bellin due to this expansion.

Mr. Fife explained comments should be connected to the annexation and zoning.

Weston Davis, Memorial Drive and representing Bart and Marion Davis as affected landowners, appeared. He questioned which Comprehensive Plan applies stating this application was submitted prior to the adoption of the new Imagine IF. He requested the council consider the Comp Plan that was in place in 2013 which identified this area as Estate and R1 development. If the Imagine IF plan applies, Mr. Davis believes it's important to note that General Urban transect anticipates duplexes, townhomes, and condos, noting the development east of the proposed property are duplexes, townhomes, and condos which meet the R1 density, and the applicant would not lose any property value as the density of R1 can fit. Mr. Davis referred to and read from pages 24, 26, 70, 91, 92, 150, and 162 of the Comprehensive Plan. He believes these considerations should be looked at from the council at this stage. Mr. Davis stated his other comments have been addressed. He also stated these concerns are not personal against the applicant, these are concerns addressing the issue. He requested the council consider the roadway and surrounding area and the continuity of the R1 zoning, which accomplishes the goal of providing additional housing accomplished by the R1, and everyone would maintain their property values.

Marion Davis, Bellin Circle, appeared. She stated they have resided at their home for 32 years due to the opportunity to have a place of respite, peace, and therapy. She also stated because of these reasons, it attracts people to this area. Ms. Davis believes R2 is not appropriate for this site, she requested that those individuals who signed the petition be able to stand to be recognized. She expressed her appreciation for the housing comments for new families moving into the area, not just for apartment rentals. She believes this zoning does not make a promise, and this is the only time to make a comment. She stated changes could become very dense, noting the parking area could be a housing parking lot. Ms. Davis shared a personal experience of friend trying to purchase a home. She reiterated this is not appropriate, there needs to be a little more room, and keep the westside as is. She stated other zoning meets the requirements of apartments, but a traffic fire is not the way to control this place. She expressed her appreciation to the other recommendations. She believes the 25' feet will be a road, not a noise buffer.

Sara Bower, Bellin Road, appeared. She stated she is not opposed to the annexation. She also mentioned the solitude and the peace. She also stated she is not opposed to growth, she welcomes growth as a business owner, however, a patchwork of R1s and R2s doesn't make sense. She believes the noise level will increase, and the traffic is difficult which is a concern. Ms. Bower stated she opposes the R2, although she would be acceptable to townhomes or condos as R1 and to maintain the solitude in the neighborhood.

Mel Bolling, Paron Lane, appeared. He stated he supports the other comments. He also stated the four points important to him include 1-the visual impact of R2 would be out of character of the neighborhood including the visual aesthetics of the neighborhood, 2-privacy, stating the three-story structures would negatively impact the surrounding neighbors in the R1 area, 3-ingress and egress and the traffic impacts, and 4-the impacts to the school system with a high-density situation of R2. Mr. Bowling stated he supports annexation with R1 but would not support annexation with R2.

Jim Parry, Blue Ridge Drive, appeared. He believes with a high-density zoning that the traffic study would come before the zoning decision as it will impact traffic. He requested the condition of the road be considered as Bellin Road is a narrow road and he worries about kids.

Gloria Udy, Plommon Circle, appeared. She stated she would like to see this area made into park, as the city is short on greenspace. She believes R2 is absolutely the wrong way to go and unfortunately, they've been victims of previous developers who made promises, which did not happen. She is unsure who to blame for that.

Ken Anderson, Bellin Circle, appeared. He would prefer to do this as R1 zoning rather than an R2 zoning.

Carl Bower, Bellin Road, appeared. He agrees with the previous testimony. He believes this would create a patchwork, realizing the plan allows for that but the old plan should be considered and what people bought into. Mr. Bower stated new plans should primarily be for new development, not retroactive to existing development. He also stated he would not put R2 next to 600 acres of open land, he believes one would want some R1, R2, and then R3. He believes this is going back on previous promises.

David Kimball, S. Bellin Road and owner of the property in question, appeared. He stated when his family made the decision to make a change, they talked to neighbors who wanted an open field. He also stated 50 years ago it was all an open field, however, this has been developed over the years. Mr. Kimball stated this area is already a patchwork as there is R1 north, R1 south, R2 east, R1 to the immediate west and within eyesight is R2. He also stated traffic is already an issue and will still be an issue whether it's R1 or R2. He indicated the challenge is how to deal with the root cause of the issues as opposed to the advice from the professionals who have studied and made suggestions. In regard to annexation, Mr. Kimball stated utilities have already cut across the property, although he is not allowed to connect to these. He believes it's inevitable this area will be annexed, and there will be the same factual issues with R1 or R2, realizing there are emotional issues. He respectfully requests the annexation with R2 as the studies have suggested.

Forest Ihler, 10th Street, appeared. He stated R2 does not mean rentals, there are plenty of rentals in R1, and if R1 needs to be surrounded by R1 then the whole city would be R1. He questioned when it ends. He also stated in the Comp Plan the arterial and the collector of Pancheri and Bellin states

higher-density can be next to arterial roads as they can handle more traffic. Mr. Ihler stated when this gets developed the developer is required to put in sidewalks, which will be safer for children, including an eventual stop light. He also stated there are rules in place that the developer has to follow. Mr. Ihler believes it's not fiscally responsible to continue to build R1 as it does not maintain itself, there must be higher-density zones. He also believes this must be balanced in the budget, noting every little project adds up with time, especially with the growth. He questioned when it stops. He stated R1 would make that parcel more difficult to develop, and it makes the intersection more dangerous if homes are facing Pancheri and Bellin. He believes it makes the intersection safer with time. He also believes housing is important, it doesn't mean we all want single-family homes, and individuals can find solitude in a townhome with greenspace.

Jason Anderson, Brentwood Circle, reappeared. He believes it's important to recognize the interest of the realtor and the landowner to ensure they both earn the highest possible price and the greatest utility in the future with R1 versus R2 being it offers a greater leeway of what can be built. He also believes it's important to recognize a drop of R2 in an R1 area is nothing more than playing games with the zoning to cause future problems. He referenced the plot directly north which is a cul-de-sac with single-family dwellings, which is narrower than the plot in question.

Council President Dingman questioned the access points relevant to zoning. Director Cramer stated access point standards apply across the board no matter which zone, noting the maximum would be one on each road. Per Mayor Casper, Director Cramer stated fire standards are dependent on how many units are built. Per Councilor Radford, Director Cramer stated it's possible that R1 would only require one access, although, driveways onto Pancheri or Bellin would not be permitted and there would have to be access from one road or another. Council President Dingman questioned if council were to prefer/suggest R1 over R2 that the configuration might be similar to the north end. Director Cramer stated access would not be required, that is the maximum. Councilor Francis believes it's not as simple as multiplying the acreage by 17 units as there are other factors, and he questioned the maximum lot coverage including driveways, pavement, and sidewalks. Director Cramer does not believe R2 includes driveways, noting R1 only includes structures. He stated it would be extremely difficult to achieve the maximum of 17 units per acre. Per Councilor Francis, Mr. Bane confirmed whether R1 or R2, there will not be driveways onto Pancheri or Bellin. Also per Councilor Francis, Mr. Bane does not believe the city wants a street to go in through there. He also stated from the engineering standpoint, there's a huge elevation difference to overcome with either zone.

Mr. Bane indicated R2 allows up to a two-story unit and anything after that there is an additional 2' of setback for every 1' of height, therefore, any three-story building would have the 25' setback plus another 20' of setback. He stated the R2 zone allows for a mix of housing type, and offers a variety of housing that are needed than just single-family lots. He referenced pages 56-59 in the Comp Plan, stating this is occurring with the annexation and initial zoning of R2, and the area is continually growing. Mr. Bane stated the change of housing in need pushes a lot of housing to the townhome style as single-family homes have become out of reach for many individuals. He also stated this could be a rental like any other single-family house, noting any zone could have rentals and any zone could have single-family homes, although, saying this will strictly be rentals is an unfair statement. Mr. Bane believes all housing types fit in the R2 zone, it fits the Comp Plan, and they want higher-density infill on a corner. He confirmed lights and road improvements come with development and will be required as warranted. He also confirmed the traffic impact study will be reviewed by staff and the professionals.

Director Cramer clarified in the R2 the minimum of 20% must be landscaping. In this case, landscaping must occur along both Pancheri and Bellin, and pavement counts against the landscaping. Director Cramer explained the lost acreage, stating the developable ground shrinks on corner lots due to the larger setbacks. Per Councilor Francis, Director Cramer stated R1 would allow single-family attached with two units on separate lots. Mr. Bane stated, per maximum density, he is not aware of any project in Idaho Falls that has hit maximum density due to the additional requirements. Per Mayor Casper, Director Cramer stated the P&Z has a representative from the school district to facilitate communication and coordination between the city and the school district. Mayor Casper stated per City Code, there are 15 different ways that R1 can be used and 19 different ways that R2 can be used, she questioned if the four additional uses can be characterized as higher density. Director Cramer stated these are more intense styles of residential development, noting some things are allowed by a conditional use and some things are allowed by right. Councilor Radford noted ADUs (Accessory Dwelling Units) are now allowed everywhere.

Mayor Casper closed the public hearing.

Councilor Francis stated several concerns already exist, including the intersection and traffic. He believes it will be the developer's responsibility to correct the gaps in the pathway, the intersection problem is not coming or going with this project, and the R2 might not have the impact when landscaping and other restrictions are considered. Councilor Burtenshaw indicated the 315 signatures are addressing the current problems, including traffic issues. She recognizes the traffic with development in this area or any development farther to the west will bring more problems to the intersection. She agrees with Councilor Francis that traffic is a big issue for this area. She doesn't believe this property will lend itself to be a livable walkable area, although high density next to arterial roads is important. She stated the property owner has rights, and the Access Management Plan will be protected. Councilor Radford believes density is important, as it costs taxpayers less money. He stated the city does not have the ability to grow out into the subdivisions as the city can't maintain the infrastructure that cities are required to maintain, and there's already a struggle to fund the city. Councilor Radford stated he would not feel good if he were a renter, and he believes that is problematic as renters add value, which is critically important. He also stated property owners have the right to develop within the rules that have been established. He referenced the traffic, noting the recent impact fees, stating the quicker we can get more people near this area, the quicker we can get lights and safety measures, and this area is built to connect to walkways and pathways and to the retail corridor. Council President Dingman stated she is not against R2 or R3 zones as she tries to follow the Comprehensive Plan as medium and high-density housing and she has supported many of these zones throughout the city. She also stated she has heard that this type of housing is frequently characterized as less favorable, which is a disservice particularly to children who have no control of their residential circumstances. She believes this is disheartening as we live in an amazing and generous community. Council President Dingman concurs with Councilor Burtenshaw that the R2 zone does not lend to a walkable livable lifestyle, and she is unsure how the R2 qualifies as a small incremental change. She recalls having a transitional zone due to the surrounding R1 zone that surrounds this area, including the nature of traffic and safety.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance annexing 5.61 acres of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 22, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors

Francis, Radford, Dingman, Burtenshaw. Nay - none.

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

ORDINANCE NO. 3465

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.61 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 Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Burtenshaw, Francis, Dingman. Nay - none.

- 4) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and recommended approval of R2 by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis believes the petition is important, however, the root of the petition is traffic, which is currently a problem, and it won't be solved with R1 or R2. Councilor Burtenshaw reiterated the property owner has rights, which she values living in this country.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "General Urban" and approve the ordinance establishing the initial zoning for R2, Mixed Residential with Limited Development Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request 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. The motion carried by the following vote: Aye - Councilors Radford, Francis, Burtenshaw. Nay - Councilor Dingman.

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

ORDINANCE NO. 3566

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 5.61 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL WITH LIMITED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE

DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Radford, Burtenshaw. Nay - none.

Mayor Casper believes, for the most part, there is a desire to get along with ones' neighbors, she expects this to happen when the parcel is developed. She concurs with Councilor Burtenshaw's comments regarding property ownership. She expressed her appreciation to those who offered testimony.

- 5) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3, Multiple Dwelling Residential and R2, Mixed Residential and the Limited Development Approach Surface Airport Overlay Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Limited Development Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The zoning discrepancy between applicant and Planning and Zoning Commission is explained in the memo for the next hearing.

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

Kurt Roland, Eagle Rock Engineering and representative of the developer, appeared. He stated the request is to annex approximately 27 acres located at E 65th N and the Lewisville Highway. He also stated the zoning request for 19 acres is R3, and the zoning request for 8 acres on the east side is R2, noting they believe R2 would be a good buffer between the county of R1 and the R3. Councilor Francis questioned the original request of all R3. Mr. Roland stated R2 is 17 units per acre and R3 is 35 units per acre, noting they could not get 35 units per acre, nor could they get 17 units per acre on the proposed plat. He believes this is a good buffer due to the request of R1 on the skinnier piece. Per Councilor Francis, Mr. Roland confirmed the proposal is R3 and R2. Per Mayor Casper and Councilor Radford, Mr. Roland stated there were no concerns with the Airport Overlay due to the height.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration

Director Cramer identified the surrounding zones. He stated all zones requested exist in the immediate area.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated there is a mix of Mixed Use Centers and Corridors as well as Suburban. He noted

this was a fairly recently change to Comprehensive Plan before Imagine IF was adopted, however, the corner of E 65th N is recognized as a future version of a walkable center as development happens. Director Cramer identified the US20 interchange further to the east.

Slide 3 - Aerial photo of property under consideration

Director Cramer identified single-family development in the county to the north and east, and Sage Lakes Golf Course, Fairway Estates, Teton View Estates, and recently annexed area to the west.

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated this property is currently agriculture and vacant with some single-family in the immediate area.

Slide 5 - Utility Map

Director Cramer stated there is water in the immediate area, sewer is farther away to the west, and the south is within Fairway Estates development. He also stated expansion of the serviceable sewer line would be required.

Slide 6 - Airport Overlay

Director Cramer stated the Airport Overlay would not affect development of the property.

Slide 7 - Photo looking east from N 5th E

Slide 8 - Photo looking northeast from N 5th E

Director Cramer reiterated the request for two zones, noting the original request was for R3.

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

Councilor Burtenshaw stated this property is near the bridge that was approved earlier in the meeting, reiterating this is intended to be a five-lane arterial road. She also stated there are several subdivisions to the north that are currently zoned R1. She believes access management on 65th is less than ideal, and she is in favor of annexing property that is contiguous to the city in order to control access management for safety reasons as the city considers growth and the potential US20 interchange. She realizes this property is outside the Area of Impact but is contiguous to the city.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance annexing 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Francis, Radford, Burtenshaw, Dingman. Nay - none.

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

ORDINANCE NO. 3467

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 27.207 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 Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Dingman, Radford, Francis, Burtenshaw. Nay - none.

- 6) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3, Multiple Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The applicant, who originally requested the entire property be zoned R3, is requested the eastern portion of the property be zoned R2, rather than R1. Staff concurs with this request as it R2 is a common transition between lower density and higher density development.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Mixed Use Centers and Corridors, General Urban and Suburban" and approve the Ordinance establishing the initial zoning for R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request 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. The motion carried by the following vote: Aye - Councilors Radford, Francis, Burtenshaw, Dingman. Nay - none.

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

ORDINANCE NO. 3468

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 27.207 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3, MULTIPLE RESIDENTIAL DWELLING, R2 MIXED RESIDENTIAL AND APPROACH SURFACE AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Dingman, Francis, Radford. Nay - none.

D. City Attorney**1) Restated Joint Agreement, Technology Park Project with Bonneville County, City, and Regional Development Alliance (RDA)**

An Economic Development Act grant was awarded in 1994 for purposes of retraining the community's work force. The award was the result of a Joint Agreement (JA) between the County, City, and the Idaho Innovation Center, Inc. EDA grant monies were expended to acquire land, install public improvements, construct a facility, and administer a training program and a revolving loan fund. RDA (successor to IIC) received permission to redirect remaining funds for uses consistent with the original grant purposes. The parties agree that the College of Eastern Idaho will continue the grant programs effectively. The Restated JA resets the relationships of the parties to ensure continued program success. Each party has or will ratify the Restated JA as required by their respective laws or requirements.

Mr. Fife appeared. He stated the county will deed a building and land to the College of Eastern Idaho (CEI) for the Technology Park, and there will be an agreement with CEI so that CEI can administer the project. He also stated the funds that were pledged by the city were given to RDA which will be given to CEI to run the project, with the county being the administrator. Mr. Fife believes this is a more viable option to continue to provide workforce training within the city. He stated the other entities have passed and approved the agreements. He also stated this item was discussed at the April 5, 2022, city/county joint meeting. Mayor Casper read an email from Sean Coletti, stating CEI has signed the documents, she also read a message from CEI President Rick Aman expressing his appreciation to the city, and she referred to comments from Senator Dave Lent.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Restated Joint Agreement, Technology Park Project Between Bonneville County, City of Idaho Falls, and Regional Development Alliance, Inc., and authorize the Mayor and City Clerk to sign and execute all necessary associated documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Radford, Dingman, Francis. Nay - none.

2) Resolution - Amendment of Resolution 2021-11 Condemnation of Property for Expansion, Improvement, and Protection of the Idaho Falls Regional Airport.

On April 22, 2021, the City adopted Resolution No. 2021-11 to initiate legal proceedings to acquire property adjacent to the Idaho Falls Regional Airport ("Airport") for the expansion, improvement, or protection of the Airport. Resolution No. 2021-11 mistakenly made reference to Idaho Code § 50-320(A), which authorizes Idaho's cities to acquire property for cemeteries, instead of Idaho Code § 50-321, which authorizes Idaho's cities to acquire property for airport purposes.

The purpose of this amendment is to correct an obvious scrivener's error to Resolution No 2021-11, to clarify the City's legal authority, and does not substantively change any decision or action taken to date by Council.

Assistant City Attorney Michael Kirkham appeared. He stated the resolution does not materially change anything in the litigation as the city's focus and intention was for the airport.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the resolution and give authorization for Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Radford. Nay - none.

RESOLUTION NO. 2022-16

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

6. Executive Session

It was then moved by Councilor Radford, seconded by Councilor Francis, to move into Executive Session (at 10:42 p.m.). The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will reconvene into regular Council Meeting. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Radford, Burtenshaw. Nay - none.

The City Council of the City of Idaho Falls met in Executive Session, Thursday, May 26, 2022 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 10:45 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Lisa Burtenshaw
Councilor Jim Francis

Also present:

Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney (departed at 11:01 p.m.)
Chris Fredericksen, Public Works Director (departed at 10:54 p.m.)

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session concluded at 11:32 p.m.

The Council then reconvened into regular Council Meeting.

7. Regular Agenda.**A. City Attorney****1) Settlement Agreement for A-Core of Idaho, Inc. v. Thompson Paving, Inc.**

In 2016, the City awarded the Eastside Greenbelt Pathway Project to Thompson Paving, Inc., as the City's general contractor. Thompson Paving, Inc. hired A-Core of Idaho, Inc. as a curb and gutter concrete work subcontractor for the project. After the project was completed, in 2017, A-Core of Idaho, Inc. sued Thompson Paving, Inc. Thereafter, in late 2019, Thompson Paving, Inc. sued the City. The City then counter-claimed against Thompson Paving, Inc.

The settlement agreement presented to Council here would require all parties to dismiss all claims arising and related to the Eastside Greenbelt Pathway Project in exchange of a total payment of \$45,000 to A-Core of Idaho, Inc. The City is funding \$40,000 of the settlement.

There was no additional discussion.

It was moved by Councilor Radford, seconded by Councilor Burtenshaw, to approve the negotiated settlement agreement as presented and authorize the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Dingman, Radford, Francis. Nay - none.

8. Announcements.

Council President Dingman announced the Greater Idaho Falls Transit (GIFT) ribbon cutting, and a community-wide BBQ at Snake River Animal Shelter on June 3. Mayor Casper announced a Veteran's breakfast and flag raising ceremony on May 27, city offices will be closed on May 30 for Memorial Day, the Field of Honor Memorial on May 30, the splash pad ribbon cutting on May 31, City Council Work Session and community bike ride on June 6, Idaho Falls Power Board Meeting on June 8, and City Council Meeting on June 9.

9. Adjournment.

There being no further business, the meeting adjourned at 11:38 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor