

June 3, 2019

The City Council of the City of Idaho Falls met in Special Meeting (Area of Impact Council Discussion), Monday, June 3, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Casper Rebecca L. Noah Casper
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman

Absent:

Councilmember Thomas Hally
Councilmember John Radford

Also Present:

Brad Cramer, Community Development Services Director
Kerry Beutler, Assistant Community Development Services Director
Chris Fredericksen, Public Works Director
Commissioner Christensen, Bonneville County Commissioner
Commissioner Reed, Bonneville County Commissioner
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:02 p.m. with the following:

Discussion of Annexation within the Area of Impact:

Director Cramer believes, per previous conversation, there was concern with City annexations regarding the Area of Impact (AOI) from what the Planning and Zoning (P&Z) Commission recommended. He indicated since that time the City has adopted a Statement of Annexation Principles by resolution at the May 9, 2019 Council Meeting. These annexation principles were applied to the recent west side annexation. Mayor Casper stated adoption of these annexation principles were delayed pending the legislative session. Commissioner Reed believes the west side annexation concerns were heard and addressed by the Council. He expressed his appreciation for the elimination of those properties that did not include City services. He commended Director Cramer. Mayor Casper believes the annexation principles addressed the reasonable considerations. Concurrence followed by those Councilmembers in attendance. Commissioner Christensen expressed his concern for partial annexation of roads and right-of-ways. He specifically addressed the announcement of Costco as the County recently updated the roundabout in the adjacent area. He also expressed his concern for Category B annexation in the urban sprawl. Director Fredericksen stated partial annexation of roadways include concerns with public safety, snow removal, and coordination of City utilities. It was noted the developer is required to pay the costs for the road. Director Cramer stated annexation generally occurs prior to development. He also stated an arterial road and bridge fee is charged per acreage of the development for the roadway even if the road is not annexed at that time. General discussion followed. Director Fredericksen stated funding is set aside for future roadways. Commissioner Reed believes it's important for the developer to build the road as the maintenance costs are somewhat insignificant compared to the construction of the road.

Discussion of Utility Extensions and Infrastructure Standards; Final Review of Area of Impact Agreement and Map; and, Review of Final Steps to Approve Area of Agreement:

Director Cramer believes the utility extension pilot project is set up on the relationship and trust between the two (2) entities that certain standards will be followed and adhered to. He also believes the pilot project is based on the City's ability to annex properties later on. He believes, following the legislative session, he is not convinced the City will still have the ability to annex properties that have City utilities. He recommends the utility extension discussion occurs once the annexation issues settle down. Councilmember Freeman believes extending utility encourages urban sprawl.

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If the City is going to require the utilities to meet City standards then why not annex these properties. He expressed his discouragement. Commissioner Christensen believes the spirit of this was to make properties ready for annexation. Councilmember Freeman believes there is a burden on City taxpayers to extend the utilities although this broadens the base of ratepayers. Director Fredericksen questioned if the development inside the AOI is considered urban sprawl. He stated if the City standards policy had been in place there would not be issues with the previous County annexations. He believes this affects the AOI. Councilmember Francis questioned a developer in the AOI developing to City standards even though they may not be hooked up to the actual utility. Director Fredericksen stated other services along the main line in the County roadway would require approval by the pilot project or annexation. The County would need to enforce the standards. Commissioner Christensen stated the County builds to a similar standard. He believes there is a misconception of urban growth without municipal services. Mayor Casper questioned a list of urban trouble spots which would not affect the AOI discussion. Commissioner Christensen indicated he would be reluctant to do this as the type of service would affect the surrounding areas. He specifically addressed the southern and northern areas of the AOI. Director Cramer stated the AOI line has been proposed to allow 25 years of growth. He also stated, at this time, there are very few parcels eligible for a pilot project. The pilot project was meant to be protective of taxpayers, ratepayers, and, the urban sprawl. Director Cramer requested the preference of the AOI moving forward with the pilot project or to leave out utility extensions pending the legislative sessions in the future year(s). Councilmember Francis questioned the County reason/importance for wanting the utility extension. Commissioner Christensen stated there would be no reason to retrofit as the standards would already be built. Commissioner Reed concurred. Brief discussion followed regarding development and other service providers outside the AOI. To the response of Mayor Casper, Director Cramer stated the Local Land Use Planning Act (LLUPA) statute requires the adoption of two (2) ordinances - the boundary map and the Comprehensive Plan and development standards. He noted the P&Z recommended the document with the utility extensions. The Council recommended removing references to utility extensions. He indicated the pilot project would replace this section on a limited general/trial basis. Commissioner Reed believes the areas inside the current boundary line should be addressed. Director Cramer believes the boundary line is less important than comparable standards and philosophy of growth. He also believes there may have been a previous effort to get away from the City and the standards which has resulted in this conversation. Commissioner Christensen expressed his concern for utility services by other providers, excluding Rocky Mountain Power (RMP). It was noted it is City practice to allow the service to continue with said provider. Mr. Fife stated there is not a legal policy to address other service providers in annexed areas. He briefly reviewed eminent domain, annexation, and, franchising. Mayor Casper indicated a policy may reduce the ability to be adaptive and flexible. Commissioner Christensen suggested the AOI agreement be sent back to P&Z. Councilmember Freeman has no desire to send this back to the P&Z. Director Cramer stated the P&Z philosophies on utility extensions are different from the elected officials' philosophies as indicated by the different recommendations. He indicated the elected officials set policy for their jurisdiction while the P&Z looks at it from more of a best practice or "ideal world" standpoint. He expressed concern sending this back to P&Z. Director Fredericksen stated utilities will be served with every intent. He believes, not knowing the boundaries, is a disadvantage for investments. The planning document would give better guidance. Councilmember Francis believes the pilot project was an attempt to move the boundary. Commissioner Reed believes the statement of annexation principles is a well-received document. Mayor Casper stated the pilot project was proposed as a compromise for the red-lined area in the agreement. Commissioner Christensen would prefer the document stay as is. Commissioner Reed does not want development outside the urban area.

There being no further business, the meeting adjourned at 4:34 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR