



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, July 8, 2021

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 Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Jon Perry, Deputy Fire Chief, to lead those present in the Pledge of Allegiance.

3. Public Comment.

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Dustin Pancheri, representing the large group of motorcycle riders in attendance, appeared. Mr. Pancheri stated he has been involved with Noise Park, now known as Idaho Falls Raceway for approximately 25 years and was the managing operator of the track for approximately seven (7) years. He also stated the track has not been operational for the previous 1-2 years, which the group is hoping to resolve. Mr. Pancheri reviewed a history of the park stating the park is owned by the State with a long-term lease to the City. He indicated one of the requirements of the lease is to use the park as a motor sports facility, and the original use of the park was for motocross. Mr. Pancheri stated the operation of the park was mainly performed by private individuals and the money was raised in the private sector in conjunction with the Lion's Club. That operation occurred for many years until the Lion's Club dwindled due to the lack of individuals to operate the park. At that time, the park went to the City and Curtis Holmes operated the motocross portion of the facility for 2-3 years, however, Mr. Holmes passed away which affected the track. Mr. Pancheri believes the track became tough for Parks and Recreation (P&R) to operate and P&R began receiving complaints. He also believes the track may have been a nuisance for P&R and due to the lack of budget, P&R stopped operating the track. Mr. Pancheri believes an operational track would be beneficial to the community. He stated this is a family opportunity and since there is no nearby facility, these families are spending their money elsewhere. He also indicated there has been a huge rise in recreational sports in the previous 12-16 months and a big opportunity was missed locally. Mr. Pancheri stated individuals from the western U.S. attend races which brings in money from hotels, fuel, food, camping, etc. He provided an estimated revenue sheet and believes there will be good economic development with the track. He believes these tax dollars will create more tax dollars which will assist with the operation of the track. Mr. Pancheri stated this community is a growing area and the riding opportunity needs to be provided in an environment that's meant for riding to reduce nuisance. He believes riding is a motivator for kids and

he believes his own children have learned values from this opportunity. He indicated there are a lot of uses for this facility that are not being taken advantage of. Mr. Pancheri provided a list of businesses that he indicated were supportive of opening the track. He also indicated the user group would support the opening and would help with the operation and maintenance of the track. Mayor Casper clarified hotel taxes come back to the area but not to City government, however a portion of sales tax does come back to cities. Mayor Casper expressed her appreciation to all those in attendance. She indicated the shutdown of the pandemic was very difficult on P&R, including the lack of staff. She apologized for the frustration that may have been felt.

4. Consent Agenda.

It was moved by Councilor Radford, seconded by Councilor Freeman, to remove item 4.B.1) from the Consent Agenda due to a clerical error. Mayor Casper noted this item will become 5.A.3) on the Regular Agenda. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay – none.

A. Fire Department:

1) Bonneville County Fire Protection District #1 Service Agreement.

This one-year renewal of the joint service agreement allows the two agencies to work together to provide proficient and cost-effective methods of firefighting to both the City and County residents.

B. Municipal Services

1) Quote, Software, Hardware and Subscription Maintenance Purchase for Information Technology

The City has been notified by Check Point the current operating version of the software is nearing end of vendor support and an upgrade is required. This purchase provides upgraded firewall software, hardware and subscription maintenance services for the city's firewalls.

Alignment with City & Department Planning Objectives

2) Treasurer's Report for May 2021

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending May 2021, total cash, and investments total \$150.9M. Total receipts received and reconciled to the general ledger were reported at \$27.1M, which includes revenues of \$25.5M and interdepartmental transfers of \$1.6M. Total disbursements reconciled to the general ledger were reported at \$22.1M, which includes salary and benefits of \$5.7M, operating costs of \$14.8M and interdepartmental transfers of \$1.6M. Funds noted with an asterisk received adjustments to cash for the 2019/20 fiscal year-end as recommended by the city's external auditors. As reported in the attached investment report, the total investments reconciled to the general ledger were reported at \$141M.

3) Minutes from Council Meetings

June 24, 2021 City Council Meeting; and June 28, 2021 City Council Work Session.

- 4) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Burtenshaw, seconded by Councilor Radford, to receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

5. **Regular Agenda.**

- A. **Idaho Falls Power**

- 1) Reimbursement and Asset Transfer Agreement with Rocky Mountain Power (RMP)

The City of Idaho Falls has over the years annexed areas encompassing RMP's historical service territory. In the past two years, RMP has filed seven cases before the Idaho Public Utilities Commission to transfer customers and service territory to Idaho Falls Power (IFP). As filing individual cases at the Commission is administratively burdensome, this agreement allows for the transfer of multiple assets and territories as described in Exhibit A, for a total sales price of \$4,152,351.00.

IFP Director Bear Prairie appeared. Director Prairie stated any annexation within the City is not tied to the electric service. He also stated IFP has been working with RMP over the previous year for a large-scale buyout as it is very arduous for single buyouts which also must go through Public Utility Commission (PUC) approval. Per Councilor Francis, Director Prairie stated a letter has been/will be distributed from RMP informing all customers of the potential change-of-service providers. These customers can then submit comments to the Idaho PUC who rules on the transfer. If the buyout is approved, IFP will notify all individual customers of the process which is anticipated to take 6-7 months for the transition. Director Prairie stated IFP will then provide a welcome packet and information for the benefits of public power. Councilor Radford commended Director Prairie and the IFP team as he indicated this is not an easy task to clean up islands within the City. He believes this is a milestone. Councilor Freeman noted these customers will become owners of the power company.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this agreement with PacifiCorp, an Oregon corporation, d/b/a/ in Idaho as Rocky Mountain Power (RMP) of Salt Lake City, Utah to transfer assets from City annexed areas encompassing RMP's service territory at a not-to-exceed amount of \$4,152,351.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

- 2) Sugarmill Purchase Asset Agreement with Bonneville Power Administration

Idaho Falls Power (IFP) and BPA each own assets located at the Idaho Falls Power-owned portion of Sugarmill Substation. This agreement is to purchase all of BPA's assets at Sugarmill, resulting in IFP's full control of the 46kv yard at Sugarmill.

Director Prairie stated IFP recently performed a major upgrade and replacement of control wiring for this facility. He also stated a fair asset transfer price was achieved for take-over of the facility. He noted this is similar to the buy-out of the westside transformers. He also noted this will be the last clean-up piece of BPA distribution/transmission-type assets that are directly connected to the IFP system. Per Councilor Freeman, Director Prairie stated BPA will no longer need access to this facility, which will be more efficient for IFP during routine checks. Councilor Radford commend IFP on this item as well.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this agreement with Bonneville Power Administration (BPA) of Vancouver, Washington for property assets located at the Sugarmill Substation as identified in Exhibit A of the agreement for a not-to-exceed amount of \$119,000.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

3) Resolution Adjusting the City of Idaho Falls' Participant Entitlement Share in the CFPP

The City of Idaho Falls, dba Idaho Falls Power (IFP) supports and is committed to the development of the CFPP to provide affordable, reliable, dispatchable and carbon free electricity. IFP resource forecasting shows that 5,000kW is the needed amount of the baseload generation in the coming years and requests the resolution to be approved. Approval will enable the city to continue in the project. This continuation of the support for CFPP helps move the project development into the next phase which allows for further de-risking of project cost estimates and subscription.

Mayor Casper noted an updated version of the resolution has been distributed. Director Prairie stated this resolution is similar to a resolution approved in the previous year. He indicated this is a new phase for the current budget and would create an off-ramp for the opportunity to increase, decrease, or stay the same in the participation of the project. Director Prairie stated a new budget passed by the project management committee at Utah Associated Municipal Power Systems (UAMPS) triggers a new state of funding to keep the project on track towards the 2029 in-service date and in order to meet the deadlines, the project must keep moving. He also stated IFP has worked with the Mayor and Council on an updated resolution to keep the participation at the same level as the prior resolution which is 5mW through the next phase with another off-ramp opportunity next September. Director Prairie stated UAMPS continues to work with NuScale and Fluor to keep this project within the budget predictions. He noted the price is a 'not to exceed' and the plant size has been scaled down to six (6) modules instead of the original twelve (12) modules with a less magnitude of capital outlay. Mayor Casper stated this item was previously discussed by the Council on July 8. She questioned the sellable output per module/usage. Director Prairie stated he is unsure if that will be available at this point. Councilor Radford believes this is a milestone and expressed his appreciation to Director Prairie and UAMPS. He believes there is not much of a carbon-free future for many municipalities if technology cannot be figured out. He also believes this project can help keep the country on the trajectory of a carbon-free future. He is proud that many good things can happen when small communities band together. He is also proud to be part of this project and

the community's heritage. Councilor Hally indicated this is a complicated process which includes risk going forward, however, he also indicated there are headwinds in hydro, including costs to mitigate fish, there are drought conditions, and there are transmission issues. He believes it's a balancing act to look at the risks and whether to proceed or not. He expressed his appreciation to Director Prairie. Council President Dingman believes ratepayers and residents care about carbon-free and want to see reliability. She indicated IFP is economically viable and sound, and the credit rating is superior for reliability. She believes all must be done to avoid non-stable systems as has been seen in other states. Councilor Francis stated he agrees with the concept, however, he indicated the lack of subscriptions makes him nervous. He also indicated the subscriptions have not come in since the previous resolution was approved. He prefers firm commitments, not letters of intent. He believes the financial risk is too great for the utility. Councilor Francis stated he supports nuclear as an option, however, he is unsure about the financing of this particular project. Councilor Burtenshaw agrees with Councilor Francis' concern with the subscriptions although she stated she trusts Director Prairie to keep the position in this organization at the correct level while recognizing the off-ramp in the next year. She strongly believes the subscriptions would need to be there. She realizes this is not the typical risk versus reward. She stated her decision is for support of the Idaho National Laboratory (INL) in the local community. Mayor Casper believes there are a lot of uncertainties in the future although she has firm conviction that relying on the current portfolio is not the right thing to do as it will change. She also believes the City must be adaptive and demonstrate the ability to adapt to changing conditions in the power landscape by investing in researching projects. She indicated IFP is also investigating other options/possibilities to expand the portfolio in green ways and economical ways. Mayor Casper stated the Council will not spend too much and will not spend too little, the Council is trying to do the right thing. She praised Director Prairie. Councilor Radford believes the diversity of the portfolio should and will continue to evolve. He recognized the forefathers of the City.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the CFPP Entitlement Resolution. The motion carried by the following vote: Aye - Councilors Hally, Radford, Dingman, Burtenshaw, Freeman. Nay - Councilor Francis.

RESOLUTION NO. 2021-20

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING AND APPROVING CITY ENTITLEMENT SHARE AND DEVELOPMENT COST SHARE THRESHOLDS IN THE UAMPS CARBON FREE POWER PROJECT; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

B. Public Works

1) Bid Rejection - Storm Drain Improvements - 2021

On Tuesday, June 29, 2021, bids were received and opened for the Storm Drain Improvements - 2021 project. A tabulation of bid results is attached. The lowest bid received from JM Concrete Inc., was approximately 162% of the Engineer's Estimate. Public Works staff reviewed

the bids and concluded that contract award is not in the best interest of the City.

Public Works Director Chris Fredericksen appeared. Director Fredericksen stated the engineer's estimate was approximately \$328,000 and the low bid received was approximately \$532,000. He indicated staff determined it is not in the best interest to move forward with the improvements at this time. Councilor Freeman noted there is not a sense of urgency to complete this project. He also noted there are few contractors and a lot of work. Councilor Radford is hopeful the voters and citizens realize the commitment of the Council using taxpayer's dollars.

It was moved by Councilor Freeman, seconded by Councilor Radford, to reject all bids received for the Storm Drain Improvements - 2021 project and that notice of such will be sent to all bidders. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

2) Service Agreement for Wastewater Collection and Treatment with the Iona Bonneville Sewer District (IBSD)

Attached for your consideration is a Service Agreement for Wastewater Collection and Treatment with the IBSD. The existing wastewater service agreement expired December 31, 2020 and was extended through May 31, 2021. The proposed Service Agreement under consideration shall be effective upon signing and shall expire on June 30, 2026.

Director Fredericksen stated the City has historically provided this service for a number of years. He also stated Public Works staff was able to resolve issues related to billing and connection fees. He noted the major changes from the previous agreement are the established method of billing and payment for sewer service connection fees that were previously not charged. Councilor Freeman stated this has been an onerous process, he commended Director Fredericksen. Councilor Radford expressed his appreciation to Director Fredericksen for his sustained effort. He believes this agreement is fair and is beneficial to the City. Councilor Hally believes all costs must be recovered, and some costs are not easy to determine. He indicated this agreement is recovering costs while allowing IBSD, as a utility entity, to operate as they feel they need to.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Service Agreement and authorization for the Mayor and City Clerk to sign the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

3) Easement Vacations - Instrument Numbers 53912 and 534834 within Sand Creek Estates.

Public Works and Idaho Falls Power recommend vacation of two (2) transmission line easements located in Block 1 of Sand Creek Estates, Division 1. The Developer desires the vacation of these easements to better enable planned development and Idaho Falls Power agrees with the vacation providing the southerly 15 feet of Instrument No. 534834 is not vacated as described within the ordinance.

Alignment with City & Department Planning Objectives

Director Fredericksen reiterated this vacation was requested by the developer. Councilor Freeman indicated the easements are still in place, they're just getting smaller. Director Fredericksen stated the first easements were issued in 1978 as plans for transmission, however, the aerial view indicated there has never been any transmission lines. The remaining 15' would accommodate IFP future needs with this development.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Easement Vacation Ordinance 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 Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

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

ORDINANCE NO. 3392

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

C. City Attorney**1) Policy Regarding Utility Relocation to Accommodate Development**

City subdivision development requirements include construction of infrastructure, such as arterial and collector streets identified in the Bonneville Metropolitan Planning Organization (BMPO) and City transportation planning instruments. Expansion or enhancement of transportation systems often requires relocation of public and private utilities. This policy addresses Idaho and City law, cost allocation, and orderly process related to the relocation of utilities when necessitated by development.

City Attorney Randy Fife appeared. Mr. Fife stated this item was previously discussed at the July 6 City Council Work Session. He also stated as properties are annexed and development occurs on both sides of the property, this effects the utilities that are located in the City's rights-of-ways (ROWs). He indicated the ROWs most likely to be affected by growth are arterial collectors. He also indicated the City has its own utility and the City interacts with other utilities, therefore, Community Development Services, IFP/Idaho Falls Fiber (IFF), and Public Works worked together for a policy for orderly development. He explained the requirements of the resolution. Councilor Hally reiterated this item was discussed at length. He stated cost allocation is a detailed process based on law. Councilor Freeman stated the City does not want to stall a developer with power lines that may be in the way of development and not owned by

the City as waiting for relocation of power lines has consequences and costs. Councilor Burtenshaw commended all members of the departments mentioned. She believes this resolution is very sound due to the collective work.

It was moved by Councilor Hally, seconded by Councilor Radford, to approve the resolution regarding utility relocation to accommodate development. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A CITY POLICY FOR RELOCATION OF UTILITIES TO ACCOMMODATE DEVELOPMENT AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

D. Community Development Services:

- 1)** Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Equinox Townhomes.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Equinox Townhomes. The Planning and Zoning Commission considered this item at its March 16, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation. All reviewing departments have reviewed the plat and found it in compliance with the subdivision ordinance. Section 10-1-9(A)(9) of the City's Subdivision Code states, "If the final plat conforms to the provisions of this Chapter and all other applicable State or Federal laws, or local ordinances, the Council shall approve the final plat and authorize the Mayor and Clerk to sign the original plat."

No discussion was needed.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Development Agreement for Equinox Townhomes and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Equinox Townhomes, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Equinox Townhomes and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

- 2) Public Hearing-Rezone from R&D with Airport Overlay to R3A with Airport Overlay, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: approximately 18.594 acres, in the SE 1/4 of Section 1, Township 2 North, Range 37 East.

Attached is the application for Rezoning from R&D with Airport Overlay to R3A with Airport Overlay, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 18.594 acres, in the SE 1/4 of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its May 4, 2021, meeting and recommended approval by a unanimous vote. 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. Mr. Bane stated this property is located on the north end of the City. He indicated the adjacent area to the south is Research and Development and the adjacent area to the north is Residential. He believes R3A will buffer and flow well from the commercial higher-density to lower-density residential. He noted the R3A can accommodate some commercial uses.

Mayor Casper requested staff presentation. Community Development Services Director Brad Cramer appeared. Director Cramer stated this property includes 18.5 acres. He presented the following:

Slide 1 - Property under consideration in current zoning

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated this is where low density and higher education centers intersect. He indicated R3A is appropriate for the higher education centers designation as higher education centers is meant to be a mixed area that would include things around a campus such as offices, research-type facilities, and housing. He stated the R3A includes housing and office.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated this area is largely undeveloped.

Slide 5 - Airport Overlay

Director Cramer stated this particular part of the Airport Overlay does allow residential development although it's allowed at a much lower density than the R3A. The R3A allows 35 units per acre, the Airport Overlay is limited to nine (9) units per acre. The R3A allows more compact development patterns and the restriction of the overlay will apply to the property.

Slide 6 - Photo looking west across the property

Slide 7 - Additional photo looking west across the property

Per Councilor Francis, Director Cramer stated small-scale food-type services, with a maximum of 3000 square feet, is allowed.

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

Councilor Radford believes the Comprehensive Plan is a good division and this shows some flexibility in development which allows some commercial near living areas. He also believes the Airport Overlay is important although there are no concerns. Councilor Freeman believes the Airport Overlay will take care of any density concerns. Councilor Francis noted the Airport Overlay does not prevent development in creative ways, and it is a good demonstration to other developers. Mayor Casper noted future development is being considered in the adjacent areas. Councilor Francis believes this will be a livable, walkable community.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance rezoning approximately 18.594 acres, in the SE 1/4 of Section 1, Township 2 North, Range 37 East, from R&D with Airport Overlay to R3A with Airport Overlay 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 Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

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

ORDINANCE NO. 3393

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 18.594 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R&D WITH AIRPORT OVERLAY ZONE TO R3A WITH AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R&D with Airport Overlay to R3A with Airport Overlay and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

- 3)** Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 39.543 acres, SE ¼ of Section 1, Township 2 North, Range 37 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3A which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 39.543 acres, SE ¼ of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its May 4, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper noted agenda items 3 and 4 are related to one (1) property.

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. Mr. Bane stated this property is directly west of the property that was just rezoned (in the previous hearing). He also stated the property is contiguous to the City and the owner has requested the entire property as one (1) zone to address some housing concerns and meet the surrounding areas with the R3A designation. Per Councilor Francis, Mr. Bane identified the small portion of the Airport Overlay. He indicated this small portion could be used as a park or storm water retention.

Mayor Casper requested staff presentation. Director Cramer appeared. He read the legal description of the property under consideration. He then presented the following:

Slide 1 - Property under consideration

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated this is the same designation as the previous hearing.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated the access to East River Road is currently undeveloped although this will be addressed at the time of platting.

Slide 5 - Airport Overlay

Director Cramer noted this small piece is not permitted for residential.

Per Councilor Radford, Director Cramer stated City utilities on East River Road can service the area although they must be constructed along the roadway and within the development. Per Councilor Freeman, Director Cramer confirmed there are some residences along the river and their access is from 33rd N. Per Councilor Burtenshaw, Director Cramer stated the initial zoning ordinance and the Reasoned Statement of Relevant Criteria and Standards motions could include referencing the Airport Overlay map as shown on Slide 5. Per Councilor Radford, Director Cramer reviewed uses allowed in the Airport Overlay including commercial, office uses, and small-scale restaurants which could provide small daily services near residential uses within the higher-density areas. He also identified the area (which is outside of the proposed property) that causes the highest safety or nuisance levels caused by aircraft. He indicated concerns exist outside of this area although the nuisances are not frequently at the same level. He also indicated the Federal Aviation Administration (FAA) addresses this by people per acre, therefore, staff took the average household size of the City and figured out how many units it would take with that average size per acre. This number amounted to nine (9) units per/acre. Per Councilor Francis, Director Cramer stated a public park would not be allowed as the FAA is trying to reduce congregations of people. He noted the FAA is also trying to limit the number birds/fowl that could fly into an airplane due to trees in a public park. Per Councilor Radford, Director Cramer stated there is currently nothing in City Code regarding the natural vegetation of a storm retention pond.

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

Councilor Radford stated he questioned the utilities per his concern of infrastructure. He

believes this will be a core part of the community and he is hopeful this area will develop into a research triangle. He also sees this as infill for the area and he believes there is opportunity for this space. Councilor Burtenshaw sees this as infill and she believes this area will provide opportunity for other development as the US 20 route takes shape.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 39.543 acres, SE ¼ of Section 1, 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 Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

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

ORDINANCE NO. 3394

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 39.543 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 Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 39.543 acres, SE ¼ of Section 1, 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 - Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

- 4) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning-Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 39.543 acres, in the SE1/4 of Section 1, Township 2 North, Range 37 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3A with Airport Overlay which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 39.543 acres, in the SE1/4, Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its May 4, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Low Density, Higher Density, Employment Center, and Higher Education" and approve the Ordinance establishing the initial zoning for R3A with Airport Overlay as shown on Slide 5 in the hearing 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 Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3395

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 39.543 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3A ZONE WITH AIRPORT OVERLAY ZONE, AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R3A with Airport Overlay as shown on Slide 5 in the hearing and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

6. Announcements.

Councilor Radford expressed his appreciation to public safety for their assistance with the July 4 celebrations. Mayor Casper announced the elected officials helped bring in \$17,000 of donations and approximately 2,000 pounds of food during the July 4 parade. She expressed her appreciation to the public. Council President Dingman indicated this was the most successful food drive and donation collection.

7. Adjournment.

There being no further business, the meeting adjourned at 9:04 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor