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The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, July 12, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

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

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Jackie Flowers, outgoing Idaho Falls Power Director, to lead those present in the Pledge of Allegiance.

Public Comment:

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

James Fleming, Idaho Falls, appeared. Mr. Fleming believes the City needs a splash park. He understands Reinhart Pool is being demolished and believes kids need a safe place to play in the summer. He indicated no lifeguard would be needed for a splash park only. Mr. Fleming believes there is a great sense of community and something is needed for our City to stand out. He requested consideration and discussion.

Dixie Oswald, Idaho Falls, appeared. Ms. Oswald stated she received a letter from the City regarding the weeds on her property. She indicated she called the City for inquiry as she has wildflowers around the mailbox. City personnel visited Ms. Oswald's residence and pointed out grass amongst the wildflowers. She reviewed the several grass types and the wildflowers. Ms. Oswald then called the Mayor's Office and was referred to Community Development Services Director Brad Cramer who indicated the three alternatives included the arbitration board, prove they were flowers (already attempted), or call the City Forester. Ms. Oswald chose to call Councilmember Smede who reviewed the surrounding area with Ms. Oswald. Councilmember Smede indicated she saw no reason for Ms. Oswald to cut her flowers and she would talk to Director Cramer. Shortly after Councilmember Smede left, Ms. Oswald stated she received a phone call from the City Forester who then visited her property. He stated he would compromise and give Ms. Oswald a grass killer. She stated she did not want a grass killer and told him to get off her property. Ms. Oswald stated she has taken care of her property for 20+ years. She indicated an additional call to the Mayor's Office proved fruitless as she was told she could not have an appointment with the Mayor without a specific subject. She does not understand why a Mayor could not meet with someone in an arbitrary appointment. Ms. Oswald believes the City group needs to look in the mirror before harassing about flowers. She also believes whoever reported her should be reprimanded for causing a problem when there really wasn't one.

Suzanne Neilson, Idaho Falls, appeared. Ms. Neilson stated she has lived on the west side of town for more than 30 years and her children spent many hours at Reinhart Park enjoying the pool. She believes it would be prudent to use the current facilities for a splash park.

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Consent Agenda:

Municipal Services requested approval of Quote 18-105, Fire Department Administration Vehicle Equipment Up-fit; Quote 18-106, Maeck Education Center Furniture; and, Bid Award IF-18-25, Decorative Street Light Poles and Luminaire.

The City Clerk requested approval of minutes from the June 14, 2018 Idaho Falls Power Board Meeting; June 25, 2108 Council Work Session; and, June 26, 2018 Annual Public Works Department Utility Meeting; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Municipal Services

Subject: Idaho Falls Civic Center for the Performing Arts Ordinance for Donations

The Idaho Falls Civic Center for the Performing Arts Committee is recommending an ordinance to City Council. As part of the committee's role in the development of a long-term financial plan, the ordinance empowers the committee to seek outside funding and in-kind donations for Civic Center projects, which may include programs and capital improvements. The development and acceptance of outside funding donations would be subject to approval by the City Council and in accordance with City budget procedures.

Councilmember Radford stated this item was presented at the June 25, 2018, Council Work Session. He indicated this is an excellent example of private/public partnership.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Idaho Falls Civic Center for the Performing Arts Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3197

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 2, CHAPTER 9 TO ALLOW THE IDAHO FALLS CIVIC CENTER FOR THE PERFORMING ARTS COMMITTEE TO SEEK FUNDING FOR CIVIC CENTER PROJECTS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Idaho Falls Power

Subject: Approve a Joint Development Agreement with PacifiCorp for 161 kV Sugarmill to Paine Transmission Project

Idaho Falls Power accepts delivery of its power supply at two points of delivery that are interconnected to PacifiCorp. Additionally, Idaho Falls Power (IFP) and PacifiCorp, doing business as Rocky Mountain Power, collocate distribution and transmission circuits on common pole lines where possible in and around the City to minimize encumbrances on public right-of-way (known as joint use). At its December 21, 2017 meeting, the City Council approved a Memorandum of Understanding (MOU) to commit both parties to continue working towards

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Definitive Agreement(s) on the matters identified in the MOU. This Joint Development Agreement is the first such agreement.

Councilmember Radford believes this is a historic moment.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Joint Development Agreement with PacifiCorp for 161 kV Sugarmill to Paine Transmission Project, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Approve the Asset Purchase Agreement with Rocky Mountain Power Along Holmes Avenue

For consideration is the Asset Purchase Agreement between the City of Idaho Falls and Rocky Mountain Power related to transfer of services to the Century Link and Cable One on Holmes Avenue south of 49th South. Rocky Mountain Power has requested this transfer to facilitate removal of their old alignment which is necessary to expand this section of Holmes Avenue. Rocky Mountain Power is proposing to waive the fees associated with the transfer.

Councilmember Hally stated purchase agreements are common. This item was discussed at the July 12, 2018, IFP Board Meeting

It was moved by Councilmember Hally, seconded by Councilmember Radford, to approve the Asset Purchase Agreement with Rocky Mountain Power, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Subject: Approve a Master Services Agreement with the Idaho Regional Optical Network

The Idaho Regional Optical Network (IRON) owns and operates fiber optic network infrastructure throughout Idaho for the purpose of transporting telecommunications traffic serving the state's unique education, research, health care and government needs. IRON has leased fiber from Idaho Falls Power since approximately 2012, using that pair to connect higher education facilities in Idaho Falls. As Idaho Falls Power has been finalizing plans to expand fiber service within our territory, we have identified IRON as a critical strategic partner in a variety of scenarios including expansion of services to the newly developed College of Eastern Idaho. The Master Services Agreement is the blanket agreement governing all work between IRON and the City of Idaho Falls dba Idaho Falls Power.

Councilmember Radford stated the City is trying to find ways to provide fiber to homes in the community, a pilot project will be beginning soon.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Master Services Agreement with the Idaho Regional Optical Network, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Permission to Contract with Mountain West Electric for Electric Upgrade at BEA Facilities

Battelle Energy Alliance (BEA) requested conversion of certain facilities from Small Industrial to Commercial service. As a part of the conversion, it was necessary to upgrade and replace certain facilities in order to be compliant with Idaho Falls Power (IFP) system requirements for reliability and safety. Informal bids were solicited from qualified electrical contractors. Staff respectfully requests City Council award the bid to the lowest responsive, responsible bidder Mountain West Electric in the amount of \$147,870.00.

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Councilmember Hally stated this item was also discussed at the July 12, 2018, IFP Board Meeting. Councilmember Radford expressed his appreciation for these facilities in our community. He recognized the work of the State legislature and the local power system to make this possible.

It was moved by Councilmember Hally, seconded by Councilmember Radford, to award the electric upgrade bid to the lowest responsive, responsible bidder, Mountain West Electric, in the amount of \$147,870.00. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Sandstone Estates Division No. 1

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Sandstone Estates Division No. 1. The Planning and Zoning (P&Z) Commission considered this item at its May 1, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated the plat includes nine (9) single-dwelling lots and one (1) common lot, and there is a potential shared-use path tying into the Connecting Our Community Plan. She reviewed the access points. Councilmember Francis questioned the additional outlined area on the map. Director Cramer stated the additional lines are preliminary only for future development.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Sandstone Estates Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Final Plat for Sandstone Estates Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Sandstone Estates Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E

For consideration is the application for Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E. The Planning and Zoning Commission considered this item at its June 5, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property is currently partially developed. This is a Category A annexation and is similar to other developments in the adjacent area. Councilmember Smede indicated the IM Zone is not a precise fit for this area although the IM uses are allowed. The IM Zone is consistent with current zoning and land uses in the area. Councilmember Freeman questioned the educational uses. Director Cramer stated the Higher Education Center designation recognizes the community college (College of Eastern Idaho (CEI)) although the bulk of higher education is in closer proximity to University Boulevard with connections to other educational institutions,

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including research uses with the lab. As the campuses grow, the support uses for the lab will spread into that general area to allow for research.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3198

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 3.54 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Higher Education Centers and to approve the ordinance establishing the initial zoning for M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E, as I&M Zone, under the suspension of the rules requiring three complete and separate readings and 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. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3199

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 3.54 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS I&M ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of I&M Zone for M&B 3.56 Acres, NE ¼ Section 7, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Public Hearing - Annexation and Initial Zoning of RE, RP, R1, R2, and LC, Annexation and Zoning Ordinances, Annexation Plan, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 58.6 Acres, Sections 31 and 32, T 2N, R 38E

The application for Annexation and Initial Zoning of RE, RP, R1, R2, and LC, Annexation and Zoning Ordinances, Annexation Plan, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 58.6 Acres, Sections 31 and 32, T 2N, R 38E. This is a City-initiated annexation being processed as a Category B annexation.

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The Planning and Zoning Commission (P&Z) considered this item at its May 1, 2018, and June 5, 2018, meetings. In May, the Commission recommended the item be tabled so staff could provide additional information to clarify questions brought up during the hearing. In June, the Commission recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper stated this item is a Category B annexation which is a City-initiated annexation.

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

Director Cramer reiterated the Category B annexation with a variety of initial zonings proposed. He believes this is the first Category B annexation the City has processed. Director Cramer stated in 2014, while working on the Area of Impact (AOI) with Bonneville County, the question came up whether or not the City could or should extend utilities into the County prior to annexation. There are approximately 300 parcels currently receiving at least one (1) City utility (sewer, water, or power). As this significant number of parcels were reviewed, it was determined some parcels had agreements to annex once contiguous, some did not, and some agreements did not exist. The Council at the time requested staff to proceed forward with annexations to those parcels that were receiving the City utility. The policy was to begin with Category A annexations. Category A must be less than 100 parcels that are all a residential land use, and completely surrounded or enclaved by existing City limits. Category A's were annexed shortly thereafter. The second directive was to review Category B annexations. Director Cramer stated there is a variety of Category B annexations. He indicated if it were not for two (2) parcels in this particular boundary, this item would be considered a Category A annexation. Due to the commercial uses within this boundary, it cannot be considered Category A unless the property owner requests the annexation. The property contains less than 100 parcels and is completely surrounded by the City. The City has taken the extra requirements, including a detailed annexation plan, and Local Land Use Planning Act (LLUPA) requirements. Director Cramer indicated the State recognizes growth of cities and authorizes the cities to proceed with annexations. Category B holds the City to higher standards for due process and planning for annexation. He stated in previous hearings and meetings it was noted not all parcels currently receive a City utility. If only those particular properties with a City utility are annexed, County islands will continue to exist. The rationale for annexation is not just about utilities, annexation also provides an efficient provision of services and equitable taxation. The City public safety services and roads/streets can only be served to the City area. Therefore, County taxpayers pay the additional services to these islands. It did not make sense to leave the County islands. Director Cramer stated receipt of a City utility is not considered a State qualifier. State Code states if a property is receiving a City utility, and had an agreement to annex once contiguous and that agreement was recorded, that is considered implied consent. Director Cramer indicated that none of the agreements, to staffs knowledge, were recorded. The principle of receiving a City service in an area where the City has grown implies those properties will be brought into the City.

Director Cramer appeared with the following:

Slide 1 – Properties under consideration in current zoning, there is a variety of zoning

Director Cramer stated adjacent properties will be considered in the future as there is currently no internal sewer or water to these adjacent properties.

Slide 2 – Aerial photo of properties under consideration

Slide 3 – Additional aerial photo of properties under consideration

Slide 4 – Aerial photo with proposed zoning designations of LC, RE, RP, R1, and R2

Director Cramer explained the reasoning within each zone. He noted it is unlikely residential could be developed on commercial properties due to the lack of ingress/egress.

Slide 5 – Aerial photo of current Bonneville County zoning designations

Slide 6 – Future Land Use of the Comprehensive Plan

Slide 7 – Utility composite map

Director Cramer noted with the exception of four (4) parcels, the remaining parcels receive a City utility or have an agreement for City utility.

Slide 8 – Photos of properties along Sunnyside Road

Slide 9 – Additional photos of properties along Sunnyside Road

Slide 10 – Photos of Sunnyside Road and Rustic Lane (Rustic Lane would remain a private road)

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Slide 11 – Photos of properties along Holmes Avenue

Director Cramer stated two (2) public hearings were held by the P&Z Commission to discuss the variety of zonings. The P&Z ultimately approved the annexation. Councilmember Freeman questioned the single annexation versus two (2) annexations. Director Cramer stated staff was unsure what dividing the annexation would accomplish as the annexation answer was the same. Councilmember Radford questioned the canal company included in the annexation. Mayor Casper believes the canal is operated by the Idaho Irrigation Company. Councilmember Francis questioned dividing Category A and Category B annexations. Director Cramer stated due to only a portion of the Category A enclave being annexed, it made sense to provide the higher standard and include that portion in the Category B annexation.

Mayor Casper requested any public comment.

Melanie Smith, S. Holmes, appeared. Ms. Smith appeared with comments on behalf of a neighbor, Diane Baird, who was unable to attend. Ms. Baird's property comprises the southernmost two (2) plots of the large area on the west side of Holmes Avenue. Two issues of concern include: the rural residential properties on the west side of Holmes Avenue, which have been included along with properties on the south side of Sunnyside Road, are zoned as commercial or medium density. These two (2) areas have nothing in common in terms of zoning or the issues in the annexation process; and, the properties are part of a larger enclaved area which includes properties to the south and east on Holmes Avenue. These are rural residential properties which have common issues. Ms. Baird stated few of the residents use City services as access to City services is complicated and cost prohibited for many, and impossible at this point for others. The elevation of the sewer system is incompatible with the properties and there is an open irrigation ditch which impacts access to City services. Ms. Baird requested the City consider a more comprehensive long-term planning approach. It is well known the City is expanding to the south and as a consequence Holmes Avenue will be widened. At such time the City will need to address the irrigation ditch, exposure of sewer and water lines and access to the adjacent property. Ms. Baird also requested the Council to consider the timing of this forced annexation for cost effectiveness for land owners as well as the City. The annexation would be more equitable for all properties in the enclaved area. Ms. Baird does not want to be annexed as she sees little value, however, if the City wishes to pursue the annexation she requested fair consideration as she will be asked to pay City taxes for City services which are truly not accessible. She believes when Holmes Avenue is widened money may have been spent unnecessarily. If the annexation occurs the taxes will increase by 250% and there will be no real access to City services. Ms. Baird, once again, requested the City not pursue annexation of properties on the west side of Holmes Avenue until Holmes Avenue is widened which will then provide access to City services.

Ms. Smith stated she concurs in large part with Ms. Baird's comments. She indicated several P&Z Commissioners recognized that the forced annexation on the southwest area of Holmes Avenue and Sunnyside Road represented a different category. These properties generally do not have City services, defined as water, sewer, and electrical power. The majority of these properties would have trouble accessing those services. Ms. Smith currently relies on irrigation, septic tank, a well, and Rocky Mountain Power (RMP). She indicated City staff has stated this forced annexation is not about increasing City revenue although Ms. Smith believes this does relate to economics. The County tax is 0.04 rate and the City tax is 0.095 rate, there is a concern for the tax rate. Ms. Smith stated an adjacent neighbor recently sold her property due to the concerns of the additional tax. Ms. Smith is not opposed to the annexation, although she requested the Council to consider creating a transitional tax levy for these properties, particularly for those who do not have City services and for those expensive City services to access. Access to water and sewer would be cost prohibited. She understands, per previous Prestwich Estates annexation, the buyout for IFP was extremely expensive, although a buyout amount for this area is currently unknown. She believes whatever Council action occurs will be precedent to the adjacent properties.

Russ Bishop, S. Holmes, appeared. Mr. Bishop stated his resident is approximately 200' off the main road. Some residents have no City services and no realistic option to access water or sewer as it is cost prohibitive. He indicated a pump station would need to be installed for the septic tank. He believes an equitable tax would be commensurate with services received. Mr. Bishop pleaded to consider a tax rate for those who do not have access to City services as he believes this will have a negative impact on property value.

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Travis Waters, Idaho Falls, appeared. Mr. Waters reviewed parcels that are proposed to be zoned as LC. He indicated his property includes three (3) shallow lots, which he views as one (1) property with three (3) acres. He has been using his property for agricultural purposes and does not want to lose that opportunity. Mr. Waters is not opposed to the annexation as he understands the cost savings although he wants a use that makes sense. He believes his property should be zoned PB versus a group of LC. Mr. Waters wishes to use the property as agricultural purposes until the property is sold or developed. He reviewed the LC requirements as well as adjacent properties with regard to the size of the properties.

Director Cramer reappeared. Councilmember Dingman questioned the number of parcels with no City services and the potential pump stations. Director Cramer stated there are a total of five (5) parcels that have no City service. He indicated, per discussion with Public Works Director Chris Fredericksen, an individual pump station would be required for some properties, although there are currently a number of lots within the City with a similar issue. Any pump station would be paid by the homeowner. Director Cramer noted property owners would not be forced to connect. Councilmember Smede questioned the 250% tax rate increase as indicated by Ms. Smith. Director Cramer does not agree with that tax rate increase. He also stated if a customer switches from RMP to IFP there is a required buyout including a prorated cost of the infrastructure. IFP will pay half of the infrastructure cost. RMP will not give an estimate of costs until the property is annexed. He noted the \$95,000 cost for Prestwich Estates is spread out over all the parcels, this is not an individual charge. IFP also spreads the surcharge fee over time, this rate was lower overall than the RMP rate. Councilmember Freeman questioned Mr. Waters properties. Director Cramer does not disagree with Mr. Waters' request for PB zoning. He indicated staff concern was the change of zoning in a similar area. He stated anything that is currently legal in the County, such as agricultural use, can continue and will remain legal in the City until that use changes. Mayor Casper requested clarification of the tax consideration. Mr. Kirkham stated State legislature does not allow an option of a change in the tax levy rate. He indicated a Local Improvement District (LID) is the closest thing to a separate tax. A LID could be explored. Director Cramer clarified sewer and water services are fee-supported services, not tax-supported services. Councilmember Francis questioned if this item could be tabled to explore spreading out the cost of utilities. Director Cramer believes a LID is the only way to spread out utility costs. He reiterated there is no forced connection to utilities. Councilmember Dingman clarified the only immediate cost for the annexation is the tax levy rate. Director Cramer indicated there are cost savings for City utility services. Councilmember Radford questioned the widening of Holmes Avenue. Director Cramer stated he is unaware when Holmes Avenue would be widened although he does not believe any costs would change. Councilmember Smede questioned the remaining number of Category A and Category B annexations. Director Cramer indicated there are no neighborhood Category A annexations, there are approximately 200 parcels included in Category B, with a potential of eight (8) public hearings. Councilmember Dingman questioned a property owner's remedy of a disagreement with the proposed zoning. Director Cramer indicated the property owner would need to apply for a rezone, with the required public hearings. Councilmember Francis reiterated a property owner would not have to change to City services. Director Cramer stated RMP would require a request from all residents to change to IFP. Director Cramer stated County residents currently pay Fire District and Library fees, which would be reduced as a City resident. He believes there are benefits derived to annexation, the value is already being received on some level by the City.

Travis Waters reappeared. He believes the shallow lots should all be zoned LC, which will save him from requesting a rezone.

Don Rydalch, Summerfield Circle, appeared. Mr. Rydalch expressed his concern for the lots proposed as R2 and he questioned the access. He indicated there is vehicular traffic day and night due to a State facility in close proximity and the only entrance includes a curve. He believes the zoning needs to be less than LC due to the extra commercial-type of business and vehicles. He reiterated access to the area is a problem and would only be more difficult with additional commercial development.

Josh Jackson, Idaho Falls, appeared. Mr. Jackson concurred with Mr. Waters regarding the LC zone as this would conform with current businesses along Sunnyside Road.

Mayor Casper closed the public hearing.

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Councilmember Smede reiterated P&Z and staff due diligence. She stated the Council has adopted a policy to annex eligible properties. She feels empathy for the affected individuals although she believes the taxes are a trade-off for the location. Councilmember Smede stated these properties are enclaved by City although she is unsure of the proposed zoning. She prefers the Council decision to be clean, fair, and address those concerns. Councilmember Dingman understands the frustration and concern (in the public hearing) for the lack of information in the various areas. She believes the issue is with the zoning designations as she does not believe the zoning designations are consistent with recent Council action related to the Comprehensive Plan. She is supportive of the annexation but is not supportive of the zoning designations as proposed as she believes this would put an undue burden on the property owners for any potential rezone application. She would prefer staff to reconsider the zoning. Brief discussion followed regarding a modified motion. Director Cramer clarified the zoning ordinance and the Reasoned Statement of Relevant Criteria and Standards would need to be modified in the event of a modified motion. Councilmember Freeman reiterated City services are fee-based services and are unrelated to taxes. Councilmember Smede expressed her concern for amending the zoning designations based on the posted agenda and Council discussion. Mr. Kirkham stated Council is allowed to modify a recommended action per the Open Meeting Law.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance annexing M&B: approximately 58.8 Acres, Sections 31 and 32, T 2N, R 38E, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Francis. Nay – Councilmembers Dingman, Freeman. Motion carried.

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

ORDINANCE NO. 3200

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 58.8 ACRES DESCRIBED IN EXHIBITS A-F OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for M&B: Approximately 58.8 Acres, Sections 31 and 32, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Francis, Hally, Radford. Nay – Councilmembers Dingman, Freeman. Motion carried.

It was moved by Councilmember Smede to assign a Comprehensive Plan Designation of Estate, Low Density Residential, and Planned Transition and to approve the ordinance establishing the initial zoning for M&B: approximately 58.8 Acres, Sections 31 and 32, T 2N, R 38E, as RE, RP, R1, R2, and LC Zones, under the suspension of the rules requiring three complete and separate readings and 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 was seconded by Councilmember Radford with amendment to Lots 946, 960, and 980 as LC Zone. Councilmember Francis seconded the amended motion and requested Councilmember Radford's reason for the amendment. Councilmember Radford believes the LC Zone is more consistent with the Comprehensive Plan. Roll call on the amended motion as follows: Aye – Councilmembers Dingman, Freeman, Hally, Radford, Smede. Nay – Councilmember Francis. Motion carried. Roll call on all zoning designations as follows: Aye - Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Motion carried.

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

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ORDINANCE NO. 3201

AN AMENDED ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 58.8 ACRES DESCRIBED IN SECTION 1 AND EXHIBIT A OF THIS ORDINANCE AS RE, RP, R1, R2, AND LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the amended Initial Zoning of I&M Zone for M&B: approximately 58.8 Acres, Sections 31 and 32, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing - Rezoning from R3A, R2, and RP to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5

For consideration is the application for Rezoning from R3A, R2, and RP to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5. The Planning and Zoning Commission considered this item at its June 5, 2018 meeting and recommended denial by a 4-2. However, this vote is not indicative of the discussion and staff strongly recommends reviewing the minutes for this meeting. The staff report to the Planning and Zoning Commission recommended approval, but with the caveat that the Commission and now the Council carefully consider the policies of the Comprehensive Plan and the standards in the LC zone designed to reduce nuisances on adjacent properties. Staff supports the Commission recommendation.

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

Director Cramer appeared with the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated the rezone is consistent with other zones on the three (3) corners in this area as well as the surrounding property.

Slide 2 – Aerial photo of property under consideration

Slide 3 – Additional aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration

Slide 5 – Comprehensive Plan Future Land Use Map

Slide 6 – Potential development of site map

Director Cramer stated buffering requirements are important for the rezone. Minimum standards include a 20' landscape buffer along all public streets and, buildings are required to be set back from all public streets 30' although there is an exception to encourage buildings to be closer to public right-of-ways (the setback and landscaping could be reduced to 10' if there is no asphalt in between the landscape and the building and there is a pedestrian connection). The landscaping could also be reduced with an appropriate fence. Director Cramer reviewed potential additional landscaping, service areas, lighting requirements, and, proposed access area.

Slide 7 – Photos of existing office building

Slide 8 – Photos of commercial uses on First Street and Woodruff Avenue

Slide 9 – Photos of homes on Carol Avenue

Slide 10 – Additional photos of homes on Carol Avenue

Slide 11 – Additional photos of homes on Carol Avenue

Additional slides will be submitted by the applicant.

Director Cramer stated staff's recommendation for approval has to do with the principles of the Comprehensive Plan as the Comprehensive Plan encourages services and higher density residential on arterial corners; addresses access to minimize disruptive efforts on traffic flow; buffers commercial uses from residences; and, ensures

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industrial and heavy commercial traffic does not occur through neighboring residential areas. Director Cramer believes the Comprehensive Plan had more policies to support the rezone to the commercial zone. He indicated this was a very difficult issue for P&Z.

Director Cramer stated emails were received by staff in addition to the information previously submitted. He read the following emails into the record:

Dear Mayor and Council Members,

We are writing in regards to the proposed zone change for the two lots at the south end of Carol Avenue. We support the Planning and Zoning Commission's recommendation to deny the request. We ask that you too, concur with the recommendation and deny the request.

Everything possible needs to be done to maintain the current residential zoning on those two lots. Residential structures need to be maintained to retain a dignified and attractive entrance to our subdivision. This entrance to our subdivision is the most important of the four entrances because of its proximity to the major intersection of First Street and Woodruff. Granting an LC re-zone on the two residential lots would open up too many potential uses with negative consequences that would adversely affect our subdivision.

Another major issue is cut-through traffic on Carol Avenue when westbound traffic is backed up on First Street at the intersection with Woodruff. We live on Ruth Avenue. Our street is already being adversely affected when drivers cut off at Hatch and proceed west on Masters, having both Ruth Avenue and Carol Avenue to travel north to Caribou. Some turn on Ruth. Some turn on Carol. They go to Caribou, turn right at the light, and go north on Woodruff by-passing the traffic light at First and Woodruff.

If this LC rezone request is approved, the quality of life for families living in the subdivision will be adversely affected. Our property values will go down. You will put us all on a slippery slope. What's to stop re-zone requests at the intersections of Kearney and Woodruff, Caribou and Woodruff, and Hatch and First Street?

Please do the right thing for our subdivision, Bruce and Rita Rose.

Greetings Mr. (Kerry) Beutler (Assistant Community Development Services Director),

We reside in the Hatch Division that is being considered for rezoning. Our address is 243 Ruth Ave which is the next street over from Carol Avenue.

We apologize for this late email as we are recently new to Idaho Falls and we're trying to navigate the process to voice our opinion regarding this rezoning issue. Peggy spoke with Brian this morning from your office who was very helpful in showing us where to find the information that we needed.

We would like to express our opposition to the encroachment onto Carol Avenue. When we purchased our home in this division a year and a half ago the appeal for us was that this was an established residential neighborhood with the neighborly feel that we both grew up with in the Midwest. Our concerns if you allow commercial access to Carol Street are as follows:

1. We would lose the feel of a neighborhood.
2. We have a deaf child on Masters Street who's house is close to the corner of Carol Ave, this child rides his bike in this area.
3. The school bus picks up children on the corner of Masters and Ruth Ave which is close to Carol Ave. We have several new families with small children in our neighborhood.
4. Having business access to Carol Street would result in more traffic on Caribou Street which is at the other end of Carol Street.

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5. An increase in street noise. Our backyard faces Carol Street and we utilize our deck in the summer and we currently have plenty of noise not only from the Maverick station but the traffic on 1st and Woodruff.
6. If the first two houses on Carol Ave are rezoned for commercial where does it end? Will the developer come back and want more?
7. What is the business the developer wants to put in this area? We have asked the planning office, searched the agenda and minutes from previous meetings and cannot find anywhere where it states what it is?

We would like to also point out that the developer sent a representative around to our neighborhood today (July 11th) to speak with the neighbors. Our neighbor to the south of us on Ruth Ave said he came to his door between 1:00 and 2:00 pm. We both work and this is the first time we have heard of them coming into our neighborhood to discuss the rezoning. We found this an odd time as many residents work during the day.

We ask that you please pass our concerns onto the City Council before they vote on this rezoning issue on Thursday July 12th. Thank you for your time, Gus and Peggy Mohr.

Mayor Casper requested the public outreach process. Director Cramer stated, from the staff level as required by State Statute, signs are posted on the property, legal ads are published in the newspaper, and a legal notice is sent to all residents within 300' of the parcel. Councilmember Dingman requested clarification how the Comprehensive Plan standards for LC Zone have been factored into staff's decision. Director Cramer stated complaints and concerns have been received for a number of years regarding traffic, noise, lighting, and, visualization. He indicated the LC Zone was specifically written to address these concerns. Staff believes if the rezone is done correctly, the zone would be appropriate near residential uses. He also indicated, per the staff report, some Comprehensive Plan policies suggest this may not be the best location for LC because of the traffic.

Councilmember Smede questioned the vacancy of the two (2) homes located in the proposed rezone. It was determined the homes are currently occupied.

Councilmember Radford questioned access from the other businesses onto First Street. Director Cramer stated access will be determined during site planning. He indicated any access to First Street would require at least 660' away from the intersection, there is not sufficient space at this location. He also noted that cannot be a requirement of the rezone. Councilmember Francis questioned why the owner is not required to demonstrate intent. Director Cramer stated there is a legal right to develop anything allowed in a zone. Some communities allow contract zoning, this is not an option in the City.

Mayor Casper requested any public comment.

Robert Cairns, Idaho Falls, appeared. Mr. Cairns indicated he also spoke at the P&Z public hearings regarding his family's concerns. He believes Carol Street will be used as an access road. He requested help to save the neighborhood. Mr. Cairns believes this is not similar to Walgreens, as noted with the zoning committee, as there are no exit points into the neighborhood.

Dillon Erickson, Carol Avenue, appeared. Mr. Erickson stated he has small children and does not want increased traffic on Carol Avenue. He also does not want greater risk to his family or neighbors. Mr. Erickson believes the proposed zoning is unnecessary and is a bad idea. He also believes the goals of the Comprehensive Plan are already being met. He requested to keep the neighborhood as a safe neighborhood.

Don Beckman, Masters Drive, appeared. Mr. Beckman believes there is currently too much traffic cutting through the neighborhood to miss the current bottleneck on First Street and Woodruff Avenue. He stated the neighborhood does not need additional commercial businesses as well as de-valuation of property. Mr. Beckman requested rejection of the proposal.

Laura Wallington, Idaho Falls, appeared. Ms. Wallington stated this is a complete family neighborhood with families, young children, and elderly. She indicated the neighbors cannot get out on First Street or Woodruff

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Avenue with the traffic. Ms. Wallington stated the property owner currently owns the two (2) homes as well as the corner business. She believes this property will be sold and it is unknown what will be built. She also believes the property values will go down as encroachment occurs.

Bob Haskins, Joan Drive, appeared. Mr. Haskins stated he was notified after very recently moving onto Joan Drive that a strip mall was going to be put into the neighborhood. He indicated he would not have purchased the home if he would have known about the development. Mr. Haskins believes the zoning is a level playing field and should be left the way it is. Only one will win if the strip mall is developed, the rest will lose. He requested Council consider if they want this in their backyard.

Duane Oswald, Carol Avenue, appeared. Mr. Oswald stated his home was one of the first homes built in that area. He indicated Dr. John Hatch promised him that it would never be zoned as commercial, even though there is a dentist office behind his home. Mr. Oswald believes a speed trap needs in place with the traffic. He also believes it would be a poor thing to rezone as the price of the homes will go down. He stated we have a great City and it should be left as is with great neighborhoods.

Eva Hynes, Carol Avenue, appeared. Ms. Hynes stated the amount of noise from the Maverik gas station is already horrific, even through the nighttime. She indicated any business would affect all the neighbors. She believes a good nights sleep and peace in the neighborhood is needed to stay healthy and well.

Crary Davis, Caribou, appeared. Mr. Davis stated it's difficult driving on Carol Avenue due to the trees overshadowing the road, and watching for children is a concern. He believes there will be an accident from the two (2) entrances.

Teresa Pope, Carol Avenue, appeared. Ms. Pope stated there are currently no businesses who have access onto Carol Avenue, therefore, this is a fairly safe neighborhood. She agrees with the other comments. Ms. Pope requested denial of the application.

Amanda Batchelor, Carol Avenue, appeared. Ms. Batchelor stated, along with the other comments regarding the traffic and decreased home value, she requested the Council to ask themselves how they would want the Council to vote if this was their homes.

Keith Hughes, Hatch Avenue, appeared. Mr. Hughes stated he is opposed to the rezone. He also stated, regardless of access on Carol Avenue or not, traffic will incur a large burden for those businesses. He indicated he has had vehicles onto his property. Mr. Hughes stated there is no elementary bus access and the heavy traffic is during the school hours. The kids must go to First Street due to the canal, there are no crosswalks, and this is a large safety burden for the kids. Mr. Hughes stated he has not been approached by the current owner or the developer. He believes the current owner could gain a respectable profit without rezoning.

Shakti Cain, Idaho Falls, appeared. Ms. Cain stated commercial business already has a huge presence in relationship to the intersection at First Street and Woodruff Avenue. She does not believe more business is needed as this is a residential conflict. Ms. Cain stated the Council represents the City, which is a business. The City has its interests as a business, we all live inside that business, and residential neighborhoods are to house the people that work for the business by paying our taxes. Ms. Cain stated where we live is important, even though the business may not see that as meaningful. She stated the residents are here to express themselves and to request not to do this. Ms. Cain stated the business doesn't ask the employees about the plan, as that doesn't matter, it's how the business feels. She requested consideration of feelings of the residential area that is safe, not just to support the corporation.

Dixie Oswald, Idaho Falls, appeared. Ms. Oswald believes the area was built as a residential area with beautiful homes. She believes the homes should not be sold to make money commercially.

Dean Mortimer, Idaho Falls, appeared. Mr. Mortimer stated he has owned the office building property since 1993. He purchased the two (2) adjacent residences to preserve the neighborhood, which he has renovated. He has also

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renovated the office building multiple times, which has continued to deteriorate in quality of the tenant. He believes the property is in transition with things that need to happen. Mr. Mortimer stated he respects the neighborhood and the residents. He hopes these people recognize this is a difficult position for all involved. He indicated traffic increases, buildings get old and need to be replaced, and, businesses need to be replaced. He believes the corner needs upgraded with a new business that is better than the current one. This could increase the traffic flow on Carol Avenue. Mr. Mortimer stated there is only one (1) parcel adjacent to the rezoning and the proper buffer would limit the effect on that property. He indicated this is a hard decision to improve a corner property although he believes the increase of a building would not negatively affect the neighborhood, with the exception of possible traffic. Mr. Mortimer stated he tried to visit with all neighbors who received the public hearing notification. He believes this would be a good change for the City.

Debby Irick, Caribou Street, appeared. Ms. Irick stated all the neighborhood kids come to her house. She believes the light needs to be changed with the WinCo traffic as people don't stop at the light.

Nancy Seamons, Carol Avenue, appeared. Ms. Seamons stated Carol Avenue is a narrow, dangerous street and is unsafe for everyone. She believes this rezone would make the homes go down in value. Ms. Seamons begged the Council not to approve.

Chip Swarze, Chamber of Commerce, appeared. Mr. Swarze stated he empathizes with the residents in this community. He believes the big issue is traffic control, not whether the use is consistent with the City's long-term plan. Mr. Swarze stated business is good for the community as they promote growth and provide the opportunity to provide things for our children. He advised the Council to separate the issue. He questioned whether the property owner is asking for something inconsistent with the City's long-term planning or against zoning rules and ordinances. Mr. Swarze stated the businesses have a right to be there, although the traffic issue needs addressed. He believes the traffic flow could change at this intersection. He questioned the denial of the owners' rights if the use is consistent with the Comprehensive Plan.

Don Beckman, reappeared. Mr. Beckman stated he sympathizes with Mr. Mortimer as a property owner. He questioned the sale of the property that could better the neighborhood. Mr. Beckman believes a business should be built in a commercial area, not a residential area. He does not want the residential district rezoned to commercial.

Travis Benson appeared. Mr. Benson currently has the corner property under contract. He stated precedence for zoning has already been established within the City, referring to the Maverik on the adjacent corner. He also stated the biggest concern is traffic. He indicated, according to a Bonneville Metropolitan Planning Organization (BMPO) traffic study, First Street and Woodruff Avenue intersection estimated 33,760 vehicles per day in 2014. This amount is projected to increase 18% by 2025, and 39% by 2040. Mr. Benson stated through redevelopment rezoning, there is opportunity to solve this problem. The opportunity would be similar to Walgreens as there is room to expand the intersection. This would include a right-hand turn lane to cut down on the amount of traffic that backs up at Carol Avenue. The access point on First Street would be eliminated, which would increase the safety at that intersection. The access point would be located on Woodruff Avenue further north, access would not be included on Carol Avenue.

Brent Butikofer appeared. Mr. Butikofer is the commercial broker for this corner property. He believes this property needs redeveloped. The property, as it currently sets, outweighs any benefit he can provide to any potential tenant. He stated the access points are too close to the intersection. He also stated the property is 40 years old, the access points made sense at that time. Mr. Butikofer believes the rezone will be part of the solution of the problem that the homeowners are concerned about. He also believes the turn lane proposal takes insights, takes rezone, takes progression, takes development, and takes companies with pockets for redevelopment. Mr. Butikofer stated the problem is the increase with traffic. He believes this problem will continue if not rezoned. If rezoned, there will be more mandated trees, more mandated landscaped, and could be made safer with the access points. Mr. Butikofer believes this is a challenging issue, although it is consistent with the zoning on the other three (3) corners and the Comprehensive Plan. It's also consistent with growth and redevelopment. He believes if the property is not rezoned, it will become a pigeon palace. He believes rezoning could attract more business.

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Sharmin Tibbitts, Masters, appeared. Ms. Tibbitts stated the other blocks have businesses, this is a residential area. She wants the area to stay residential, not business.

Mayor Casper reminded the Council that this issue is rezoning, not development. She closed the public hearing.

Councilmember Smede reiterated the Comprehensive Plan policies although the impacts on the residential neighborhood should be carefully considered. She stated the LC Zone is consistent with the four (4) corners, including the intersection at Woodruff Avenue and First Street, but it is not consistent with the residential land uses to the north and east. Councilmember Smede believes all information shared was concrete and transparent. She stated there is a list of vigorous development requirements that would need to be met to mitigate the negative impacts if rezoned to LC. She believes this could be an attractive lot but is concerned for the residents if the rezone is not approved as the owner could allow the lots to sit or the owner could remove the structures and leave the lots empty. Councilmember Smede stated the Councilmembers need to do what's best for Idaho Falls and to ensure the zoning laws are fair, consistent, and respected. She indicated this a tough decision. She questioned whether the benefit of turning the lots into commercial would be considered better or worse.

Councilmember Hally also believes this is a tough decision. He stated growth is going to happen and businesses gravitate to more activity. He believes the developers want to make this a nice piece of property as well as mitigate access on First Street. He also believes it will be inevitable that this property will be developed. The development may not have an impact on the neighborhood that the neighbors think may happen.

Councilmember Radford questioned if the intersection is on the Federal project list as he believes the intersection is clearly a problem. He indicated he would be supportive of the rezone if the two (2) homes were not included. He believes the risk is the two (2) homes.

Councilmember Dingman concurred with Councilmember Radford. She also reiterated this issue is about zoning and not development, therefore, any development promises are not applicable to the conversation. These decisions can live perpetuity and there are no guaranties the property could be bought and sold again with the developer changing that plan, although any plan could change based on the standards of the LC Zone. Councilmember Dingman strongly believes commercial uses should be allowed to encroach on residential areas to support neighborhood services. She indicated the size of the lots and the location was a deciding factor.

Councilmember Francis believes a rezone, which has been in place for multiple years, is very serious as residents have committed to that zoning. He also believes this will impact the neighborhood.

Councilmember Radford stated the Council wants to be supportive of development. He wants to protect the interest of the neighborhood along with protecting the interest of the property owners. He would like to see the property developed.

It was moved by Councilmember Smede, seconded by Councilmember Hally, to approve the ordinance rezoning Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5., from R3A, R2, and RP to LC, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmember Hally. Nay – Councilmembers Freeman, Smede, Dingman, Radford, Francis. Motion failed.

Announcements and Adjournment:

Mayor Casper stated Wines in the Wild will be held at Tautphaus Park Zoo on July 13, 2018.

There being no further business, the meeting adjourned at 10:55 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR