



City Council Meeting Minutes

501 S Holmes Ave
Idaho Falls, ID 83402

Thursday, July 13, 2023,

7:30 PM

Idaho Falls Civic Center

1. Call to Order

Present: Councilor Radford, Councilor Hally, Councilor Freeman, Councilor Francis; and Councilor Burtenshaw

Also present:

All available Department Directors
Randy Fife, City Attorney
Corrin Wilde, City Clerk

Absent:

Council President Dingman

2. Pledge of Allegiance

Councilor Freeman led those present in the Pledge of Allegiance.

Public Comment

Kathy Wells lives in Idaho Falls. Ms. Wells wanted to talk about 2 items. She said the first item is the drag racing down 17th and over to Boulevard, over to Sunnyside, and down Holmes and around in a circle. Ms. Wells lives on 12th Street and says she can hardly have a conversation in her backyard. Ms. Wells stated that she has called dispatch and has received kind, and courteous service but does not seem that anything has changed. Ms. Wells stated why not use cameras to capture the vehicle's license plates. Ms. Wells also suggested commissioning a citizen volunteer to get license plates. She feels that if people get caught and it hurts their pocketbook the word will spread and the racing will stop. Ms. Wells said the racing has been going on since she moved here seven years ago. She said she was excited about moving to Idaho Falls because we have a Police Department. She said she lived in Alaska and only had three state troopers. Ms. Wells would just like to encourage the city to do a little more to stop drag racing. The second item that Ms. Wells would like to talk about is the Fire Works. Ms. Wells said this year she heard mortars and upon investigation, they found they were coming from 11th St. Ms. Wells said she called dispatch and spoke to a lieutenant and he told her that fireworks are allowed every day of the year. She said she read the Ordinance and felt it was confusing and suggested looking at that to make it clearer. Ms. Wells stated the only times she is aware of is June 23rd to July 5th and that is only referring to the time that people are allowed to sell fireworks. Ms. Wells feels that there will come a time in the future when the city will say no more fireworks period. She said to do a big display or another option is to allow fireworks on the Fourth of July within a time frame (not after 10 pm) and on New Year's Eve. Ms. Wells stated that she will follow up with Madam Mayor and Councilor Francis and everyone else on the Council to see if they can help alter some of these things. Ms. Wells stated that she has talked to

some neighbors and they feel that when they talk to you folks nothing changes and she says she will not give up.

Allison Harris lives in Idaho Falls and wanted to put a reminder in that they would love to have another pool and city recreation center here in Idaho Falls. She said the sport of swimming is growing as well as the general population and feels that a city our size could use it.

Marshall Harris lives in Idaho Falls and is 8 years old. Mr. Harris said he has been swimming for about three years and would like to have another aquatic center because the current pool is always crowded and full all the time.

Weston Harris lives in Idaho Falls and he agreed with his brother Marshall. He said the pool is always cramped because there are eight high school teams and six middle school teams that swim there and the aquatic center does not have quite enough room for that. Mr. Harris said there is almost no time for open swimming because of all the swim teams that are there and use up the afternoon. Mr. Harris said one of the middle school teams has 50 people on it and for a middle school swim team they are only allowed to have six lanes. He stated that it would be a good idea for the city to get another swimming pool.

Consent Agenda

A. Municipal Services

- 1) Renewal of Server Backup Storage Software and Subscription Services for Information Technology
- 2) Treasurer's Report for April 2023
- 3) Treasurer's Report for May 2023

B. Public Works

- 1) Iona Bonneville Sewer District (IBSD) - Request for Sewer Service Area Expansion

C. Idaho Falls Power

- 1) 23-192 Downtown Alley Upgrade Project - Rogers - Portion I
- 2) Idaho Falls Power Board Meeting Minutes as listed on the agenda

D. Office of the City Clerk

- 1) License Applications

It was moved by Councilor Francis, and seconded by Councilor Burtenshaw to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion was carried by the following vote: Aye – Councilors Radford, Freeman, Burtenshaw, Francis, Hally. Nay – None

5. Regular Agenda

A. Public Works

1) Microtransit Professional Services Agreement Renewal with Idaho Falls Downtowner LLC

Director Fredericksen appeared. He stated the item for consideration is a renewal agreement with Idaho Falls Downtowner to provide Microtransit services within city limits for another year. He said the previous agreement was established to automatically renew unless either party submitted notification before February 28. Director Fredericksen stated that upon consultation with the legal department, we felt that bringing this back to the Council would make sense and provide better transparency, especially for an expenditure of this size. He said this agreement establishes a not to exceed amount of 1,627,828 dollars all of which will be reimbursed to the city with no required financial match. Director Fredericksen stated that the microtransit service provided by Downtowner since its inception has been well managed, well received, and has provided excellent customer service to the public. He said ridership has risen from over six thousand rides per month to nearly nine thousand rides this June. Director Fredericksen thanked our transit coordinator Kade Marquez for the work that he has done to bring this to a successful first year. He also thanked the GIFT board and the Idaho Falls City Council for the foresight and willingness to take on this project that he feels the public has benefited from. Councilor Burtenshaw stated that this is a continuation of the contract and nothing is changing.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally to approve the proposed Professional Services Agreement between the City of Idaho Falls and Idaho Falls Downtowner LLC and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Hally, Burtenshaw, Freeman, Francis, Radford. Nay – None

B. Municipal Services

1) Comprehensive Annual Financial Audit Services for Fiscal Year Ending September 30, 2023.

Director Pam Alexander appeared. She stated that the item before you this evening is next year's financial audit services for the fiscal year ending this September 30, 2023. Director Alexander stated that they usually start their audit in November. Director Alexander stated that it is a comprehensive audit and includes the governmental side as well as the enterprise side and includes our single audit that is required for federal grants. She said the contract is not to exceed the amount of 150 thousand dollars. Director Alexander explained that this includes increased rates of approximately 15% for audit work performed after January 1, 2024.

It was moved by Councilor Freeman, seconded by Councilor Burtenshaw to accept, and approve a professional services contract with Eide Bailly for comprehensive annual financial audit services for an estimated amount of \$150,000. The motion was carried by the following vote: Aye- Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay - None

C. City Attorney

1) Approval of CM/GC Contract for Airport Terminal Expansion and Renovation Project - Clayco, Inc.

Director Rick Cloutier appeared and presented the following:

As part of the Airport's ongoing efforts to expand and improve the Airport's terminal, the city sought requests for proposals to select the best-qualified Construction Manager - General Contractor ("CM/GC") to perform pre-construction services-including developing the expansion project design, optimizing material and construction costs, and coordinating construction scheduling and phasing-and construction services. Clayco, Inc., was selected as the most qualified proposer and, pursuant to Idaho Code § 67-2320, City staff negotiated the proposed agreement.

Councilor Francis wanted clarification on the timeline. He stated that we have designers and that is Alliance and asked if they are the architects for this. Director Cloutier agreed. He said Allliance is the architect and has produced construction design and construction documents completed by Allliance and now the Clayco contract that you have in front of you, will take those documents complete as the contract manager at risk. He said the pre-construction services for bidding and all the contracting with sub-contractors until completion. He stated that at that time we will bring forth another contract for construction services. Councilor Francis asked because they have not seen a final Allliance piece yet. Director Cloutier agreed, he said you will see that on Tuesday and agreed that Alliance and the contract management company will be involved throughout the process. Director Cloutier agreed. Councilor Freeman stated that they plan to have weekly meetings between the contractors and the architects and that was in the contract. Mayor Casper asked if certain aspects of the project lend themselves to Value Engineering that are not straightforward and that you wanted this kind of a model. Director Cloutier agreed he said they chose this kind of a model because it works well for the other projects around the state especially Airport projects so you normally end up getting a better project at a cost-effective price because of Value Engineering. Councilor Francis pointed out on page 3 of the contract refers to the owner deciding whether to have a sustainable objective for the project, he asked what does that mean? Director Cloutier stated that each part of the project is going to be a sustainable objective and we have five different phases so each phase as we go forward will have its objective phase.

It was moved by Councilor Freeman, seconded by Councilor Francis to approve the Construction Manager/General contractor Contract with Clayco, Inc., and direct the Mayor and staff to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Francis, Freeman, Hally, Radford. Nay- None

2) Ordinance Restructuring Title 3 and Rescinding Code Section 3-2-9 regulating ambulance operations

City Attorney Randy Fife appeared.

Title 3, governing the City's various Departments, has been rewritten to be more consistent across Departments, to promote flexibility based upon City and Department needs, and to clarify duties and responsibilities. In addition, the Ordinance rescinds City regulation of ambulances because State licensure and regulation adequately addresses ambulance activities.

Councilor Francis thanked the legal department. He stated that this was a big process for our legal department to get to this point. He said it was well reviewed by the departments and also the Council.

It was moved by Councilor Freeman, seconded by Council Francis to approve the Ordinance restructuring Title 3 and rescinding Code Section 3-2-9 regulating ambulance operations under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary. The motion was carried by the following vote: Aye – Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay- None

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

ORDINANCE NO. 3523

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 3, STANDARDIZING AND SIMPLIFYING LANGUAGE AND INTERNAL CITY DEPARTMENTAL STRUCTURE; DELETION OF SECTION 3-2-9 REGULATING THE LICENSING OF AMBULANCE SERVICES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

D. Community Development Services

- 1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Hidden Bridge Subdivision.**

Councilor Francis stated that Hidden Bridge Subdivision is located West of Home Depot across Holmes across the canal. He stated that it is a little bit of a complex layout of land so it took some time to get it right and now is all worked out with the Planning Department.

It was moved by Councilor Francis, seconded by Council Burtenshaw to approve the Development Agreement for the Final Plat for Hidden Bridge Subdivision and give authorization for the Mayor and City Clerk to sign said agreement. The motion was carried by the following vote: Aye – Councilors Hally, Radford, Francis, Burtenshaw, Freeman. Nay- None

It was moved by Councilor Francis, seconded by Council Burtenshaw to accept the Final Plat for Hidden Bridge Subdivision, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay- None

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

- 2) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.703 acres of Part of the SE ¼ of Section 9, Township 2 North, Range 38 East.**

- 3) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of HC, Highway Commercial, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.703 acres of Part of the SE ¼ of Section 9, Township 2 North, Range 38 East.

Mayor Casper opened the public hearing. She invites all items presented and all testimony given today to be part of the official record.

Applicant Barry Bame with Connect Engineering 2295 N Yellowstone suite 6, Idaho Falls.

Mr. Bame stated that this property is directly West of Costco and is a small piece of property that is surrounded by already annexed property on all sides except to the North of it which is still County property and at this time will remain County property. Mr. Bame stated that the whole property all the way North had recently had a preliminary plat recently approved by the planning commission last month. He said this portion that we are looking to annex is about 1.7 acres and the reason that we are only annexing this property is because this and South will be division 1 final plat of that preliminary plat. He said to final plat this and everything South this piece has to be annexed first. Mr. Bame stated that this is a category A annexation and has been requested by the property owner to do the commercial final plat. Mr. Bame stated the comprehensive plan designates this area as a mixed-use center and we are seeking HC for the zone which is inside the area of impact.

Director Sanner appeared. He stated that this annexation is straightforward and as the applicant mentioned this is an area for our future land use plan it is showing a mixed-use corridor and follows the future land use map. Director Sanner says the applicant is proposing HC (Highway Commercial zone) Director Sanner stated that the planning commission reviewed this on June 6th and at that time the planning commission recommend a positive recommendation to the Council.

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

It was moved by Councilor Francis, seconded by Councilor Burtenshaw to approve the Ordinance annexing 1.703 acres of Part of the SE ¼ of Section 9, Township 2 North, Range 38 East and assign a Comprehensive Plan Designation of "Mixed Use Centers and Corridors" and 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 was carried by the following vote: Aye – Councilors Hally, Francis, Radford, Burtenshaw, Freeman. Nay- None

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

ORDINANCE NO.3524

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.703 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 Francis, seconded by Councilor Burtenshaw to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 1.703 acres of Part of the SE ¼ of Section 9, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Francis, Freeman, Hally, Radford. Nay- None

It was moved by Councilor Francis, seconded by Councilor Burtenshaw to approve the Ordinance establishing the initial zoning for HC, Highway Commercial as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office The motion carried by the following vote: Aye – Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay- None

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

ORDINANCE NO.3526

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.703 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw to approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of HC, Highway Commercial, and give authorization for the Mayor to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay- None

4) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 169.043 acres in the SE ¼ of Section 6, Township 2 North, Range 38 East.

5) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of HC, Highway Commercial, LC, Limited Commercial, R3A, Residential Mixed Use, and the Controlled Development Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 169.043 acres in the SE ¼ of Section 6, Township 2 North, Range 38 East.

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

Applicant Steve Ellsworth, Ellsworth & Associates, 253 1st Street, Idaho Falls Idaho.

Mr. Ellsworth stated that he is representing Steele Land Holdings request for a 169-acre annexation East of Fairway estates East of 5th E, North of 49th North. Requesting an initial zone of R3A for the northerly 68 acres and LC for the middle 44 acres and HC zone on the Southerly 44 acres.

Director Sanner provided a staff report. Director Sanner stated that the Planning Commission did recommend approval of this application however staff did recommend denial of the application but the

planning commission did not agree with our analysis. Director Sanner explained why the staff recommended denying the application. Slide 1 and aerial view of the property lines. Director Sanner stated that the property is currently zoned A1 (Agricultural and Bonneville County) Slide 2 shows the future land use map. He pointed out the separation between the orange and the red on the south part of the property and the east side of the property. The property is completely encompassed in general urban land use and is generally used to help guide toward residential uses and commercial use that help support the residential uses. Director Sanner stated that the red on the map is mixed-use center and corridors. Director Sanner stated that when staff recommended denial it was not so much the annexation. The concern was more the designation of the zone districts. Looking at the future land use plan staff felt that whatever was proposed in terms of zoning should be residential use or supports residential component. Director Sanner stated that the planning commission did not see a conflict with the proposed zoning.

Mayor Casper requested any public comment.

Applicant Steve Ellsworth offered more information in response to Director Sanner's report. Mr. Ellsworth stated that the designations of the zones were a recommendation from the planning commission during a sit-down meeting. He said this was before it was determined that this was the preferred ITD method for the interchange but wanted the Council to know that these zones were recommended by the Planning Commission. Mr. Ellsworth said they do have about 18 division rights that could be utilized by the County. He feels that if this property is annexed into the city the city will have control of the development that happens on this property.

Councilor Francis stated in terms of development we recently authorized Highway Commercial along that Lewisville Highway for a Maverick division. Councilor Francis wanted to know if it was HC (Highway Commercial) zone on that highway coming north based on that decision this Spring. Director Sanner agreed and identified the road as North 5th East.

Kathy Wells a resident in Idaho Falls appeared. She stated that having been involved in the planning world she discovered that most developers want to move within a city limit that has some planning and zoning. She stated that the state of Alaska doesn't have a whole lot of planning and zoning some of the towns and the city do and for their protection, they move within the boundaries and want to be annexed so that people can't come back later and protest and complain. She said the government body has the potential to oversee things and control them. Ms. Wells feels it's a good thing and thinks that's why Mr. Ellsworth wants to be annexed.

Mayor Casper closed the public hearing.

Councilor Burtenshaw is in support of annexing this land. She stated it is not in the area of impact but it does impact our city and how our city grows and develops. Councilor Burtenshaw stated that although it doesn't quite match the comprehensive plan, she feels the broad brush strokes do apply she said we are encroaching upon this land as a city both to the north and the south and thinks the gap in jurisdiction puts the city at risk to not be able to develop in an orderly fashion and is glad to see this coming into the



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city and is ok with the HC (Highway Commercial) zone. Councilor Francis is fully supportive of this annexation. He feels the zoning of the 3 categories (HC, LC, R3A) is acceptable. Councilor Hally is in favor of the annexation and feels these fits well and appreciates the ask to be annexed. Councilor Radford is supportive of the annexation.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Ordinance annexing 169.043 acres in the SE ¼ of Section 6, Township 2 North, Range 38 East, assign a Comprehensive Plan Designation of "General Urban", and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary. The motion was carried by the following vote: Aye – Councilors Hally, Francis, Radford, Burtenshaw, Freeman. Nay- None

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

ORDINANCE NO. 3525

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 169.043 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 169.043 acres in the SE ¼ of Section 6, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Freeman, Radford, Burtenshaw, Francis, Hally. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance establishing the initial zoning for HC, Highway Commercial, LC, Limited Commercial, R3A, Residential Mixed-use, and the Controlled Development Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, an 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 Hally, Radford, Francis, Burtenshaw. Nay - Freeman

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

ORDINANCE NO. 3527

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 169.043 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC, HIGHWAY COMMERCIAL, LC, LIMITED COMMERCIAL, R3A, RESIDENTIAL



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MIXED USE, INCLUDING THE CONTROLLED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Council Burtenshaw to approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of HC, Highway Commercial, LC, Limited Commercial, R3A, Residential Mixed Use, and the Controlled Development Airport Overlay Zone and give authorization for the Mayor to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay- None

3. Announcements

Mayor Casper stated that we are going to have some hot weather this weekend and encouraged everyone to look out for others and make sure everyone survives the hot weather.

Monday there is a social for the Council members and city leaders. The Idaho Consumer Owned Utilities meeting is next week on Thursday and Friday.

Friday is The Great Race at the Hero Arena - Fundraiser supporting education. Rodeo tickets are on sale.

4. Adjournment.

There being no further business, the meeting adjourned at 8:33 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

s/Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor