



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, July 14, 2022

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor 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 led those present in the Pledge of Allegiance.

3. Public Comment.

William Cutler, Idaho Falls resident, appeared. He indicated there are several individuals interested and worried about the homeless issue. Mayor Casper noted a discussion occurred at the June 11, 2022, City Council Work Session regarding the current issues of homelessness in city parks.

4. Consent Agenda.

A. Airport

1) Approval of Multi-Tasking Equipment (MTE) for Airfield Snow Removal

The Airport follows an Airport Advisory Board approved 5-year Capital Improvement Plan. As part of this plan, the Airport requests authority to purchase multi-tasking equipment (MTE) from M-B Companies, Inc. The equipment will cost \$787,077 of which the FAA will cover 93.75% or \$737,885. The remaining balance of \$49,192 is budgeted in FY23 in the Airport Fund. Additional engineering costs will not exceed \$30,000 for this project. The additional snow removal equipment will aid Airport staff in maintaining the airfield during snow events.

B. Idaho Falls Power

1) IFP 22-22 Switch and PT Purchase for Idaho Falls Power

This purchase is for materials to upgrade the York substation.

C. Municipal Services

1) Minutes from Council Meetings

June 27, 2022 City Council Work Session and Executive Sessions; and June 30 2022 City Council Meeting

2) License Applications, all carrying the required approvals

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

5. Regular Agenda.

A. Municipal Services

1) RFP 22-03, Permitting, Licensing, Code Enforcement and Planning Project Software System

Request for Proposal (RFP) 22-03 was issued on January 28, 2022 for a permitting, licensing, code enforcement and planning project software system. By February 25, 2022, the city received a total of seven proposals. An evaluation team of city staff scored the proposals and is recommending Power Engineers and the Cityworks software system. The Power Engineers proposal included a full implementation and migration to the Cityworks platform. The consensus of the evaluation team was the Cityworks GIS-centric permit, license and land software platform best suited the city's needs and business processes. Power Engineers is a platinum Cityworks partner with qualifications and experience with more than 160 implementations for cities and utilities around the United States. In addition to the total award of \$652,374.00, the annual maintenance and licensing costs are expected to be \$48,000 (year one), \$58,000 (year two), and \$68,500 (year three).

Municipal Services Director Pamela Alexander appeared. She stated additional modules could be added to the software platform as needed. Councilor Francis believes this will be a major community service. Mayor Casper believes the longevity of the software systems will be unique. Per Councilor Radford, Director Alexander stated this will be a cloud-based service, there will be no payment for storage. Council President Dingman stated multiple departments have been working on this, and has been vetted with numerous cities.

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, to approve the professional services agreement with Power Engineers for a total of \$652,374.00. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

2) Public Hearing for the Auction of Real Property

Idaho Falls Power has determined 10-acres purchased for the river crossing for the Sugarmill to Paine Line, north of the upper power plant is no longer needed and recommends surplussing this property.

Director Alexander stated this property was discussed at the June 11, 2022, City Council Work Session. She also stated the minimum bid will be \$400,000, and the public hearing will occur at the August 11, 2022, City Council Meeting.

It was moved by Council President Ziel-Dingman, seconded by Councilor Radford, to allow Municipal Services, Idaho Falls Power, Mayor, and staff to take any actions necessary to conduct a public hearing to auction city-owned property pursuant to Idaho Code 50-1402. The motion carried by the following

vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

B. Public Works

1) Change Order 1 for Sludge Hauling Contract with Iron Horse Trucking

Attached for consideration is a change order with Iron Horse Trucking regarding the sludge hauling contract for the Wastewater Division. The change order provides an extension of time from September 30, 2022 to November 30, 2022, increases the quantities for the sludge haul and introduces a fuel escalation clause for work completed after approval of the change order.

Public Works Director Chris Fredericksen appeared. He stated 9.5M gallons are received on a daily basis, of which 51,000 gallons are a byproduct are stored in the lagoon which is hauled in spring and fall to be applied as fertilizer. He also stated, due to excess water, it was difficult to move this year. He explained there is periodic testing performed to ensure there are no leaks which requires the lagoon to fill to the highest level. Director Fredericksen stated the change order is in the amount of \$199,386. Councilor Burtenshaw stated extension of this contract will be a savings.

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

C. Fire Department

1) Jefferson County Ambulance Service Agreement

This service agreement allows the Fire Department to continue to provide a proficient and cost-effective method of Emergency Medical Transport Services to the residents of Jefferson County.

Fire Chief Duane Nelson appeared. He stated the agreement is a 20% increase to the current contract, in the amount of \$319,176. He also stated there's a continued push to right-size Jefferson County to fully supplement their services. Councilor Freeman stated work to right-size this contract has been occurring for some time.

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

D. Airport

1) Approval of Professional Services Agreement with Pro-Tec Fire Services for Aircraft Rescue and Firefighting services at the Idaho Falls Regional Airport.

The purpose of this professional services agreement is to obtain services and support for the Airport Rescue and Firefighting requirements as prescribed by the FAA. Pro-Tec Fire Service will be able to provide additional services and training to the Idaho Falls Regional Airport to ensure compliance with FAA regulatory requirements and the overall safe operation of the Airport.

Council President Dingman stated the council also serves as the Idaho Falls Regional Airport (IDA) Board, and this item has been discussed during those board meetings. She believes a contract with Pro-Tec Fire Services will be beneficial to the growing airport. She briefly reviewed the services provided by Pro-Tec Fire Services and, in turn, the services provided by IDA. IDA Director Rick Cloutier stated this also provides personnel to perform specific daily inspections which prevents the need to hire additional staff. Mayor Casper believes this is a win-win situation for IDA and the Idaho Falls Fire Department (IFFD) as IFFD personnel can be utilized elsewhere. Chief Nelson believes this is a good collaboration between the two departments that solves an ever-growing problem. He indicated the IFFD can work and train with Pro-Tec Fire Services. Mayor Casper believes there may be an added degree of safety as these firefighters are specifically trained for the airport. Councilor Freeman noted the firefighters must stay at the airport. He also believes this is a good collaboration. Director Cloutier commended Chief Nelson. Per Councilor Francis, Director Cloutier confirmed this is a service that is specifically designed for airports. Council President Dingman believes fire services are crucial.

It was moved by Council President Ziel-Dingman, seconded by Councilor Freeman, to approve the Professional Services Agreement as attached for services for Pro-Tec Fire Services and give authorization for the Mayor to execute the agreement. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

E. Community Development Services:

- 1) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of HC, Highway Commercial and LC, Limited Commercial with Airport Overlay Controlled Development Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and voted to recommended approval of the annexation with an initial zoning of HC and LC with Airport Overlay Controlled Development Zones. 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.

Kurt Roland, Eagle Rock Engineering and representative of the developer, appeared. He stated this property is located west of Holmes Avenue and east of Boge Avenue. He also stated the property consists of approximately 44 acres, and the zone request is HC and LC. He indicated the property is currently zoned as ag, to the north is Industrial and Manufacturing, to the south is Highway Commercial and Light Manufacturing, to the east is Light Manufacturing and Highway Commercial, and to the west is Industrial and Manufacturing. Mr. Roland believes this request fits within the Comprehensive Plan. Per Councilor Freeman, Community Development Services Assistant Planning Director Kerry Beutler appeared. He stated this property is enclaved and completely surrounded by city property.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler identified the Industrial designation and HC designation immediately to the east. He stated this area is a mix of these designations.

Slide 2 - Requested Initial Zoning map of the property

Mr. Beutler stated the balance of the property will be LC, and the portions of the front onto Holmes Avenue would be HC.

Slide 3 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated the designation is shown as General Urban which is intended to provide a mix of uses. He also stated the requested zones are consistent in this area.

Slide 4 - Aerial photo of property under consideration

Mr. Beutler stated the area is currently a mix of uses. He also stated there is an industrial park immediately to the west along Boge Aveeue, and there are currently general commercial uses along Holmes Avenue.

Slide 5 - Additional aerial photo of property under consideration

Slide 6 - Airport Overlay map

Mr. Beutler stated the airport designation would be Controlled Development, noting there would be no restrictions in this area for height or land use, and it would be consistent with the requested zones.

Councilor Francis questioned how the General Urban fits in this area. Mr. Beutler believes this would be unique with the surrounding uses. He stated this is a substantial piece of ground and was initially proposed for Industrial, however, it was never developed as such. He also stated the property is more appropriate for commercial uses and residential uses. He indicated the property has also seen agricultural uses as well. He believes there's an opportunity for this area to transition with other commercial and daily service centers that a typical residential or mixed-use project would need. He indicated the area could develop into a walkable center of its own due to the amount of land, hence the General Urban designation. Per Councilor Francis, Mr. Beutler stated the large piece would ensure setbacks from Industrial, which has the current ability for traffic to move south and north, there is also the ability to extend the transportation network in the area not in a direct way so not to have commercial and industrial traffic moving through this area, as that traffic would be intended to move north and south. He also stated a more mixed-use project could be developed. Mayor Casper questioned any extension of Ronald Avenue. Mr. Beutler stated there would be a connection to Holmes, although, it would not be a direct connection to discourage thru-traffic. He also stated the LC is mixed-use commercial zone. Councilor Francis questioned how this annexation would be different from a previous annexation request (on Woodruff Avenue) surrounding manufacturing that was denied. Mr. Beutler believes the size of the property makes a difference. He indicated both previous properties were much smaller, and this area would have a road network within the area.

Mayor Casper requested any public comment. She noted there were no public comments at the P&Z (Planning and Zoning Commission) hearing. No one appeared. Mayor Casper closed the public hearing.

Councilor Burtenshaw believes this property is large enough to create a livable, walkable area. Councilor Francis believes the size element makes this acceptable. He noted no opposition helps make this supportable.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance annexing 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

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

ORDINANCE NO. 3472

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 43.968 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 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

- 2) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of HC, Highway Commercial and LC, Limited Commercial with Controlled Development Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of HC, Highway Commercial and LC, Limited Commercial with Controlled Development Airport Overlay Zones, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 43.968 acres of the East ½ of the Southeast ¼ of Section 7, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and recommended approval of HC and LC with Controlled Development Overlay Zones. Staff concurs with this recommendation.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "General Urban Transect" and approve the ordinance establishing the initial zoning for HC, Highway Commercial and LC, Limited Commercial with Controlled Development Airport Overlay Zones 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 Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3473

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 43.968 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC, LIMITED COMMERCIAL AND HC, HIGHWAY COMMERCIAL AND CONTROLLED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of HC, Highway Commercial and LC, Limited Commercial with Controlled Development Airport Overlay Zones, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Raford. Nay - none.

- 3) Public Hearing-Rezone from P, Parks and Open Spaces with a PUD, Planned Unit Development Overlay Zone to LC, Limited Commercial, and R3A, Residential Mixed Use with no Overlay Zone, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 9.125 acres on Lot 1-3, Block 16 and Lot 1, Block 17 Bel Aire Addition Division 3, First Amended.

Attached is the application for Rezoning from P with a PUD Overlay Zone to LC and R3A with no Overlay Zone, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 9.125 acres on Lot 1-3, Block 16 and Lot 1, Block 17 Bel Aire Addition Number 3, First Amended. The Planning and Zoning Commission considered this item at its June 7, 2022, meeting and recommended to the Mayor and City Council approval of the zone change with 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 staff presentation as the city is the applicant.

Mr. Beutler appeared. He stated this is a complex property and has an extensive history. He then presented the following:

Slide 1 - Property under consideration

Mr. Beutler stated this property is currently zoned P for Parks and Open Space and has a PUD overlay. He also stated this property was deeded to city in 2016 that was intended for future uses associated with open space or parks, however, since that time, those uses have not materialized and there is no intent to develop this property for parks or open spaces purposes. Mr. Beutler noted the council has directed staff to rezone this property. He stated the proposal is to rezone the larger piece on the west to LC and the smaller piece on the east to R3A, which are both mixed-use zones. He indicated R3A would allow residential and some office development, and LC would allow residential and general commercial-type uses. He stated these distinct requests were intentional due to the proximity of the surrounding area.

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated this area is shown as General Urban, and both LC and R3A would comply the designation.

Slide 3 - Aerial photo of property under consideration

Mr. Beutler stated this property has been vacant and undeveloped for its history. He identified the surrounding zones and uses. He believes the LC and R3A would act as transition/buffer to the north.

Slide 4 - Additional aerial photo of property under consideration

Slide 5 - Photo from Bennett Avenue looking west

Slide 6 - Photo from Bennett Avenue looking east

Mr. Beutler stated the rezone would allow for the potential of development or improvement to the area. He also stated, per the requirement of a rezone, the city hosted a neighborhood meeting, noting there was no one in attendance. He indicated there was also no testimony at the P&Z hearing.

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

Councilor Burtenshaw stated this property has been discussed at previous City Council Work Sessions. Mayor Casper noted when the property was appraised, it was appraised at the requested zones.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance rezoning approximately 9.125 acres on Lot 1-3, Block 16 and Lot 1, Block 17 Bel Aire Addition Division 3, First Amended from P with a PUD Overlay Zone to LC and R3A with no Overlay Zone, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

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

ORDINANCE NO. 3474

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF LOTS 1-3, BLOCK 16, AND LOT 1, BLOCK 17 BEL AIRE ADDITION DIV 3, FIRST AMENDED AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM P, PARKS AND OPEN SPACE ZONE WITH A PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO LC, LIMITED COMMERCIAL AND R3A, MIXED RESIDENTIAL ZONE AND REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from P with a PUD Overlay Zone to LC and R3A with no Overlay Zone and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

4) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Skyline Manor Townhomes Division No. 2.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Skyline Manor Townhomes Division No. 2. The Planning and Zoning Commission considered this item at its February 15, 2022, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated this was originally approved as a PUD which included a pathway. Mr. Beutler explained Division 1 had a pathway that would connect along Pancheri. He confirmed this is still a PUD,

and the pathway is part of that project. He stated Lot 11, in the middle of the plat, is a private road that will connect Skyline Drive to Division 1, and the pathway runs along the south edge of Lot 11. He further explained the pathway route. He reiterated the pathway is required to be built per the PUD plan. Per Councilor Francis, Mr. Beutler also confirmed the park is included in Division 1.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for Skyline Manor Townhomes Division No. 2 and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for Skyline Manor Townhomes Division No. 2 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 Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Skyline Manor Townhomes Division No. 2 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

6. Announcements.

Councilor Freeman announced ICUA (Idaho Consumer Owned Utilities Association) Meeting will be held the week of July 18. Councilor Francis announced July 14 is Bastille Day (a French national holiday). Mayor Casper announced City Council Budget Session on July 19, City Council Work Session on July 25, and City Council Meeting on July 28. She also announced War Bonnet Round Up Rodeo tickets are on sale.

7. Adjournment.

There being no further business, the meeting adjourned at 8:40 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor