



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

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Thursday, July 29, 2021

7:30 PM

City Council Chambers

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### 1. Call to Order.

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

### 2. Pledge of Allegiance.

Mayor Casper requested Fire Chief Duane Nelson to lead those present in the Pledge of Allegiance.

### 3. Public Comment.

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

Jeff McCullough, on behalf of the Idaho Falls Motocross Association and motocross enthusiasts in the region, and city resident, appeared. Mr. McCullough stated he wants to reemphasize the need for the (motocross) track as a constructive and productive outlet for families as he believes this is a very family-oriented sport. He indicated the competitors all take care of each other and he believes this is an opportunity to interact with the community in a safe and conducive way. Mr. McCullough stated motocross kept him out of trouble while growing up. He reiterated the need for motocross at Noise Park/Idaho Falls Raceway and requested this item be considered in the budget. He requested \$60,000 be allocated to the Parks and Recreation (P&R) Department in hopes of reopening the race park. He indicated this would allow the opportunity to show the local community and business owners the financial benefits of individuals from other areas and to take advantage of resources that could be provided.

Bob Nitschke, long-term city resident, appeared. Mr. Nitschke stated he sent an email to several city officials regarding illegal fireworks in the community. He believes this is a significant concern to citizens as this is a health and safety issue, it's a fire safety issue, it's a quality of life issue, and it's an animal welfare issue. He indicated these fireworks occur for approximately a month around the 4th of July. Mr. Nitschke believes the Fire Chief and Fire Marshall are doing a good job regulating inside the city. He also believes a lot of people would support an alleviation of this extended period of illegal use of fireworks in the city.

### 4. Consent Agenda.

#### A. Public Works

- 1) Minutes from the Annual Public Works Department Utility Meeting  
June 30, 2021 Annual Public Works Department Utility Meeting

**B. Municipal Services**

- 1) Purchase of Meter Inventory for Idaho Falls Power  
This request is to purchase meter inventory for the Idaho Falls Power warehouse.
- 2) Minutes from Council Meetings  
July 6, 2021 City Council Work Session; July 8, 2021 City Council Meeting; July 12, 2021 City Council Budget Session; July 15, 2021 City Council Budget Session; July 19, 2021 City Council Budget Session; and July 20, 2021 City Council Budget Session.
- 3) License Applications, all carrying the required approvals

***Recommended Action:***

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

**5. Regular Agenda.**

**A. Municipal Services**

- 1) Tentative Approval of the 2021/22 Fiscal Year Budget  
Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2021/22 fiscal year budget with publication dates set for August 1, 2021 and August 8, 2021. The Public Hearing is scheduled for 7:30 pm, Thursday, August 12, 2021 in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Mayor Casper stated this simple motion represents numerous hours of work by many individuals. She also stated the budget amount cannot exceed this number. Municipal Services Director Pamela Alexander appeared. She stated the budget process began the first part of April and have included several meetings and presentations. She reiterated the budget cannot go higher than the approved amount.

It was moved by Councilor Burtenshaw, seconded by Council President Ziel-Dingman, to tentatively approve the 2021/22 fiscal year budget and give approval to publish the Notice of Public Hearing of the 2021/22 fiscal year budget for a not-to-exceed amount of \$295,496,132 with publication dates set for Sunday, August 1, 2021 and Sunday, August 8, 2021 with the Public Hearing scheduled for Thursday, August 12, 2021. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

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**B. Parks & Recreation****1)** An ordinance of the City of Idaho Falls, amending City Code Section 8-3-5.

This ordinance revision would amend City Code Section 8-3-5 to add Funland at the Zoo to be included in the list of City regulated spaces where alcohol may be sold, dispensed and consumed and would further encourage the public to utilize Funland at the Zoo as a location for fundraisers and community gatherings. Once approved, this location would be included along with the following permit able locations: The Pier at Snake River Landing, Civitan Plaza, Sportsman's Park, Idaho Falls Zoo, Tautphaus Park Multi-Use Shelter, Skyline Activity Center, the public plaza located at 330 Memorial Drive, Melaleuca Field, the Idaho Falls Public Library, a closed public street (provided the City Police Chief has approved the street closure), Sandy Downs and Noise Park.

P&R Director PJ Holm appeared. Director Holm stated only beer and wine will be allowed for this facility only during permitted events. Councilor Francis noted this item was discussed at a previous (June 28, 2021) Council Work Session.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that Council approve the ordinance amending City Code Section 8-3-5 to add Funland at the Zoo to be included in the list of City-regulated spaces where beer and wine may be sold, dispensed and consumed during permitted events, under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

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

ORDINANCE NO. 3396

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE SECTION 8-3-5 TO ADD FUNLAND AMUSEMENT PARK TO BE INCLUDED IN THE LIST OF CITY-REGULATED SPACES WHERE ALCOHOL MAY BE SOLD, DISPENSED, AND CONSUMED, AS REGULATED BY THE CITY'S ORDINANCES AND STATE LAWS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**C. Idaho Falls Power****1)** IFP 21-033 Lower Plant Runner Hub Rebuild

Idaho Falls Power (IFP) solicited bids from qualified contractors to rebuild the runner hub at the Lower Plant. After identifying the lowest bidder, the city received a bid protest claiming the identified low bidder was unresponsive because they failed to acknowledge Addendum #2 in the bidding documents. After reviewing the bid protest, IFP and City Legal Services recommend that the city reject all bids, clarify the language in the bidding contract documents and put the project out to rebid, pursuant to the procedures identified in Idaho Code § 67-2805(b)(xi).

Idaho Falls Power (IFP) Director Bear Prairie appeared. Director Prairie stated the addendum item with the lowest bidder was a clerical issue. He also stated the lowest bidder acknowledged the price did not change, therefore, IFP was intending to proceed with the project prior to receiving the bid protest. Director Prairie noted there was a substantial price difference between the lowest two (2) bidders. Per Mayor Casper, Director Prairie stated the project will be completed within an acceptable timeframe.

It was moved by Councilor Radford, seconded by Councilor Freeman, to reject all bids presented with bid number IFP 21-033 Lower Plant Runner Hub Rebuild and rebid the project. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

**2) IF20-16, Additional Spending Request for Fiber Optic Cable Installation Services**

City Council approved Wheeler Electric, Inc.'s original contract to provide residential fiber optic cable installation services for an amount of \$400,000.00 on April 23, 2020 and later approved and extension of their contract for \$200,000.00 on June 24, 2021. Due to the popularity and high demand for fiber, ongoing work is still required to complete this phase of the project and IFF is not aware of additional contractors interested in the work to terminate the fiber connection and optical network transmitter inside customer's homes. To prevent customer connection delays, IFF is requesting an additional extension of Wheeler's contract and spending authority to continue connecting new customers that sign up for fiber service. IFF plans to re-bid this work upon the completion of the current fiscal year 2021.

Director Prairie stated IFP is completing the bid spec which is expected to be released in the near future to allow the opportunity for other companies to participate in this work. Councilor Radford believes Idaho Falls Fiber has made a meaningful difference during the Coronavirus (COVID-19) pandemic with the ability to have these resources. He also believes fiber will benefit IFP with future needs.

It was moved by Councilor Radford, seconded by Councilor Freeman, to authorize to extend Wheeler Electric, Inc.'s original contract for a not-to-exceed amount of \$150,000. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

**D. Police Department**

**1) Police Personnel Manual Updates**

The Employees and Management of the Idaho Falls Police Department met and made several suggestions for updates to the Police Personnel Manual (PPM). Many of those recommended updates were taken to Council on May 24. The Council made some changes in language and approved a tentative update to the PPM. As required, that update went out to all Police Department employees for review and comment for 30 days. To our knowledge, there have been no comments made regarding the proposed update. The 30-day review/comment period has now passed and the Council may now approve the updates to the PPM.

Police Chief Bryce Johnson appeared. Chief Johnson stated the suggested updates designates holidays on the 4th of July and Christmas, it updates the career path program to include dispatch, it includes language for employee association business, and it contains some housekeeping items. Chief Johnson also stated he received several positive verbal comments. Councilor Francis believes the career path is important to dispatch. Council President Dingman noted the Council thoroughly discussed this item. She also noted this is a living document and will be reviewed as needed.

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council approve the resolution updating the Police Personnel Manual. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

**RESOLUTION NO. 2021-22**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE IDAHO FALLS POLICE DEPARTMENT PERSONNEL MANUAL (JULY 2021); AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**E. City Attorney**

**1) Ordinance Adjusting Sister Cities Advisory Committee language**

The proposed Ordinance adds to Title 2, Chapter 14, language explicitly authorizing the Mayor, with the consent of the Council, to appoint Sister Cities Advisory Committee members, so that the Ordinance is clear.

Mr. Fife appeared. Mr. Fife stated a phrase was inadvertently omitted from this ordinance and will be added for consistency purposes.

It was moved by Councilor Hally, seconded by Councilor Francis, to approve the ordinance adjusting Sister Cities Advisory Committee language to authorize the Mayor, with the consent of the Council, to appoint committee members under a suspension of the rules requiring three complete and separate readings and direct 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. 3397**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AUTHORIZING THE MAYOR, WITH CONSENT OF THE COUNCIL, TO APPOINT SISTER CITIES ADVISORY COMMITTEE MEMBERS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**F. Community Development Services**

**1) Resolution Approving the CDBG 2021-2025 2021 Annual Action Plan and Five-Year Consolidated Plan**

For your consideration is a resolution approving the CDBG 2021-2025 2021 Annual Action Plan (AAP) and the Five-Year Consolidated Plan, which includes the Analysis of Impediments to Fair Housing (AOI). These plans are required for the City to continue to receive funding for the CDBG program. The AAP and AOI are parts of the 5-Year Consolidated Plan, which is why there is only a single resolution. The plans set goals and priorities for how to allocate future CDBG funds received from the Department of Housing and Urban Development (HUD). The funds are intended to assist low-moderate income areas and programs including addressing housing issues, removing slum and blight, promoting economic development, and improving accessibility. The 5-Year Consolidated Plan and AOI were prepared by Western Economic Services and the AAP was prepared by Lisa Farris. All appropriate and required community engagement, public hearings, and comment periods have been conducted and the plans are now ready for Council approval so they can be sent to regional HUD offices. Any questions regarding the plans should be addressed to Lisa Farris.

Grants Administrator Lisa Farris appeared. Ms. Farris stated this process began in April. She also stated a consultant has assisted with a portion of the plans. She noted the public hearing occurred on June 10, followed by a 30-day public comment, and all recommended activities were reviewed at the July 26 Council Work Session. Ms. Farris indicated there was a slight change in public service activity amounts, although this error did not change the final amount. Per Councilor Hally, Ms. Farris stated eight (8) public service activities were slightly reduced, which amounted to just over \$7,100.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Resolution approving the CDBG 2021-2025 2021 Annual Action Plan and Five-Year Consolidated Plan. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

**RESOLUTION NO. 2021-23**

**A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, FISCAL YEAR 2021 CDBG ANNUAL ACTION PLAN AND FISCAL YEARS 2021-2025 CDBG FIVE-YEAR CONSOLIDATED PLAN.**

**2) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing Division 15, First Amended.**

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Snake River Landing Division 15, First Amended. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

There was no discussion.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for

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Snake River Landing Division 15, First Amended, 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 Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Snake River Landing Division 15, First Amended 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, Radford. Nay - none.

**3)** Final Plat and Reasoned Statement of Relevant Criteria and Standards, L&S Subdivision Division 1.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for L&S Subdivision Division 1. The Planning and Zoning Commission considered this item at its July 21, 2020, meeting and recommended approval by a unanimous vote with the stipulation that no connection be made to Duchess Drive. Staff concurs with this recommendation.

Community Development Services Assistant Planning Director Kerry Beutler appeared. Councilor Francis noted most plats have two (2) entry ways/access points, and this plat only has one (1). Mr. Beutler stated a secondary access is generally determined on the type of use of the property although the type of use is not always known during the platting process. He noted it is not uncommon for a commercial plat to have a single point of access, however, a single point of access may restrict a future use. Mr. Beutler indicated the one (1) access to Lincoln Road is sufficient for the intended use. Councilor Hally stated Lincoln Road is becoming more heavily used, he indicated there should not be too many access points. Mr. Beutler stated 660' of spacing is allowed on arterial roads. He noted there is adequate spacing to the west and the east of this property.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for L&S Subdivision Division 1, 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 Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for L&S Subdivision Division 1 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 and Reasoned Statement of Relevant Criteria and Standards, Bowen Addition Division 3, First Amended.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Bowen Addition Division 3, First Amended. The Planning and Zoning Commission considered this item at its April 20, 2021 meeting and recommended approval by a unanimous

vote. Staff concurs with this recommendation.

There was no discussion.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Bowen Addition Division 3, First Amended, 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 Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Bowen Addition Division 3, First Amended and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

- 5) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 7.243 acres, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 6, Township 2 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R1 and Airport Overlay which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 7.243 acres, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its February 16, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Ryan Loftus, Aspen Engineering and representing David Koon, appeared. Mr. Loftus stated the proposal is for development of 4.2 acres to be annexed, however, in order to make that property contiguous and to obtain the appropriate right-of way (ROW), the proposed area becomes 7.2 acres. He also stated this property is located on the east side of 5th West, including the north and south parts of the property. Per Councilor Freeman, Mr. Loftus reiterated the ROW connection must be annexed to make this property contiguous. Councilor Freeman believed the ROW was for Sage Lakes Golf Course. Mr. Loftus believes this is an additional ROW on the east side of the previous annexation. Mr. Beutler clarified the ROW cannot solely be used to make the property contiguous, however, he indicated the city can annex across the ROWs. He noted there is city property immediately across the street as well as a touching corner on the east end that would make this property contiguous. He stated the ROW for 5th W. was requested to be included with the annexation and once annexation occurs on both sides of the road the city will then annex the road. This will allow the city to have jurisdiction over the road to make road improvements to be city standards to address the traffic concerns. Per Mayor Casper, Mr. Beutler confirmed jurisdiction of the road will occur with this annexation. He indicated Sage Lakes was not annexed just by ROW, it was also

annexed through private property. Mr. Loftus stated this will add additional ROW across the frontage of the property. Per Councilor Francis, Mr. Beutler stated the entire section of the road will be annexed.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler reiterated there are four (4) acres of private property and the remaining acreage is for the ROW. He noted the acreage will be the same with the annexation and the initial zoning as zoning is provided to the ROW as similar to private property.

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler identified the Estate designation which is intended to recognize existing county subdivisions and larger lot development that has occurred in the county. He stated this was meant to transition as properties come into the city. He noted the requested R1 is a lower-density zone and would be consistent with the Comp Plan.

Slide 3 - Aerial photo of property under consideration

Mr. Beutler stated this area was utilizing two (2) strips of ground that could be developed and considered contiguous at the time. He also stated this will complete the jurisdictional annexation for most of 5th West although there are still some gaps on the southern end. He indicated there are current annexation applications for those parcels which will allow improvements for traffic.

Slide 4 - Airport Overlay Zone

Mr. Beutler stated this area is outside of the area that would restrict any uses although the Airport Overlay Zone must be included due to the location.

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

Councilor Radford believes this section in the community is growing and he is hopeful to have a corridor for many opportunities. Councilor Francis stated he is anxious to get N. 5th West into the city as a well cared for arterial. Councilor Freeman stated he has received several complaints regarding this road. He indicated this is the first step to get the road fixed.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 7.243 acres, NW ¼ NW ¼ SW ¼ of Section 6, 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 Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

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

ORDINANCE NO. 3398

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE

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STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 7.243 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

- 6) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning-Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 7.243 acres, in the NW1/4 NW1/4 SW1/4 of Section 6, Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R1 and Airport Overlay Zone which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 7.243 acres, in the NW1/4 NW1/4 SW1/4 of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its February 16, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis noted staff caught an error with the Initial Zoning ordinance, the correct version will be read into the record.

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Estate" and approve the Ordinance establishing the initial zoning for R1 and the appropriate 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, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3399

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 7.243 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R1 ZONE AND AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R1 Airport Overlay Zone and give authorization for the Mayor to execute the necessary documents. The motion carried

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

**7) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Skyline Manor PUD.**

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Skyline Manor PUD. The Planning and Zoning Commission considered this item at its January 5, 2021, meeting and recommended approval with the stipulation that the developer fence the south property line along Pancheri and move the amenity to the north portion of the retention pond. Voting was split 5 in favor and 1 opposed. Staff concurs with this recommendation.

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

Barry Bane, Connect Engineering, appeared. Mr. Bane stated this PUD is just off the corner of Skyline and Pancheri. He also stated the property is 1½ acres, which is typically smaller than the PUD requirement of two (2) acres.

Slide 3 - Site Plan

Slide 4 - Elevation View

Mr. Bane stated the PUD will include 22 single-family attached dwellings. He indicated the plat will be presented in the near future, however these will be platted individually and sold individually. He also indicated the Homeowner's Association (HOA) will take care of the common space; the common space exceeds the 25% requirement for a PUD; and within the common space is a storm pond. The storm pond has been designed as a tiered system for a playground area that won't see water 90-99% of the time, and a French drain will be installed in the bottom of the storm pond as there is preference for the area to be as useful as possible. Mr. Bane stated requested variances include set back requirements on the north end, the east side, and the south side. He also stated there are 72 proposed parking spaces, including a one-car garage, two (2) parking pads in the front, and additional parking stalls north of the park area. Mr. Bane indicated the PUD is zoned R3 which allows up to 35 units per acre, the proposal is just over 14 units per acre, and the requested variances are per use of the land. Mr. Bane noted the Planning and Zoning Commission (P&Z) recommended a fence along the south side along Pancheri. He stated the client is open to a fence or adding more trees or shrubs if that look is more desirable than a fence.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler stated the property is currently zoned R3A, and two (2) arterial streets meet at the intersection.

Slide 2 -Aerial photo of property under consideration

Mr. Beutler identified the area. He stated the property previously had some structures with a

portion of the property being vacant.

Slide 5 - Photos looking north across property, before and after

Mr. Beutler stated the residential structures have been demolished, the property is currently vacant.

Slide 3 - Site Plan

Mr. Beutler stated the original site layout showed a linear detention pond that ran along the western edge of the property and the playground was closer to the roadway. He indicated P&Z had safety concerns with children in that vicinity, since that time the applicant has redesigned and moved the playground area to the far northern end and the storm pond was widened to include that whole area. There is also a widened landscaped area that's included in part of the ROW as there are pathways along Pancheri. Due to these changes, Mr. Beutler stated there's a fair amount of distance between the playground and storm pond and Pancheri and the fence is no longer a safety issue, it's more of an aesthetic issue. He noted the current fencing along Pancheri is mixed heights and materials. Mr. Beutler mentioned the proposed PUD includes an 8' pathway through the development to connect to the 12' pathway along Pancheri, this was deliberate to make a pathway connection to the local schools as well as connection to the River Walk. He stated this is one of the reasons the PUD is slightly less than the two (2) acres as a smaller PUD can be approved if it includes redevelopment. Per the setback discussion, Mr. Beutler stated there is a widened landscape strip on the south end, therefore staff believed the variance was appropriate, and there is a mix of housing styles and types in the area and the 10' setback is somewhat consistent with the neighborhood. Per Mayor Casper, Mr. Beutler stated the compactness of the units on the property can be more challenging. He indicated this property is a larger piece for infill although it does have an odd shape and was somewhat difficult for a layout that made sense. Also per Mayor Casper, Mr. Beutler stated the ROW is wider in some of the area to allow a dedicated right-turn lane onto Skyline Drive. Councilor Freeman questioned the end of the street with regard to turn around for public safety. Mr. Beutler stated the street to the north is within the Fire Department parameters to back up a truck. He also stated the Fire Department has reviewed and is comfortable with the layout. Mr. Beutler indicated staff requested the private road be extended to the western boundary of the property as the property to the west is vacant and will allow connectivity to this development for internal circulation. Per Councilor Burtenshaw, Mr. Beutler stated the tandem parking variance is incorrect. He explained tandem parking is two (2) vehicles parked behind each other. He noted this is not counted in most of the city as it can be problematic. However, in this case, the garage is considered a parking space, the adjacent parking pad is considered a parking space, and the driveway behind the garage could be counted as a potential third space, along with the additional six (6) spaces, which exceed the parking. Mr. Beutler noted there are only 50 parking spaces shown, not the 72 spaces as mentioned, and only 44 parking spaces are required. He also noted this is not a variable item. Per Councilor Francis, Mr. Bane confirmed all the buildings are two-story. Per the height, Mr. Beutler clarified the code section in the table is not entirely complete. He stated the PUD was applied for in November and the subdivision plat, as individually platted, was applied for after that time. He indicated if the units were on one (1) single piece of property they would be considered a multi-unit development. However, because the property is going to be subdivided as separate units, the

units will be considered attached single-family and the additional height standard would not apply. Mr. Beutler stated the code refers to building height as ground level to the top of the plane wall. He noted each floor is 8' in height, per the zoning code perspective the building is 16' while the overall height is taller. Per Councilor Francis, Mr. Beutler stated if the land to the west doesn't develop there could be two (2) dead end streets although he confirmed it meets the Fire Department standards. He also stated development is unknown at this time, although staff believes it will be developed. Per Councilor Francis, Mr. Bane confirmed the HOA will maintain the storm pond and playground area. He noted discussions are occurring with this land owner and the land owner to the west. He also noted the ROW was not given up per discussion with city staff. He clarified the parking meets the requirements.

Mayor Casper requested public comment.

Tamara Flores, resident on the corner of Skyline Drive and Pancheri, appeared. Ms. Flores indicated not all of the west side of this property is vacant. Mr. Beutler confirmed only the parcel to the west of the driveway is vacant.

AJ Harris, Real Equity Investments Construction, appeared. Mr. Harris stated he is pleased to be working the developer to develop something that will contribute to the city in this infill area.

Mayor Casper closed the public hearing.

Councilor Freeman commended the developer and the applicant for their adjustments following the P&Z public hearing. He stated he is excited to see development in this infill and he believes this will match the surrounding apartments in the adjacent area. Councilor Francis originally believed there would be two (2) risky variances, however he believes the procedure is working. He stated he will support the PUD. Councilor Burtenshaw questioned the fence versus landscaping. Per Mayor Casper, Mr. Beutler stated this is not required per the zoning ordinance although the Council could decide if it's important. Councilor Burtenshaw prefers fencing and landscaping although she would concur with P&Z for a fence along the southern end. Councilor Radford requested clarification of the fence location, stating he would be more in favor of trees. Mr. Beutler clarified the fence was for safety concern along the playground area. He believes a fence from the south side of the building to the western property line would address the safety concerns by the P&Z. He also recommended, if desired, the Council be specific for the height of fence. Council President Dingman believes, per the P&Z minutes, the safety concern was addressed when the playground was flipped with the storm pond. Mr. Beutler agreed. Councilor Freeman stated he has no desire to tell the developer to build a fence. Councilor Hally concurred. Councilor Francis questioned if the right-turn lane would be lengthened along the ROW. Mr. Beutler stated he is unsure, that would be a Public Works decision although he believes this could be extended if needed without adjustments to the landscaping or pathway.

Per Mr. Fife's recommendation, it was moved by Councilor Burtenshaw, seconded by Councilor Francis to re-open the public hearing. Motion carried unanimously by voice vote. Mayor Casper re-opened the public hearing.

Mr. Bane reappeared. He stated the additional ROW was given up to the city on the initial application, however, per discussion with the city surveyor and city engineer, the city does not want any more ROW. He also stated he does not see any expansion of the right-turn lane. Mr. Beutler identified the taper of the right-turn lane stating the pathway could be moved to the north of the ROW and not impede on the private property. Mr. Bane also stated trees are required and will included along the city street.

Mayor Casper re-closed the public hearing.

Councilor Francis stated he would support a 3' fence for safety. Mayor Casper believes the requirement of a fence can be tough on the developer.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Planned Unit Development for Skyline Manor PUD as presented. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Skyline Manor PUD 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 Hally recommended individuals pay attention to the Centers for Disease Control and Prevention (CDC) regarding COVID. Mayor Casper stated is very difficult to govern a divided community regarding masks, it's difficult to watch businesses, and it's difficult to watch schools struggle. She believes the best way to avoid the divisiveness and difficulty is to be vaccinated. She also stated many rumors can be disproved by talking with trusted medical professional. She pleaded that individuals get vaccinated. Mayor Casper announced July 30, Bat Night at the Zoo; August 3, National Night Out sponsored by the Idaho Falls Police Department; August 3-6, Bonneville County Fair; August 4, War Bonnet Round Up Rodeo kick-off; August 5-7, War Bonnet Round Up Rodeo; August 11, City Club featuring Congressman Mike Simpson, and city employee picnic; and August 12, ribbon cutting for the canal trail system, City Council Meeting, and Ocean to Idaho film premier.

## **7. Adjournment.**

There being no further business, the meeting adjourned at 9:17 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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