

July 30, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 30, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

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

Also present:

All available Department Directors
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper led those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter. No one appeared.

Coronavirus (COVID-19) Update:

Mayor Casper stated the State had more than 500 cases for the current day. She noted the National-level website uses a different standard to identify zones, which put Bonneville County in the red zone as of July 28. Eastern Idaho Public Health (EIPH) had previously moved Bonneville County in the yellow zone (moderate risk which requires mask wearing) due to the 3-day rolling active cases. Since Bonneville County was put into the yellow zone on July 21, the County has been above the threshold seven (7) of the nine (9) days. The number of cases will be reviewed after the 14-day period.

Consent Agenda:

Public Works requested approval of Bid Award – Hawk Signals - 2020.

Idaho Falls Power requested approval of minutes from the June 25, 2020 and July 21, 2020 Idaho Falls Power Board Meetings.

Municipal Services requested approval of minutes from the July 6, 2020 City Council Work Session; July 9, 2020 City Council Meeting; July 13, 2020 City Council Budget Session; July 15, 2020 City Council Budget Session; July 16, 2020 City Council Budget Session; and, July 20, 2020 City Council Budget Session; and, license applications, all carrying the required approvals.

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

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Regular Agenda:

Office of the Mayor

Subject: Economic Development Incentive Program

For consideration is a Resolution for an Economic Development Incentive Agreement between the City of Idaho Falls and Intermountain Packing. The Agreement, pursuant to City Code Title 1, Chapter 16, allows for expedited permit processing and waiver of fees associated with the establishment of a business at the discretion of the City Council. Waiver of fees include those pertaining to road and bridge fees, storm drainage fees, land use application and plan review fees, and building permit fees. City Code Title 1, Chapter 16 sets forth eligibility requirements and criteria, and requires that application procedures, evaluation, and agreement documentation be met. Staff review finds each of these conditions have been met, and respectfully requests approval of the Resolution.

Economic Development Coordinator Dana Briggs reviewed the location of the Intermountain Packing facility, the size of the facility, total capital investment, financial statement, and the number of employees including benefits. The facility is anticipated to commence construction in September 2020 with approximately one (1) year before operations. Ms. Briggs indicated Intermountain Packing meets all criteria for this incentive and therefore would be eligible for expedited permit processing and development fee waivers within the Community Development Services and Public Works Departments. She noted the City does not have the ability to waive taxes. She stated the total of these fee waivers equals \$126,530. She reviewed the chart for estimated valuation and levy for a 10-year timeframe. She believes the City's tax revenue will exceed these fee waivers within the first year. Ms. Briggs stated additional qualifying evaluators is the ability for the project to spur additional economic development in the City. She noted this parcel was recently annexed into the City which allows the extension of utilities to this site. She also noted, due to the location on Iona Road, Bonneville County requested a traffic study be performed and any improvements to Iona Road be made. Ms. Briggs believes the company would be a benefit to the City. Councilor Freeman questioned the zone for this location. Community Development Services Director Brad Cramer stated this area was recently annexed as Industrial and Manufacturing (I&M). Councilor Francis proposed minor amendments including Section 1.4 to read Compliance with Title 7 and Nondiscrimination Laws. He believes this will emphasize the City is more strict based on the City's nondiscrimination laws. Council President Dingman concurred. She would like to see this compliance in all future agreements. Councilor Radford also concurred. He questioned if fee waivers would be paid back if the facility is not constructed. Council President Dingman stated this is clarified in Section 3.2 of the agreement. Brief discussion followed. Mayor Casper believes future agreements may need to be rewritten to specifically address this issue.

It was moved by Councilor Francis, seconded by Councilor Smede, to approve the Resolution of the Economic Development Incentive Agreement between the City and Intermountain Packing as proposed amendment to the contract, and to grant the incentives contained therein, and give authorization for the Mayor and City Clerk to execute the necessary documents and the duty to ensure that the obligations of both parties to the Agreement are complied with. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

RESOLUTION NO. 2020-15

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ENTERING INTO AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH AND GRANTING INCENTIVES TO INTERMOUNTAIN PACKING, LLC; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Municipal Services

Subject: Purchase Backup Storage System

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As the City continues to grow, it is essential the City have adequate and reliable technology storage. This purchase request is for hardware and professional services to install a backup storage system to provide scalable storage solutions to ensure the reliability of storing city-wide data. City IT was able to receive a very favorable pricing from the vendor through the State of Idaho contract PADD18200544.

Councilor Smede believes this is critical and waiting will cost an additional \$33,000. Funds to purchase the backup storage services and hardware are budgeted in the current year's Municipal Services budget.

It was moved by Councilor Smede, seconded by Council President Dingman, to approve the quote received from Transource Services Corporation to purchase a Cohesity backup storage system for a total of \$164,047.78. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Approval to Participate in Governor Little's Public Safety Program

Governor Little's Office announced a public safety proposal to use a portion of the state's Coronavirus Relief Funds (from the CARES Act) to cover a portion of the city's payroll costs for public health and public safety employees. This will result in passing the resulting budget savings to residents and business owners in the form of one-time property tax relief.

Mayor Casper stated this item was thoroughly discussed over the course of the previous two (2) weeks and there was a group consensus of the commitment to put the terms of this program into the budget. Councilor Smede stated participating in the program impacts the General Fund budget in the amount of \$1,123,463 into forgone. By participating in this program, the City will not be allowed to take the 3% levy, however, this will result in an increase of \$210,960.71 from the relief funds.

It was moved by Councilor Smede, seconded by Council President Dingman, to approve the City's participation in Governor Little's Public Safety Program citing Coronavirus Relief Funds for the 2020/21 fiscal year budget. Roll call as follows: Aye – Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Tentative Approval of 2020/21 Fiscal Year Budget

Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2020/21 fiscal year budget with publication dates set for August 2, 2020 and August 9, 2020. The Public Hearing is scheduled for 7:30 pm, Thursday, August 13, 2020 in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Councilor Smede stated the not-to-exceed amount is \$282,544,816. This tentative approval sets the maximum level of total expenditures. The action also sets the limits on the City's property tax levy dollars. Mayor Casper stated, per the social distancing requirements, public testimony for this hearing will be received in multiple ways which will be outlined on the August 13 agenda. Director Alexander stated proposed items include \$43M in contingency (for capacity purposes) which includes a \$3M potential grant for Pinecrest Golf Course irrigation project, \$7M reimbursement for Coronavirus Aid, Relief, and Economic Security (CARES) Act (the governor's Property Tax Relief Program), \$3M annual contingency, and \$30M for the Police Complex. She stated remaining dollars are for Enterprise Funds infrastructure projects. Councilor Francis stated this budget has been discussed for many hours. Council President Dingman believes the Council has never worked harder on her five (5) years of budgeting. She is proud of what was accomplished. She believes Council communication was very clear and the Council showed the leadership for taxpayer dollars. She also believes this budget was built with the residents in mind to benefit the taxpayers. She expressed her appreciation to the elected officials and staff for their leadership during this difficult time. Councilor Hally noted this is the first time the Airport has needed assistance (approximately \$500,000) due to COVID. Councilor Radford expressed his appreciation to all those individuals and their efforts for this budget. He believes it's necessary to levy taxes to ensure the citizens are happy and safe. However, he believes certain issues have not been given the proper time to be worked through. He indicated it was believed this would be a difficult budget year due to the pandemic, however, the City has had a record revenue budget year. He believes employee

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cost of living increases needs to be revisited prior to voting for a final budget as his first priority is the employees. He cannot in good conscious ask the employees to pay for insurance and not get a cost of living increase. Councilor Radford believes the decision regarding the Aquatic Center dehyde system was made without proper information. He also believes the City cannot afford the price range of the future Police complex with the existing revenue stream. With no bond or forgone revenue this could be affecting choices for future Council for 30 years. If the decision is made to take loans for Certificates of Participation (for the Police Complex) this could likely lay off workers or cut programs. Councilor Radford believes the Council needs to be better stewards of the financial funds, build a rainy day fund, find a way to create more revenue, and to live within the means. He also believes the Council should go to the voters or go into forgone to pay for the Police Complex. Mayor Casper noted the property tax base grew by 13%, the previous year the property tax base grew by 18%. She stated no budget year is easy.

It was moved by Councilor Smede, seconded by Council President Dingman, to tentatively approve the 2020/21 fiscal year budget and give approval to publish the Notice of Public Hearing of the 2020/2021 fiscal year budget for a not-to-exceed amount of \$282,544,816 with publication dates set for Sunday, August 2, 2020 and Sunday, August 9, 2020 with the Public Hearing is scheduled for Thursday, August 13, 2020. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Freeman, Francis. Nay – Councilor Radford. Motion carried.

Mayor Casper reiterated this is a tentative approval. The final approval of the budget will occur at the August 27 Council Meeting.

Public Works

Subject: Change Orders 1 & 2 – Idaho Falls Microsurfacing

For consideration are change orders 1 & 2 for the Idaho Falls Microsurfacing project. The proposed changes allow additional microsurfacing and pavement markings to be constructed and provide better utilization of Federal funds established for this project.

Councilor Freeman stated change orders are seldom although this is an opportunity to use available federal funds. Director Frederickson stated change orders are typically an additional cost to the City, however, for this instance there is no additional cost to the City as it is part of the federal aid project. He noted many of the projects have already been completed. He stated in-kind match is used on many projects and reduces the cost on most federal-aid projects. Director Fredericksen explained the microsurfacing process stating the microsurfacing can only be applied on arterial and collector roadways. He indicated he will review the performance over time and compare the additional costs associated with the process. He also noted traffic is allowed on the roadways in a matter of hours. Councilor Freeman noted there is preference to give contracts to local contractors, however, there are no local contractors.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approval of change orders 1 and 2 and authorization for Mayor to sign the necessary documents. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Fire Department

Subject: Service Agreements, Bonneville County Fire Protection District #1

These Service Agreements allow the two agencies to continue to work together to provide efficient and cost-effective methods of firefighting to both the City and County residents as well as deploy resources as necessary during Wildland emergencies. These Service Agreements represent a one-year agreement for the FY 2020/2021 between our two agencies and builds upon the stability of a nearly three-decade relationship that has provided safety and security to our community.

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Councilor Hally stated the City has had an ongoing relationship with Bonneville County Fire Protection District #1, for three (3) decades and the relationship has worked well. He stated the current agreement is for one (1) year. Chief Nelson stated there have been several months of negotiations and he looks forward to continuing the relationship.

It was moved by Councilor Hally, seconded by Councilor Smede, to approve the Fire Protection Joint Services Agreement and Wildland Deployment Agreement by and between the City and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Human Resources

Subject: Approval of Resolution for a Self-Insurance Trust

In September of 2018, Council directed Municipal Services, Human Resources and Legal Departments to begin the process of creating a medical self-insurance trust. The necessary preparations for the creation of the trust have now been completed. By transferring reserved funds (of approximately \$4.2 million dollars) into the trust, the funds will be segregated from other City funds for the purposes of funding employee health insurance.

Council President Dingman stated larger municipalities are leaning toward self-insurance by using a Third Party Administrator (TPA) to pay any claims. This would allow a greater say for an affordable plan, with employees being the number one (1) priority of the plan. Council President Dingman stated this has been a long process and Council has thoroughly discussed this item. She believes this is in the employee's best interest and the City's best interest. She noted this would not be implemented immediately, this only begins the process and would secure the funds to be designated for this purpose. Mayor Casper stated the powers and scope of this trust are in State law and are overseen by State Insurance. The funds in this trust are monitored and spent only on employees' benefits. Mayor Casper indicated a large portion of these dollars are already required to be spent only on employee benefits. She noted this would formalize the process for pursuing self-insurance in favorable market conditions. She also noted COVID has delayed the possibility of self-insurance in the current year. Councilor Francis stated he supports the concept of self-insurance although he expressed his concern for the timing of this action. He believes national healthcare issues are uncertain and the wrong thing to do is to reduce options; the healthcare insurance is going to be affected in November, pending the political outcome; and this is not the time to tie up \$4.2M. He requested a timeline/plan be presented from staff, including the employee's and the City's contribution, and the definition of advantageous. Councilor Francis believes this money could be designated by the Controller because once a trust fund is set up the City loses complete control of this money. He reiterated this is the wrong time. He believes, per the (July 28) discussion regarding the Police Complex, investors will look at City reserves. He also believes this reserve is part of the strength of the City. He questioned a portion of this money being used as negotiations for the Police Complex. He questioned tabling the item. Mayor Casper stated this \$4.2M has been saved over time for this purpose and a large portion (\$2.5M) was returned to the City with a penalty if the money was not spent on employee benefits. She noted an amount of the remaining portion has also been ear-marked. Councilor Francis stated he is not intending to use the money for other items, he believes this shows strong City finances. Mayor Casper questioned the City's financial portfolio with regard to a bonding agency. Director Alexander does not believe this would make a difference due to this money being designated for a specific use. She indicated the interest for this money goes back into the current self-insurance account. Mayor Casper stated the \$4.2M exceeds the minimum amount required by the State although the City has been advised to put more into this trust. She believes it stands to reason that the City would grow the trust. To the response of Mayor Casper, Human Resources Director Ryan Tew stated the trustees would be Director Alexander, Director Tew, and City Treasurer Josh Roos. He also stated there is always uncertainty with the future of healthcare. He indicated allowances would be made by the government. Councilor Hally reiterated the capacity of self-insurance has been discussed for numerous years. He also noted several cities have gone to self-insurance. He believes the real element is to control the costs of healthcare, this can be done more efficiently in a self-insurance program, there is a real benefit to the employees, and this allows a better position to control costs. Councilor Smede supports this money be allocated to self-insurance although she believes some answers were not satisfying. She questioned more information being received

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and possibly tabling the item. Director Tew stated the main reason for the trust is to protect the funds. Councilor Francis stated he is willing to pass a resolution that the Controller can restrict how the funds can be used. He reiterated he supports the self-insurance concept, he just wants a plan. Mayor Casper stated there are several unknowns are with Congress. The timing of going self-insured are from recommendations based on the broker's best advice. To the response of Mayor Casper, Insurance Broker AJ Argyle stated the State dictates the process, setting up the trust is the first step and will help with negotiations. There would be a benefit to have the trust in place longer. Mr. Argyle stated there is the possibility of going self-insured next year. He also stated the timeline is tough due to the Department of Insurance. He believes the City needs to be proactive. He stated he could provide the timeline/steps. Council President Dingman believes the sooner the trust is provided, the sooner the relationship to be established. She believes there are so many unknowns, she also prefers to be proactive not reactive. Mr. Argyle reviewed the process stating there has been a lot of time and energy to get to this point. To the response of Councilor Radford, Director Alexander stated the \$4.2M is currently segregated to a self-insurance fund for the specific purpose of employee healthcare benefit costs. Mr. Fife stated this money is part of the budget and part of funds available to the City, although for practical purposes it has been designated. Mayor Casper believes, per discussion with Assistant City Attorney Michael Kirkham, a significant portion of this money must be spent on employee healthcare/benefits. Mr. Fife does not believe this is the case. He stated for many years the City overpaid into a fund for life insurance benefits of the employees. This overpayment was returned to the City. Because those funds were dedicated to that purpose, Mr. Fife believed these funds could be taxed if they were used for any other purpose. Therefore, he agrees these funds (approximately \$2.5M) should not be spent in any other way to avoid this penalty. Mr. Argyle stated the remaining amount (approximately \$1.6M) was medical insurance savings. Director Tew believes half of the \$1.6M funds received were already used for another project. Mayor Casper believes segregating these funds was the next step to becoming self-insured and preventing these funds from being spent on another project. Director Alexander confirmed the goal and direction from previous Council was to set aside these funds for this specific purpose. Councilor Hally believes setting aside funds for a specific purpose is wise. He noted previous funds set aside for a police facility were spent in the next year. Councilor Freeman believes these funds should be locked in the trust and protected from any other opportunity. Councilor Radford questioned the timeframe of a delay if this item is tabled. Mayor Casper stated these funds have no budgetary link. She does not believe tabling an item is useful. Director Tew believes there is an advantage to tying this up.

Councilor Francis moved to table this item with a date certain of the second meeting in September 2020 on the basis before that at one (1) Work Session there is a written explanation and order of events to understand the full picture and to see the plan and how to break with Blue Cross, and adopt the element of the proposed ordinance to tie the funds. Mr. Fife believes the motion is contradictory due to the dual motions. Councilor Francis then moved to table this regulation until the second Council Meeting in September of 2020 based on receiving before that time a written explanation of order of events and what each event is, etc. and then move forward. The motion died for lack of a second. It was then moved by Council President Dingman, seconded by Councilor Hally, to approve a resolution to create a medical self-insurance trust and transfer designated funds to this trust, and give authorization for the Mayor and City Clerk to sign the necessary documents. Councilor Radford noted he made an effort to second Councilor Francis' motion. Councilor Francis stated he will vote to support the motion as he supports the concept, he does not believe the timing is right. Mayor Casper stated she could request the requested documentation. It was then moved by Councilor Francis, to table this regulation until the second Council Meeting in September of 2020 after reviewing the written format of explanations. The motion died for lack of a second. Roll call on Council President Dingman's motion: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2020-16

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE APPLICATION TO THE IDAHO DEPARTMENT OF INSURANCE FOR A SELF-FUNDED HEALTH CARE PLAN FOR THE CITY'S EMPLOYEES, DIRECTING THE ESTABLISHMENT OF APPROPRIATE FUNDS TO BE DESIGNATED AND A TRUST TO BE CREATED; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

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Legal

Subject: City Bus Stop Bench Program

By City Ordinance (IFCC8-8-11 through 8-8-35), the City currently licenses locations within City right-of-way for the placement of bus stop benches. Staff recommends rescission of the program because current locations of bus stop benches do not comply with the Code; currently suspended bus routes are being re-evaluated as part of a reorganization of Targhee Regional Public Transportation Authority (TRPTA); and there are concerns regarding regulation of advertising on City right-of-way.

Councilor Hally stated the program was initially initiated with controversy. The benches were originally intended for TRPTA but eventually benches began appearing on City sidewalks as advertising. He stated the legality was questioned regarding building a bench on City property for profit. Council President Dingman stated contact was made with the Idaho National Laboratory (INL) and the INL is moving toward park-and-ride and away from bus routes. She does not believe this to be an issue. As chair of the TRPTA Board of Directors, Council President Dingman supports rescinding the bus stop program so the future stops can be Americans with Disabilities Act (ADA) accessible and provide future opportunities with public transit. Mayor Casper clarified TRPTA is actively engaged in reorganization. To the response of Councilor Radford, Mr. Fife stated the City does not own the benches, does not control the advertising, and has not ensured the license payee has complied with the program. He does not believe there is liability in ceasing the program. If the program does not cease, he suggested Legal would seek compliance. Mayor Casper noted a letter will be submitted to remove the benches if necessary.

It was moved by Councilor Hally, seconded by Council President Dingman, to approve the Ordinance rescinding the bus stop bench program in the City Code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3321

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 8 TO DISCONTINUE THE CITY BUS BENCH PROGRAM BY RESCINDING CODE SECTIONS 8-8-11 THROUGH 8-8-25; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Door to Door Licensing

The First Amendment of the United States Constitution and Article I, Section 9 of the Idaho Constitution guarantee the public's right to free speech. The amendments proposed to the City's door-to-door licensing regulations are designed to balance an individual's right to engage in free speech and to pursue an honest living while protecting the safety and privacy of the City's residents in their homes. The amendments would prohibit individuals convicted of heinous felonies from obtaining a door-to-door license. Serious felonies involving dishonesty or moral turpitude would prohibit an individual from obtaining a license for ten (10) years. Other serious and violent crimes would prohibit an individual from obtaining a license for five (5) years. It would permit some individuals who have been convicted of crimes that did not involve violence or dishonesty to obtain door-to-door licenses, as required by the United States and Idaho constitutions.

Councilor Hally stated Legal believed there were constitutional issues and the penalties were too harsh. Councilor Freeman indicated a previous license denial appeal resulted in this review.

It was moved by Councilor Hally, seconded by Council President Dingman, to approve the Ordinance amending the door-to-door licensing regulations to the City Code under a suspension of the rules requiring three complete and

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separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3322

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE SECTIONS 4-8-4 AND 4-8-6 TO PROHIBIT THOSE CONVICTED OF HEINOUS FELONIES FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS AND SETTING NARROWLY TAILORED LIMITS ON THOSE CONVICTED OF CRIMES INVOLVING AN ELEMENT OF VIOLENCE, OR DISHONESTY FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: CV Community Development Block Grant (CDBG) Allocations and Substantial Amendments to CDBG Plan

As part of the 2020 CARES Act, Idaho Falls was allocated additional CDBG funding. This funding was specifically intended to aid in the prevention of and recovery from COVID-19. Specific guidelines and requirements were given for the procedure for utilizing these funds. Following these guidelines and requirements, staff is recommending three actions. First, amend the citizen participation plan to allow for shorter advertising and public comment periods. Second, make a substantial amendment to the CDBG action plan to include CV CDBG funding. Third, approve the requests received so far for CV CDBG funding. At this point, there are still funds remaining in the City's CV CDBG allocation and staff is planning for another round of applications in the fall.

Grants Administrator Lisa Farris stated the City is receiving \$250,000 of CV CDBG funds. In order to receive those funds the City had to amend the most currently approved 2020 Annual Action Plan (AAP), update the citizen participation plan, and approve CV CDBG applications from the public hearing.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Resolution adopting a substantial amendment to the CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

RESOLUTION NO. 2020-17

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, CDBG PROGRAM FOR A SUBSTANTIAL AMENDMENT TO THE PROGRAM YEAR 2020 CDBG ANNUAL ACTION PLAN.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Resolution amending the CDBG Program Year 2020 Citizen Participation Plan applicable to the 2016-2020 Five-Year Consolidated Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2020-18

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, CDBG PROGRAM, TO AMEND THE CITIZEN PARTICIPATION PLAN OF THE 2019/2020 ANNUAL ACTION PLAN APPLICABLE TO THE 2016-2020 FIVE YEAR CONSOLIDATED PLAN.

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It was moved by Councilor Francis, seconded by Councilor Smede, to approve the Resolution approving CV CDBG funding allocations and including said allocations in the amended CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, AMENDED CDBG PROGRAM YEAR 2020 ANNUAL ACTION PLAN TO APPROVE CV CDBG ACTIVITIES AND PROJECTS AS PROVIDED.

Subject: Request to extend deadline to record a plat, Rose Nielsen Division No. 101 4th and 5th amended

For consideration is a request to extend the deadline to record a plat by an additional six months. The two plats for Rose Nielsen Division 101, 4th and 5th amended were approved by the Council on January 30, 2020. The Subdivision Ordinance requires plats to be recorded within 180 days of approval, which would be July 31, 2020 for these plats. Due to some ongoing issues between the applicant and City Departments regarding provision of easements and right-of-way, the plats are still not in a satisfactory condition to be recorded and accepted by the City. It is expected these issues will be resolved soon, but not before the deadline to record. The applicant is requesting a 6-month extension to record, putting the new deadline at January 30, 2021.

Director Cramer stated the two (2) plats are on the Grand Teton Mall site. There are issues with the right-of-way and easements that have not been resolved, however, the deadline was July 30, 2020. Director Cramer requested an extension to avoid repeating the previous process.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the request to extend the deadlines to record the plats for Rose Nielsen Division No. 101 4th and 5th amended to January 30, 2021. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Clay Subdivision Division 1

For consideration is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards, M&B: Clay Subdivision Division 1. The Planning and Zoning (P&Z) Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated the land is currently undeveloped.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for Clay Subdivision Division 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing - Rezone from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 3, Block 2, Sayer Business Park Division 1

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For consideration is the application for Rezoning from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, for Lot 3, Block 2, Sayer Business Park Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

Director Cramer stated in the past there has been staff presentation, followed by the applicant, and followed by public testimony. Community Development Services is changing this method so the applicant will speak first, followed by staff, and followed by public testimony. Director Cramer stated the reason for this change is that staff appeared as the applicant for, or against, the project.

Councilor Francis stated he knows Mr. Brandon Lee as a former student, however, he has no financial interest in this item. Councilor Smede noted Mr. Lee's son attended her school, however, she also has no financial interest.

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

Brandon Lee, applicant, appeared. Mr. Lee expressed his appreciation to the elected officials for their service. He stated as a commissioner on the Parks and Rec Commission he occasionally sees a small sliver of issues and he recognizes the elected officials' positions are largely thankless. Mr. Lee stated he has been part of commercial and residential real estate development for the previous 15 years. His intent is to utilize the allowed use to construct a very appealing multi-family residential project. He recognizes the task at hand is not to judge the proposed project, it's to weigh the impacts of the overall zoning change and whether the totality of potential uses would fit within the Comprehensive (Comp) Plan. Mr. Lee presented pictures of the site plan. He stated the Comp Plan allows a well thought-out framework for expansion and growth but also allows and recognizes that the Plan should be reviewed and changed as opportunities to provide the best use to certain parcels differs from the current designation but still supports the overall goals and objectives of the plan. Mr. Lee believes the rezone supports the Plan as there is current need and demand for housing and that demand will grow into the foreseeable future; the rezone facilitates development in an area that is already served by public utilities where extensions of facilities are least costly and utilizes existing infrastructure; it's close to services; it provides the same transition from HC as is currently zoned in the immediate adjacent area; higher density should be located close to service areas and arterial streets designed to move traffic; residential offering should reflect the economic and social diversity and should foster inclusiveness and connectivity through mixed-housing types; and provides the highest and best use to a piece of land that has had multiple zoning changes for 30 years and has gone unused. Mr. Lee believes the LC would blend and transition with the adjacent HC zone. He quoted that neighborhoods should contain a variety of housing types and with good site planning apartments and townhouses can be near arterial streets, be directly served by collector streets, and provide an opportunity for residents to have housing which meets their needs. Mr. Lee stated he performed neighborhood outreach including a letter of introduction to all 11 property owners within the vicinity, three (3) of which were excited about the project and are prepared to speak or provided a letter of statement of support. He noted this request was approved by P&Z 4-1. He shared comments from Commissioner Black and Commissioner Morrison from the P&Z meeting.

Blake Jolley, Connect Engineering, provided comments for his client, Mr. Lee, by WebEx. Mr. Jolley reiterated this area has changed zoning multiple times as the specific area and needs and market have changed. He believes this request falls within the lines of the Comp Plan. Mr. Jolley stated this area was annexed in 1979 as a Commercial C1 Zone, which matches a lot of the LC Zone and allowed uses. It was then changed from C1 to HC to allow uses that related to the needs of Woodruff. In 2018, a rewrite of the zone changed this area from HC to LM. Mr. Jolley believes these changes were due to things occurring in the area. He reviewed other zones in the adjacent area. He believes these zones provide for opportunities and flexibility for multiple options.

Director Cramer appeared. He stated a packet of letters was received earlier in the day, a copy of this packet was distributed to all Councilmembers. Director Cramer presented the following:

Slide 1 – Rezone Criteria

Director Cramer stated the proposed zoning must be consistent with the principles of the City's adopted Comp Plan. Other factors include the potential effects on traffic congestion as a result of development or changing land

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uses in the area; exceeding the capacity of existing public services, including utilities and schools; potential nuisances or health and safety hazards; and recent changes in land use on adjoining parcels in the neighborhood of the proposed zoning map amendment. Director Cramer noted the memo indicates staff concurs although he stated staff has concerns. He believes there are Comp Plan policies that do and do not support this request.

Slide A1 – Property under consideration in current zoning

Director Cramer reviewed the zoning pattern in this area.

Slide A2 – Aerial photo of property under consideration, currently no development

Director Cramer stated there is a City-owned well site to the west and a storm water retention pond to the south. There is residential on the perimeter of development, across the canal. Other uses in the area are commercial in nature.

Slide A3 – Additional aerial photo of property under consideration

Slide A4 – Comp Plan Future Land Use Map

Director Cramer stated the map is built upon the policies within the plan although this does not mean it is always appropriate.

Slide A5 – Photo of area

Slide A6 – Photos looking down Bentley Way and Jones Street

Slide A7 – Uses allowed in LM, but NOT LC and uses allowed in LC but NOT LM

Director Cramer stated anything allowed could be in the zone per this list. He recommends being comfortable with all uses allowed in the area and if the uses on LC are compatible with uses in LM. He noted the LM Zone is not designed to be a great neighbor to residential although the Comp Plan does address residential near services. Some use are typically away from residential due to potential nuisances. Director Cramer noted the development of Costco has changed how things are happening in this area. The County industrial park to the north of this area has also shifted the nature of this area. It appears light industrial land uses are migrating to this area. Director Cramer stated residential applications around Costco have not been seen yet. He reiterated this property has remained undeveloped although the previous zone of C1 did allow residential at that time. He also reiterated there are policies that support this change although there are concerns that the allowed uses may not be appropriate for this particular area.

To the response of Councilor Francis, Director Cramer pointed out the canal in close proximity with an unofficial pedestrian bridge, and the green area is an open space. To the response of Councilor Hally, Director Cramer stated the most direct access is Bentley Drive although there are accesses to the north toward Lincoln. Mayor Casper questioned if staff specifically queries the school district for children in this area. To Director Cramer's knowledge, no one directly approached the school district. To the response of Mayor Casper, Director Cramer defined spot zoning which relates to out-of-character with the overall zoning scheme with an advantage or a privilege to the applicant that would not be consistent with other things in the area. He noted there is no strict definition. Mr. Fife believes a spot zone would typically be very small. To the response of Councilor Francis, Director Cramer stated the east/west connection of the canal is part of the Canal Trails System.

Director Cramer read the following emails/letters that were electronically received as follows:

Dear Planning and Zoning Commissioners,

I am writing this brief statement in support of the rezone of the property at the corner of Bentley and Chaffin from LM to Limited Commercial. As a nearby property owner, I have a vested interest in "the neighborhood" and I feel that the rezone would allow uses, such as multi-family residential, that support a healthy, well-balanced, and well-transitioned neighborhood. In my opinion, this rezone and potential development will continue the transition and development of this vacant ground, all of which helps and enhances property values and the City. They also provide additional safety by having more people engage in the communities in which they live and work. Thank you for your consideration of the rezone request and again, offer my full support for this request.

Dean Mortimer, Commerce Properties Investments, LLC.

Good Morning Brad,

Bonneville County Farm Bureau Federation Board of Directors has great concern regarding the proposed zoning change to the Sayer Property located on Jones Street. We wish to voice our opposition to this zoning change.

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Bonneville County Farm Bureau Federation is the current owner of the property at 1655 Hollipark Drive, Idaho Falls, Idaho. This proposed zoning change does not maintain contiguous zoning in the area. Allowing this spot zoning to take place will allow high-density housing to be built on the property. Currently all neighboring properties are commercial businesses. The surrounding businesses feel that by allowing this change it will bring high-density housing, creating a greater concern of crime, and increased traffic in the area.

Thank You for your time and consideration, Sincerely Doug Barrie, President, Bonneville County Farm Bureau Federation

Good afternoon Brad,

It has come to my attention that a possible rezone of the Sayer property is being considered, which upon approval could allow for a multi-housing unit on the said property. Our commercial business is located at 1095 N. Woodruff Avenue and we feel a multi-housing unit is in direct conflict with the current use of the surrounding commercial buildings in the area. In addition, we are concerned with a potential uptick in crime as more residents move into the housing units as well as the potential increase in traffic coming in and out of the area. As mentioned, we are currently located on Woodruff Avenue and we experience the dangers of pulling onto Woodruff from Bentley Way due to the high amount of traffic daily. We are concerned that with the addition of a multi-housing unit, this situation will only increase the danger for everyone trying to merge onto Woodruff Avenue. We have also considered the dangers of having residents pulling onto Lincoln Avenue from Sherry Drive or Hollipark Drive and having to fight the steady flow of traffic without any stop lights to assist. We believe this is a dangerous situation for all involved and a multi-housing unit will absolutely increase the in and out flow of traffic on the above streets mentioned. In summary, we oppose of the rezone of the Sayer property and wish the property to be allowed solely for commercial property use. We hope our concerns are heard and recognized.

Thank you, Lance Poole - Executive Vice President, Eagle Eye Produce

Brad,

I am reaching out to you today in reference of the proposed rezoning of the property on Bentley Way. I own two (2) parcels on Bentley and am very concerned about this new development for multiple reasons. First, I don't think it makes sense to have a residential presence in this dense commercial and industrial area. There are safety issues with large semis and other traffic that could create safety and traffic issues. I am also worried about the effect it will have on my business and property value. I have invested millions of dollars in improving the land that I own and I feel like apartments next door would adversely affect my property value. In addition to the safety and value issues I believe that this could also bring in more crime to this area. I wish to strongly oppose this rezoning and wish that you would please voice this opposition for me at the meeting tonight.

Thanks, Lynn Nelson, Owner, Alphagraphics

Mr. Cramer,

I am sending you this email in opposition to the requested Planning and Zoning change that is being requested on Bentley. My business is located on Jones Street and it is my firm belief that this multi-family housing will help to increase the crime in our area. We are currently suffering from people and person(s) driving through our parking lot, around our building to access the canal access road to the south of my business location. These people and person(s) are using the canal access road to get to the residential areas south of this business park. Our business suffered vandalism by someone shooting one (1) of our top south windows. A window that is not easily replaced and was specially covered in film to help with sun issues. Since there are no businesses to the south or north of me, the only way it was shot was by a civilian, and possibly someone from the nearest residential area. Across the street from my business, the tenants have suffered theft to include burglary. I have had people drive around the rear of my building and try and enter a bully barn that is locked up. We had someone disassemble a bicycle between our bully barn and building after hours. As a business owner who chose to move out of Ammon and specifically move my business into the City of Idaho Falls instead of Bonneville County. I like many other business owners understand that business drives business and we need more manufacturing and warehouse type of businesses in our area in order to continue expanding and adding jobs to our town. It is my firm belief that it would serve the community better to have the multi-family residential building be built in a residential area that is in need of being upgraded to clean up neighborhoods and increase property values. Elevate was not able to move into the commercial property due to the concern of semi-tractor and trailers coming and going too much. If you could see the amount of people

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who use Hollipark to access Jones to get to Bentley in order to try and avoid the long lights at Lincoln and Woodruff. I believe the increase of traffic from residential housing will cause even more issues with people driving through causing more traffic issues and greater chances of accidents. Vehicles associated with manufacturing and warehousing are typically larger and require more room to navigate. The increase in traffic due to residential being allowed to move in will cause issues for these business related vehicles to operate safely.

Thank you for taking the time to hear my opinion. Jason Stewart, Owner, Uniforms 2 Gear

Dear Brad,

As a business tenant located near the area in discussion for rezoning I oppose the rezoning as it will increase after hours traffic in the area as well as foot traffic on the canal at the back of the business park. This after hour traffic will have the potential to increase theft and vandalism. I am new to the area and don't understand why you would want to put this residential project in this area. Thank you for your consideration in this matter.

David Follett, Business Owner, Island Genius.

Good Morning Brad,

This is Paul Fife at 278 Rock Hollow Lane in Idaho Falls. I am currently the owner of the commercial property on 1343 and 1345 Jones Street in the Bowen Subdivision to the immediate west of the Sayer property. I wish to express my opposition to the proposed rezone to the Sayer property. I have been a Commercial Real Estate Broker in the Idaho Falls market for over 30 years. I have always heard from planning and zoning and the City Council to get a rezone you needed similar use with surrounding properties and no spot zoning. This rezone allows for multi-housing, which there is none in the surrounding area. With high-density housing comes additional crime which tenants in the surrounding commercial buildings are very concerned about. I realize this property had a LC zone years ago but since then there has been dozens of commercial buildings built in the area. Thank you for your time and consideration.

Paul A. Fife, Senior Advisor, SVN High Desert Commercial

I own commercial building at 1245 Hollipark Drive built in 2007. I cannot imagine building high-density apartments in an area such as this, it does not work! A friend of mine who owns multiple buildings in this area told me recently that one of his buildings was broken into and over \$10,000 of equipment was stolen. This type of problem will definitely worsen with residential being introduced. One of the biggest problems? Traffic! My tenants already complain about getting onto Lincoln Road from Hollipark and going out the other way, getting on Woodruff can be difficult, especially if you're trying to go north. Add the additional traffic count by bringing in up to 75 apartments! This is a very bad idea. Randy Hix

Hello Brad,

This is Mike Bowcutt, owner of DAFAB Construction, Broken Bow Properties, Broken Bow West Properties. I have two (2) buildings located now at 1167 and 1020 Jones Street in the Bowen Subdivision. I am also presently starting another rental building to be located at 1100 Jones Street. I wish to express also my opposition to the proposed rezone to the Sayer Property on Bentley. I have also been in contact with all my renters and they have expressed concern about the additional traffic, and possible increase in more people – more opportunity for burglary with increase. Last Thursday night there was a break-in on one (1) of my properties, first time in ten (10) years. I have also contacted Justin Miller from JC Concrete on corner, and Rob Meyers on corner of Hollipark and Jones, both of which have the same opinion of opposition for rezone. I have been involved with the Bowen subdivisions for over 15 years, to develop commercial properties for this area. It is now one (1) of the most affordable technology available commercial lots in the City. As a contractor I have built ten (10) of the commercial buildings on Hollipark, Jones, and Sherry Avenue. I also was the original builder for the Sayer subdivision and the Sayer Nissan Dealership. Rezoning this property into LC – apartment buildings just does not fit in this area.

Thanks Mike Bowcutt, DAFAB Construction

Good day Brad,

I am Bob Dunkley DBA Dunkley Properties, I own four (4) commercial buildings on Hollipark South of Lincoln Road. I am very concerned about the proposed zone change on the Sayer property from LM to LC, that subdivision is all commercial Buildings there is no apartments in that area and it definitely would not be a good mix. I am and

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my tenants are very concerned what kind of problems this could create. I have been involved in commercial real-estate for over 40 years and one thing that has always been said" no spot zoning," I feel that this is spot zoning. I wish I could be at the P&Z (City Council) meeting tonight but have another commitment. I hope you will voice my opinion.

Thank You, Bob Dunkley, Dunkley Properties

Brad,

It has come to my attention that the City Council will be voting on changing the zoning on the property west of Woodruff on the corner of Bentley and Chaffin. I understand the need for affordable housing in Idaho Falls, but that property is in the middle of commercial property. As a property owner in that area, I am concerned about the increased traffic, and crime that will come from residential multi-family housing in that area. We already have a problem getting onto Lincoln Road from Hollipark. Some kind of traffic control is already needed. Changing the zoning and adding multi-family to this commercial/industrial area will only make that worse. Please reconsider this zoning change.

Thank you for your consideration, Bob Bidstrup, First Call Jewel Inc.

Brad and Kerry,

Please see the following testimony opposing the rezone to allow for multi-family on the five (5) acre parcel located on Bentley Way. As a commercial real estate agent doing business in Idaho Falls for over fifteen years I am opposed to the zone change from LM to LC to allow for a multi-family development amidst a block that is all LM commercial use. It is not the best use of the property and it would affect all the businesses negatively and thus cause more expense for the City and the public. I have represented five (5) buyers in the past that are now owners adjacent to the subject rezone and if there was multi-family then, it would have been a concern for them as buyers. I recently represented a machine shop that moved onto Jones and they have had some theft issues and installed a security system and cameras. All businesses have commented on how central it is, but how quiet the area is as well. The addition of multi-family would increase through traffic throughout the day and night. Would this require a street light at the intersection of Bentley and Woodruff? At night I can envision kids walking or riding bikes in business parking lots and causing issues. That area has its issues with the canal to the south with people driving their cars to go through the mud holes and people walking up and down the banks at late night hours causing problems. I know one (1) tenant located on Woodruff Park Circle has had a lot of theft since it back up to the canal and we installed dusk to dawn security lights and that has helped. As of this week I did present an offer for the three (3) lots in the back for a total of ten (10) acres for LM commercial use but the offer is contingent upon this zoning not passing. The buyer doesn't want to have a multi-family project in the area because of the issues that it will present to the local business owners. As of recently the area has been a scene of a shooting on Bentley at 4 a.m. and then a vehicle burning parked in the very back lots. As of last week a welding shop on Jones got broken into. The front window of the business was breached during the night. I see too many problems with the proposed zone change. If this is allowed, then those other lots on Jones and Hollipark could also have multi-family and that again has the same issues.

Randy Waters, SVN

As the owner of the property located at 1720 Woodruff Park, I would like to express my opposition to changing the current zoning such that multi-family dwellings can be put on that lot. We feel that allowing residential use will open us up to additional liability from increased traffic in our area, both on the street and along the canal bank that is adjacent to our property. We are concerned about the potential for increased theft in our area that can result from increased non-business population. We urge you to deny this zoning change,

Thank you, Melvin Stone, Landmark Signs, LLC

Mayor Casper requested additional public testimony.

Keith Bowen, owner of adjacent properties in the proposed rezone, appeared. Mr. Bowen stated he is definitely against this rezone. He believes the rezone would degrade and destroy what is currently there. He also stated there is an individual interested in purchasing three (3) more lots. He believes residential and commercial don't mix. Mr. Bowen noted he was not contacted by the applicant, he heard this information from Mr. Paul Fife.

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Brandon Lindower, owner of an adjacent commercial business, appeared. Mr. Lindower expressed his concern for additional foot traffic and crime to this area. He believes it doesn't make sense to put apartments in the middle of the commercial buildings as there is no other residential in the area except across the canal or across the busy roads. He also believes the traffic will be bad, this seems like a bad idea.

Jeff Coen, owner of BK Machine, appeared. Mr. Coen stated he experienced this same situation in the building he moved out of after being there for ten (10) years. Since that residential was allowed (in his previous location) Mr. Coen stated he had contacted the Police Department on numerous occasions for his vehicles and building getting broken into. He does not believe this is a good idea. Mr. Coen also expressed his concern for the safety of children as forklifts are moving thousands of pounds of material on a daily basis.

Jake Durtschi, Jacob Grant Property Management, provided testimony by WebEx. Mr. Durtschi stated he is in favor of the rezone. He noted the vacancy rates are in 1-3% range in Idaho Falls, rental rates over the previous two (2) years have increased 20%. This means the demand for housing is extremely high and there are not enough places for people to live. Mr. Durtschi stated Costco has changed this area, as they have put a residential service in an industrial area. If Idaho Falls wants to take advantage of this and maximize and be adaptive to the situation, Mr. Durtschi believes there needs to be more housing in this particular area. His agency has already seen a huge increase in demand for Costco employees, this does not include Costco customers. He understands there are concerns with additional traffic and crime for Mr. Lee's project. He indicated Mr. Lee's proposal is not to build low-income housing. This housing will have extra amenities that are not typically seen in this area. These areas with the extra amenities are not attracting crime. Mr. Durtschi believes this property will attract high-quality residents who will be more responsible.

Leslie Folsom, provided testimony by WebEx. Ms. Folsom questioned if the property to the north and the west would be land-locked.

M'Kay Wallis, representative of property owner Kelly Sayer, provided testimony by WebEx. Mr. Wallis stated Mr. Sayer is in full support and believes this is a great use of land, would be a great addition to the neighborhood, and would be a great opportunity.

David Adams, owner of adjacent property for 25 years, provided testimony by WebEx. Mr. Adams stated he is in favor of this project. He indicated he owns additional commercial properties next to low-income housing and he believes the more eyes that are on the property, the less vandalism and crime would occur. He believes this is a great addition to this part of the City and would welcome the growth and development.

Seeing no additional individuals, Mayor Casper closed the public hearing.

Councilor Francis noted items for consideration include the City-owned well as remaining green space, and an open vacant lot, zoned as a park, which shows a connection to the neighborhood to the south. He noted there is also concern with the surrounding commercial properties. Councilor Radford stated the Council needs to look at designations that are changing although he believes opportunities for density and housing choices should be considered. He indicated high-density housing does not decrease property values and crimes can decrease as more eyes helps crime. Councilor Hally believes housing is needed in all areas. He expressed his concern for the traffic onto Bentley and the concern for activities for family members in a commercial area. Councilor Freeman believes there is a housing shortage although it is not fitting for housing development in a commercial area. He also believes the property owner should have some rights. Council President Dingman agrees there is a housing shortage in this area. Unfortunately, she indicated these are not legal considerations for rezoning actions. She stated she supports the principles of the Comp Plan and supports intermingling of commercial and residential when appropriate. She recognized staff's transformation of the Comp Plan to intermingle these services. Council President Dingman believes the surrounding zones are not considered neighborhood services. She does not believe there is a connection or transition to the adjacent housing. A zoning designation must support every use allowed in the zone, Council President Dingman stated she cannot support every use in the zone designation. Councilor Smede stated it is very clear that more housing is needed, it's also clear that no one wants high-density residential in their backyard. She

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believes housing is important although she cannot support the rezone on this property. Councilor Francis stated the Council is trying to make a walkable community, this may not be walkable due to the uses in LC.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning Lot 3, Block 2, Sayer Business Park Division 1 from LM to LC under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilor Radford. Nay – Councilors Freeman, Dingman, Smede, Francis, Hally. Motion failed.

Following brief comments/discussion, it was moved by Council President Dingman, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for Lot 3, Block 2, Sayer Business Park Division 1 with the designation of LM with the following modifications of I.4 be modified to the requested LC zone which is inconsistent with neighboring zones. The City Council communicated traffic concerns, walkability, and inconsistency with the elements of the Comp Plan. Additional modification in Section 2 under Decision based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls denies the rezone, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Smede. Nay – Councilor Radford. Motion carried.

Subject: Public Hearing - Annexation and initial zoning of HC and LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, HC & LC, M&B: 44 Acres, Section 9, T2N, R38E

For consideration is the application for Annexation/Initial Zoning to HC and LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 44 Acres, Section 9, T2N, R38E. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

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

Leslie Folsom, applicant, representative of the trust for the family, appeared by WebEx. Ms. Folsom stated this property is west of Hitt Road and north of Lincoln Road. Following discussion with Community Development Services staff and the surrounding needs, there was a decision to zone the frontage as Highway Commercial (HC) to help support Costco, and zone LC in the back as this is a very deep land. There is potential for a road through the middle of the property to meet the various needs. Ms. Folsom is unsure of the adjacent land although this could possibly give another thoroughfare between Woodruff and Hitt for traffic as there would be two (2) accesses onto the property. She also noted there is no potential developer. She believes this will be consistent with the Comp Plan and will help with the area, Costco, and housing.

Director Cramer presented the following:

Slide B1 – Property under consideration in current zoning

Slide B2 – Aerial photo of property under consideration, currently undeveloped

Director Cramer stated there is a similar zoning scheme in the adjacent area.

Slide B3 – Additional aerial photo of property under consideration

Slide B4 – Requested zoning of HC in the front and LC in the back

Slide B5 – Comp Plan Future Land Use Map

Director Cramer stated there was concern with the P&Z because the area showed low-density residential. He noted maps are drawn as broad brush strokes with commercial to the west. He also noted LC and HC are both zones in a commercial designation. He indicated this plan was developed before changes in the area. In staff's opinion, because of the proximity of the commercial the requests were consistent.

Slide B6 – Photo looking north across the property

Director Cramer believes there was one (1) opposing vote from P&Z specifically related to the Comp Plan Map.

Seeing no individuals appearing for testimony, Mayor Casper closed the public hearing.

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Councilor Francis expressed his concern for leaving a small parcel for low-density housing. Council President Dingman concurs with Councilor Francis. She believes this is consistent with the adjacent zoning.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Ordinance annexing 44 Acres, Section 9, T2N, R38E under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3323

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 44.858 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 Council President Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 44 Acres, Section 9, T2N, R38E and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Council President Dingman, to assign a Comprehensive Plan Designation of “Commercial and Low Density” and approve the Ordinance establishing the initial zoning for HC and LC 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 summary. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3324

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 44.858 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC AND LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for HC and LC and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

Subject: Public Hearing - Annexation and Initial Zoning of RP, Annexation and Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standard Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1

For consideration is the application for Annexation/Initial Zoning to RP, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 2 Block 2 of the Second Amended Plat of Kinsmen Country Estates. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Blake Jolley, Idaho Falls, appeared by WebEx. Mr. Jolly stated the client wants to be part of the City and participate in the availability of utilities that the City has to offer. To the response of Councilor Radford, Mr. Jolley stated this would include water and sewer utilities that are in the area and adjacent to the parcel.

Director Cramer presented the following:

Slide C1 – Comp Plan Future Land Use Map

Slide C2 – Aerial photo of property under consideration

Slide C3 – Additional aerial photo of property under consideration, a home currently exists on the property

Slide C4 – Property under consideration in current zoning

Slide C5 – Photos looking east from Kinsmen Lane, and looking northeast from the corner of Kinsmen Lane and Castlerock Lane

Slide C6 – Photo looking north from Castlerock Lane

Seeing no individuals appearing for testimony, Mayor Casper closed the public hearing.

Councilor Francis is pleased for the Category A annexation.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Ordinance annexing Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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

ORDINANCE NO. 3325

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 3.07 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 Council President Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Council President Dingman, to assign a Comprehensive Plan Designation of “Estate” and approve the Ordinance establishing the initial zoning for RP 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 summary. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3326

July 30, 2020 City Council Meeting

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 3.07 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS RP ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Council President Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for RP and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Announcements:

Mayor Casper announced a City resident, Sarah Prentiss, has created cover cards for gift cards for Random Mask of Kindness for those citizens who are wearing masks. Mayor Casper recognized some opposition to mask wearing in the community although there are residents whose health is dependent on mask wearing.

Adjournment:

There being no further business, the meeting adjourned at 11:41 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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