



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

**Thursday, August 11, 2022**

**7:30 PM**

**City Council Chambers**

### 1. Call to Order.

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

Also present:

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

### 2. Pledge of Allegiance.

Mayor Casper led those present in the Pledge of Allegiance.

### 3. Public Comment.

Barbara Miller, Idaho Falls resident, appeared. She stated she hears from officials how they've been born and/or raised here with Idaho values. She also hears many people decrying the liberalism on display in many large cities who say this is Idaho and that will never happen here. She questioned why the city council and other city officials would invite and welcome such ideology into this city. She's referring to 1-buying new software from a company based out of Boise with offices in the previously described cities. She questioned if it's not broken why fix it. 2-nationwide searches for city employees in key positions. She shared an example of the school board originally selecting a candidate outside of Idaho. She admitted she was glad the school board did not seek that candidate. 3-modeling budget decisions after Boise, such as podcast spaces in the library. 4-funding for trans bathrooms in the public parks while the city can't even afford to maintain the public parks. Ms. Miller stated when people cannot afford basic necessities, they start paying attention and when they start paying attention, they start to lose trust in their government as actions speak louder than words. She requested the council consider carefully which decisions are furthering the direction the city is going, and not be so anxious to get their hands on their fair share that Pandora's box is opened in Idaho Falls.

Mayor Casper and Mr. Fife requested no applause from those in attendance.

Eddie Walsh, Idaho Falls resident, appeared. He requested the council consider implications surrounding Title 5, Chapter 8, Weed Control. He stated no mow gardening reduces yard waste in addition to reducing water and fossil fuel consumption while bringing additional beauty to the neighborhoods, and these qualities are in alignment with the environment CUSP (Connecting Us Sustaining Progress) goals and environmental professionals. He also stated, for whatever reason, no goals were made in the CUSP report related to the education for sustainable land use in residential neighborhoods, including sustainable gardening practices. Instead, Mr. Walsh stated the current code institutionalizes destructive wasteful ecological habits that turns the Police Department and Code Enforcement into a city-wide HOA (Homeowners Association) to be activated when a resident does not like the ornamentation of their neighbor's land. He believes the code discourages landscaped beauty including blooming grasses and wildflowers as shown on magazines. Mr. Walsh stated the city has created a separate standard for the Parks and Recreation (P&R) Department allowing city-managed landscapes, that would be cited with the same strategies, to occur on private property. He also stated Code Enforcement only recognizes complaints without recognizing affirmation and

support from neighbors who take pride in creative and sustainable changes. He believes Code Enforcement needs to perform due diligence to ensure plants are not being used for consumption or ornamental purpose and not to impose an ideology. He also believes Code Enforcement needs to operate and understand that the process to establish a sustainable garden can take 3-5 years. Mr. Walsh asked the council to reconsider the \$150 fee associated with Code Enforcement appeals, as this fee promises no new process and the cost assumes guilt when the individual has technically done nothing wrong. He indicated the \$150 fee is six times the penalty for extended parking at the airport or ten times the penalty for releasing a car from impound. He does not believe this fee reflects the actual cost of reviewing Code Enforcement appeals and it operates as an arbitrary attempt to silence city governance. He also believes the city needs to be more considerate on passing judgement on personal and private spaces such as homes. Mr. Walsh believes by modifying City Code and Code Enforcement, the city could better promote creativity and sustainability.

Following additional applause, Mayor Casper stated the meeting is not a clapping forum and the decorum is to keep a safe space for all individuals to have their opinions.

Donna Howard, Idaho Falls resident, appeared. She stated she has several issues that are quite concerning to the citizens. Referring to the new Build Back Better bill that was recently passed in Washington, along with proposed bills to increase taxes at the State level, and citizens are being hit from all sides along with inflation. She believes PUDs (Planned Unit Developments) equal ghettos. She questioned who will maintain the private streets and who is held accountable for the property upkeep. She also believes property ownership, or lack of property ownership, comes with no respect for the property and generally people do not care about what they don't own, and one-size-fits-all solutions do not work in certain locations. Ms. Howard believes bike lanes are dangerous, and she questioned if the bicyclists are expected to ride their bikes in cold winters. She referenced a previous approval for removal of sewer sludge, noting more housing developments are being approved. She questioned if infrastructure should be improved instead. She also questioned who the target market is for all the PUDs, noting businesses are closing monthly due to lack of employees, and what is the city doing to attract new businesses to keep the citizens working and providing affordable housing. Ms. Howard questioned who is responsible for paying the \$11.7M for the Christopher Tapp settlement. She stated a poll was distributed for the Comprehensive Plan, noting all the requested items are working in a deficit and are being ignored while the focus is in on unnecessary expenditures, unwarranted growth by excessive PUDs, and bike and walking paths that will only be utilized for a few months each year. Ms. Howard stated her purpose is not to attack anyone, but is to raise issues that she hopes are considered, indicating any vote is for or against the destruction of the city and the Idaho values.

Mayor Casper once again requested no clapping.

Gail Zirtzloff, Idaho Falls resident, appeared. She shared a personal experience of two homes in her neighborhood where the renters had to be evicted due to the yard issues. She requested the council not go to no mowing. She believes many individuals may need the exercise of mowing, noting her husband removed grass so they could be water-wise as she knows water is an issue. She stated some weeds are noxious, recognizing that it may be difficult to tell which are noxious and which are okay. Ms. Zirtzloff also shared a personal travel experience, stating there is a large non-gender restroom at the visitor center in Canada. She believes this is a wonderful use of space to share sinks, and there are other answers. She expressed her gratitude to the officials and for keeping the city looking pretty.

Launie Shelman, Idaho Falls realtor, appeared. She stated she is approached by numerous individuals with their assessments, realizing many of these individuals don't understand the assessments, therefore, she has to re-route numerous buyers to show where their value sits. She indicated she is trying to be a middleman. Ms. Shelman stated inaccurate assessments were received this past year based on the guidelines and parameters from the county, noting these assessments increased dramatically. She expressed her concern that assessment usually means a tax increase, however, this doesn't mean that taxes should increase because the levy should decrease, and the current budget increase should not be happening as there's a surplus of money

coming in. Ms. Shelman stated Idaho is #14 in the nation for property taxes at .69%, although the city is at 1.8% property tax value, noting the homeowner's exemption brings this down. She also stated due to unaffordable housing, rentals will continue to increase which will make things more unaffordable and will kill the buyers due to their debt to income ratio. Ms Shelman stated she was directed to the State website to find an estimate. She believes, based on this website, there will be enormous taxes that those on a fixed income will not see and won't be able to pay for. She also believes a home can never be owned, even if paid off, due to the tax payments. She questioned what if homeowners don't have property taxes, similar to owner occupants. She stated she wants this explained. She also stated she wants to find a situation that works for everyone, or if a house is purchased at a price that the taxes should never change. She reiterated she is looking for solutions, and she loves this city.

Due to the continuous applause, Mayor Casper pleaded for a respectful atmosphere, stating boundaries have been set to ensure a space place for all and to honor the decorum of a meeting.

Debra Sadler, Idaho Falls resident, appeared. She stated she has not seen any disrespect for anyone that has spoken. She believes, instead of applauding, that the individuals should have said 'amen' and that would have made those individuals present feel part of the group regarding things happening in the city.

Several 'amens' followed Ms. Sadler's comments.

#### 4. Consent Agenda.

##### A. Mayor's Office

##### 1) Appointments to City Boards, Committees and Commissions

Attached please find communication from Community Development Services Director Brad Cramer regarding the citizen volunteers being re-appointed to serve on the Idaho Falls Business Assistance Corporation (IFBAC):

Name	Board, Commission, Committee	Term Expires	Status
Jeff Osgood	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
David Noack	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
Kari Campos	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint

These citizens have a desire to continue their service and come recommended by Director Cramer. The Mayor's Office has reviewed the re-appointment request and concur with Director Cramer's recommendation. We are confident these citizen volunteers meet the criteria set forth in City Code and anticipate that they will make positive contributions to the good work of the city.

Your vote is requested giving consent to these re-appointments at the regular City Council Meeting on Thursday, August 11, 2022. If you have questions, please feel free to contact Chief of Staff Bud Cranor or Director Cramer.

##### B. Municipal Services

##### 1) Treasurer's Report for June 2022

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending June 2022, total cash, and investments total \$148.8M. Total receipts

received and reconciled to the general ledger were reported at \$33.6M, which includes revenues of \$31.6M and interdepartmental transfers of \$2M. Total distributions reconciled to the general ledger were reported at \$29.8M, which includes salary and benefits of \$6M, operating costs of \$21.8M and interdepartmental transfers of \$2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$142.2M. Additional expenditure and revenue reports are being included to provide more detailed information for the monthly reporting.

- 2) Bid IF-22-H, Purchase one CAT 308 Excavator for Parks and Recreation  
This purchase will replace unit #6808, a 2009 JCB Backhoe that has reached its useful life and is scheduled for replacement. The purchase includes a 60-month, 2500-hour warranty.
- 3) Minutes from Council Meetings  
July 12, 2022 City Council Budget Session; July 19, 2022 City Council Budget Session; July 25, 2022 City Council Work Session; and July 28, 2022 City Council Meeting
- 4) License Applications, all carrying the required approvals

**Action Item:**

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

**5. Regular Agenda.**

**A. Municipal Services**

- 1) Public Hearing for Sale of Real Property  
This property is a 10-acre parcel purchased by the City for the purpose of constructing, operating and maintain a 161kV transmission line and associated towers, poles, equipment, and facilities. Idaho Falls Power and Municipal Services have determined that creating a utility easement for the power line is adequate going forward and recommend auctioning the remaining property interest at a price no less than \$400,000. The Notice of Public Hearing was published on Tuesday, July 19, 2022. The public hearing is scheduled for Thursday, August 11, 2022, at 7:30 pm in the Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho. At the conclusion of the hearing, Council will have met the notice and hearing requirements to auction this property.

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

Municipal Services Director Pamela Alexander appeared. She stated this item was discussed at the July 11, 2022, Council Work Session. She reviewed the action proposed, stating the auction will be held on Friday, August 19, 2022, at 9:00 a.m., noting the auction information is available on the website and in the City Clerk's Office. Mayor Casper stated it has been determined, for the best interest of the city and the utility, to sell the property given that the city has received the use that was needed and that the city is able to retain the easement for the transmission line.

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

Council President Dingman stated selling this property relieves Idaho Falls Power (IFP) of ongoing maintenance costs. Councilor Radford expressed his appreciation to IFP and Municipal Services to allow the opportunity to leverage property which can help the utility.

It was moved by Council President Ziel-Dingman, seconded by Councilor Freeman, that pursuant to Idaho Code §50-1402, a request that City Council direct Municipal Services and any staff member necessary to auction city property with an easement for the powerline as referenced within this discussion. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

**2) Public Hearing for the Tentative 2022/23 Fiscal Year Budget**

Pursuant to Idaho Code §50-1002, the Notice of Public Hearings for the 2022/23 fiscal year budget was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Mayor Casper stated the city directors and council spend a good deal of time working on and preparing a budget, which ensures all requests are in-line with State code, needs, and fees. She also stated this big undertaking is not done lightly and not without care and thought, noting there is never enough resource for infrastructure or a favorite something. She believes the budget is an art but is also thankless work. Mayor Casper stated the council works hard, they bring integrity to their decision-making, and they care a great deal about their community.

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

Director Alexander appeared. She explained the budget process, stating the process began April 8, 2022. She stated all budget sessions were noticed and live-streamed, the department budget presentations were posted on the city website, and the proposed budget was published as required by State statute, which also included the proposed fees and the reserve of forgone of 1%. Director Alexander reviewed the proposed budget overview which includes a total not to exceed budget of \$333,416,302; the total estimated property tax revenue of \$42.7M includes new growth and annexation for a whole dollar value of \$800,000, 3% statutory property tax levy for a whole dollar value of \$1,234,420, and proposed new fees and/or fee increases greater than 5%; \$2.9M for prioritized budget requests; the proposed budget does not include Forgone (1% or 3% allowable), noting 1% whole dollar value of \$411,473 was noticed to accrue to subsequent years. She further explained the prioritized budget requests for the city (non-union) employee compensation, public safety (Police and Fire), Parks and Recreation (P&R), Community Development Services, and Municipal Services. Director Alexander reviewed the proposed fiscal year budgets for: General Fund, stating the total proposed expenditures = \$65,792,852 which is 20% of the total proposed budget, noting public safety and P&R garner approximately 75% of the total General Fund budget; Special Revenue Funds, stating the total proposed expenditures = \$28,557,524 which is 9% of the total proposed budget; Impact Fees, stating the total proposed expenditures = \$4,696,065 which is 1% of the total proposed budget; Internal Service Fund, stating the total proposed expenditures = \$28,328,629, (this includes \$24M contingency - \$4M for encumbrance carryover, \$10M ARPA (American Rescue Plan Act of 2021), and \$10M placeholder for land and building acquisitions for budget capacity) which is 8% of the total proposed

budget; Capital Projects Funds, stating the total proposed expenditures = \$40,930,000 which is 12% of the total proposed budget; and Enterprise Funds, stating the total proposed expenditures = \$165,141,232 which is 49% of the total proposed budget. She also reviewed the proposed fiscal year revenues, including property tax levy revenue for General Fund, Streets Fund, Idaho Falls Public Library Fund, Recreation Fund, Municipal, and Fire which is 13% of the total proposed budget of \$333,416,302; and revenue other than property tax which is 87% of the total proposed budget of \$333,416,302.

Councilor Radford questioned the difference of property tax and the total budget from Enterprise Funds. Director Alexander stated \$42.7M is broken out by the applicable funds, stating the allowable 3% statutory helps fund these activities and services. She also stated several departments are support departments and are not 100% funded by General Fund. Per Councilor Hally, Director Alexander explained the forgone account occurs when the city does not levy, and the forgone can be reserved for subsequent years that can be used for 1% ongoing or 3% capital, noting this is limited by the State legislators. She indicated there is currently \$6.5M in the forgone account. Councilor Hally believes Idaho Falls is in the top three cities in the State that has the highest forgone amount. Per Councilor Freeman, Director Alexander stated the General Fund Wages and Benefits is close to 90%, which includes the Police, Fire, and P&R departments for the services provided.

Mayor Casper requested any public comment.

Barbara Miller appeared. She indicated the contingency fund of \$21M did not previously exist. She also believes the city is taking the 3% statutory and the 1% forgone amount.

Director Alexander reappeared. She reiterated the current \$24M contingency fund as previously explained, and she reiterated the budget does not include any forgone, however, the city intends to reserve the dollar amount of \$411,473.

Mayor Casper closed the public hearing.

Mayor Casper stated follow-up discussion will be held with the council with final approval of the budget occurring on August 25, 2022.

There was no action required.

**3) Public Hearing for the Proposed Fees for Fiscal Year 2022/23**

The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the 2022/23 fiscal year proposed fee schedule was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Mayor Casper stated the budget also includes fees, and any fee must be in-line with costs with the exception of fines, noting fees are not a way for a city to make a profit.

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

Director Alexander appeared. She explained the proposed new fees and fee increases greater than 5% for the Airport, Community Development Services, Fire, Idaho Falls Power, Municipal Services, Parks and Recreation, Police, and Public Works departments.

Per Mayor Casper, Director Alexander clarified all fees are included/available on the website.

Mayor Casper requested any public comment.

Donna Howard appeared. She requested clarification of the site plan bonding application.

Mayor Casper closed the public hearing.

Mayor Casper stated fees will be considered on August 25, 2022. Councilor Francis reiterated follow-up discussions will occur prior to the August 25 meeting. Councilor Freeman reiterated that fees reflect the cost of providing a service.

There was no action required.

## **B. Public Works**

### **1) State Local Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the Intersection of 17th Street and Rollandet Avenue Project**

Attached for consideration is a State Local Agreement and Resolution with ITD for construction of safety improvements at the intersection of 17th Street and Rollandet Avenue. The project will install median in 17th Street to prohibit left-turn movements from Rollandet Avenue. Improvements will also be made at the intersection of 19th Street and Leslie Avenue to better accommodate traffic crossing the railway at this location.

Public Works Director Chris Fredericksen appeared. He stated this project was identified in the safety audit. He also stated the total cost of the project amounts to \$794,511, with a city match at 7.34% or \$58,317. He indicated in-kind match will be utilized for this project. Councilor Hally stated this particular area has a lot of rapid traffic uphill and descending down hill which can be a safety issue.

It was moved by Councilor Hally, seconded by Councilor Burtenshaw, to approve of the State Local Agreement and Resolution with ITD for the Intersection of 17th Street and Rollandet Avenue project and authorize the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

RESOLUTION NO. 2022-25

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF INT. 17TH ST AND ROLLANDET.

### **2) Iona Bonneville Sewer District (IBSD) - Request for Sewer Service Area Reduction**

Public Works is in receipt of a request from the IBSD to decrease the District's sewer service area by 4.449 acres as shown in the attached exhibit. The area includes the Curlew Bend Subdivision, which will receive sewer service from the City of Ammon.

Section 8 of the Cooperative Agreement for Sewage Collection and Treatment between Idaho Falls and the District requires that enlargements to the sewer service area be approved by the City of Idaho Falls.

The City had previously requested that the District not expand its sewer service area unless alternative means were secured for sewage to reach the Wastewater Treatment Plant. Currently, the Sunnyside Sanitary Sewer Trunk line carries all flow from the District to the Plant. The District did reduce its service area in response to our request and is approximately 12.15 acres smaller than when originally requested by the City.

If approved, the District's sewer service area will be approximately 16.6 acres smaller than it was in 2016.

Director Fredericksen appeared. He believes the City of Ammon has better means to service this area. He stated the city has only one pathway from the IBSD service area to the Wastewater Treatment Plant (WWTP). Per Councilor Radford, Director Fredericksen confirmed this would be through the City of Ammon. Councilor Burtenshaw believes the City of Ammon completely surrounds this property.

It was moved by Councilor Burtenshaw, seconded by Councilor Radford, to approve the request to reduce the Sewer Service Area for IBSD. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

### C. Idaho Falls Power

#### 1) Quote 56203 - Fiber Conduit Purchase for Idaho Falls Power

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase conduit inventory for fiber service in late January 2022. D&S Electric Supply was among the lowest responsive, responsible bidders and was subsequently awarded a contract by City Council on January 27, 2022. As the construction season has progressed, more conduit is needed, and D&S has extended its original pricing.

Idaho Falls Power Assistant Director Stephen Boorman appeared. He stated this conduit is for next year's construction. Councilor Radford noted 5,000 individuals are currently on the fiber network. He believes the city is very fortunate as competing for this equipment is becoming difficult. Councilor Freeman believes it's remarkable that D&S will keep the same pricing from the previous year.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the bid award to D&S Electric Supply for the unit prices shown as bid, for an amount of \$254,000.00. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

#### 2) Professional Engineering Services Agreement with Gannett Fleming for Gem State Part 12 Inspection

This agreement is for the five-year inspection of the Gem State Hydroelectric project that is required by Federal Energy Regulatory Commission (FERC) as outlined in the FERC Engineering Guidelines, Chapter 14 of the Dam Safety and Performance Monitoring Program. Gannett Fleming was selected following a search for qualifications (SOQ) as the most responsive, responsible bidder.

Mr. Boorman appeared. He explained the Part 12 inspection process, stating this occurs every five years as part of the re-licensing process. Councilor Radford believes the community is privileged to have an electric utility at such a low rate.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Gem State Part 12

Inspection work with Gannett Fleming for a not-to-exceed amount of \$88,500.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

**D. Community Development Services**

- 1)** Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, East River Estates Division 1.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for East River Estates Division 1. The Planning and Zoning Commission considered this item at its September 7, 2021, meeting and unanimously voted to recommend approval as presented. Staff concurs with this recommendation.

Councilor Francis clarified the city will ensure the sidewalk is constructed appropriately.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for East River Estates Division 1 and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for East River Estates 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 Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for East River Estates Division 1 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

- 2)** Quasi-judicial Public Hearing-Rezone from R2, Mixed Residential to R3, Multiple Dwelling Residential with the Airport Limited Development Overlay Zone, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1.

Attached is the application for Rezoning from R2 to R3 with the Airport Limited Development Overlay Zone, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1. The Planning and Zoning Commission considered this item at its July 5, 2022, meeting and recommended to the Mayor and City Council denial of the zone change to R3 with a vote of 3 to 1.

Mayor Casper explained a quasi-judicial hearing, stating the council's decision must be made from information received in the hearing. Councilor Radford recused himself as he stated he has family members that have property in this area.

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. He stated the property is 2.8 acres and is located west of

Fremont Avenue, and north of Higham Street by Freeman Park. He also stated the property is currently zoned R2, and is seeking a R3 designation. He identified, per the current zoning map, the mix of uses in the area including LC directly to the south, R2, R1 currently being used as commercial use, and R3. He believes R3 is supportive by the transition in the area, and the mixed use supports the R3 zone. Mr. Bane stated, per the Comprehensive Plan, this area is designated as Urban Core which is higher density/higher mixed use for the land use which supports the R3 zone. He believes the R3 zone would be good for connectivity to pathways, the greenbelt, Freeman Park, ISU (Idaho State University), the INL (Idaho National Laboratory), and downtown so the walkability and the bikeability in this area is supportive. Mr. Bane stated this property was presented to the city council in 2020 under different ownership as a LC zone, and at that time the city council recommended it go back to the Planning and Zoning (P&Z) Commission for consideration as a R3A zone. He also stated the new owner has requested R3 per the Comprehensive Plan and the city's suggestion. Mr. Bane stated there is good access onto Fremont Avenue with a current turning lane heading south and a current east-bound turning lane into it. Realizing traffic is always a concern, Mr. Bane also stated any required traffic impact study will be performed and any suggested improvement will be completed at a later date. Councilor Francis requested the key difference of R2 and R3. Mr. Bane believes some of the important differences relate to density and the height restriction, noting R3 allows for more than two stories, although in the height difference there is also an additional setback requirement of two feet for every one foot of height over 24 feet.

Mayor Casper requested staff presentation.

Community Development Services Director Brad Cramer appeared. He noted P&Z recommended denial by 3-1 although the current Reasoned Statement is written in the affirmative per the applicant request. He stated the Reasoned Statement would need to be amended/rewritten if denied.

Slide 1 - Property under consideration in current zoning

Director Cramer confirmed R3 will allow more than two stories, noting R2 also allows three stories, although R3 does not have a height restriction which is allowed by design features. He reiterated the additional setback requirement as explained by Mr. Bane. He stated both zones require 20% of the site to be landscaped, noting R2 lot size is 6,000 square foot while R3 lot size is 5,000 square foot. He also stated a building in R2 is limited to four units, there is no restriction in R3. Director Cramer stated Higham, as an east/west street, is designated as a local street, noting the point of a collector is to take traffic and move it to an arterial, and as development happens to the south and the immediate east, there is no other road to carry out to the arterial so it functions as a collector. He identified the surrounding zones.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer reiterated the Urban Core, which is meant to be a place to find high density and high intensity development.

Slide 3 - Aerial photo of property under consideration

Director Cramer identified surrounding land uses in the area.

Slide 4 - Additional aerial photo of property under consideration

Slide 5 - Airport Compatible Land Use

Director Cramer stated there are no restrictions that pertain to what could be developed with the exception for a few hundred feet high.

Slide 6 - Photo of the property looking northeast from Riverwalk  
Director Cramer stated the site is currently undeveloped.

Slide 7 - Photo of the property looking northwest from Higham Street

Slide 8 - Photo of the property looking west down Higham Street

Director Cramer stated this is a case where there is not a specific right answer to either zone, noting there is nothing inappropriate about R2 or R3 or how growth is expected to happen in this area. Councilor Francis questioned if any development would require work on Higham Street. Director Cramer stated the typical unimproved section in front of the property would have to be developed, but not the entire street. Per Councilor Freeman, Director Cramer stated PUDs are allowed in either zone. Council President Dingman questioned the P&Z denial. Director Cramer believes the denial is challenging from the record due to the notes referencing the aesthetics, which does not apply. He believes the 'no' votes were because P&Z was satisfied that R2 was enough. Mayor Casper questioned what happens if there's no right or wrong decision per any appeal. Director Cramer believes the point of the Reasoned Statement of Relevant Criteria and Standards (RSRCS) is to explain the decision that was made. He believes any appeal would refer to the Comprehensive Plan. He also believes there must be a careful record of reason for denial or approval. Mr. Fife stated the RSRCS is similar to a judge's ruling. He also stated the State of Idaho tried to make it easier why the governing body made the decision, noting the RSRCS is the short-hand way to get the information from the governing body. He believes there are things more likely to be in-line with the principles of the Comprehensive Plan and the zoning code than other things. He stated they also want the discipline in the governing board of looking why a decision was made. Director Cramer stated if an appeal is filed, regardless of the decision, the record used would be presented for reconsideration of a decision.

Mayor Casper requested any public comment.

Dr. Brook, Idaho Falls resident of the N. Park Village condos for 31 years, appeared. He referenced the previous statement regarding the aesthetics, noting discussions regarding planned development around Freeman Park have occurred in several meetings including less aesthetics. He stated the traffic along Fremont Avenue with the row housing is already a mess and is dangerous. He also stated this development could include a five-story development. Mayor Casper clarified any development cannot be discussed at this time. Mr. Brook stated, referencing the 3-1 (denial) decision by P&Z, he does not understand why this decision could be turned over.

Robert Hiromoto, Idaho Falls resident of the N. Park Village condos, appeared. He stated he is opposed going from R2 to R3. Rhetorically questioning, Mr. Hiromoto believed in 2020 the committee had considered a request from R2 to R3, however, it was reverted back to R2 and townhome units were built on the east side of N. Park Village. He stated, since then, the area along Fremont has been built with 28 family units, and on the east side has 24 units, noting there is an increase. He indicated all streets go out to Fremont Avenue, which is considered a major road, although, this becomes a one-way road so the only exit would be to the south on Fremont, which is going to create a large problem. Mr. Hiromoto believes the worst case and the average case must be considered with an in-between

decision. He also believes there could be major issues with the airport if something happens, stating the density of people brings more cars. Mr. Hiromoto understood the area was R2 when he moved in to N. Park Village, and he believes N. Parkwood is a steward for the area which has maintained the quality and a society that reflects the area. He stated he doesn't want to deny any building around it but he wants to make sure there's an area that's populated with families, and he believes higher density will be a problem. He also doesn't want tall buildings mushrooming above them. Mr. Hiromoto stated this is a piecemeal development, not a comprehensive development. He also stated it's hard to invest and suddenly see that things are changing. He realizes other developments in the area are being considered but they're being done in a comprehensive way. He believes this seems to be out of place. He reiterated he is not denying buildings, he just wants to maintain the community in this area as he believes this is a special area.

William Meekin, Idaho Falls resident for six years, appeared. He noted staff mentioned this did not pass with P&Z. He stated he has shared public comment of zoning for this piece of property four times, noting this is the second time the P&Z has turned this down. Mr. Meekin indicated the P&Z requires that the builder present a plan, everyone looked at the Phase 1 plan, and quadplexes are being built, which he is not against. He stated he wants something that is appropriate for the neighborhood and appropriate for the original design. He identified Phase 2 of N. Park Village, which never happened. He questioned why the developer wouldn't bring in more quadplexes. Mr. Meekin stated he drove around Idaho Falls looking at other two- and three-story commercial buildings. He believes the developer wants to use the R3, and it will go above three stories. He reiterated applying the same development on this next-door property, as he believes this would be a win-win situation. Mr. Meekin stated if the yield curve is a negative, chances are that we're in a recession or headed toward one. He believes there is a negative curve yield right now. He also believes now is not the time to push a unique unusual building structure, similar to the Boise hole. He questioned the risk. He respectfully requested that council deny the R3 request.

Brett Hutchens, 25-year resident of Idaho Falls and four-year resident of the N. Park Village condos, appeared. He stated he researched N. Park Village for a year prior to moving there. He also stated he gets around Idaho Falls by bicycle year-round. He indicated he chose N. Park Village because it's a low-density neighborhood, it's next to Freeman Park, and the traffic is manageable, noting he rides on city streets as there are no bike lanes on Fremont Avenue. Mr. Hutchens stated, per national average, for every unit/home is 1.6 cars, noting this will increase with more density. He also stated, per his research, this location was zoned R2, and R3 density will also increase the traffic. He requested the city council keep this as R2.

Sabre Knie, resident of the N. Park Village condos, appeared. She stated she is excited about growth for Idaho Falls, although, she wants to keep quality versus quantity.

John Miller, resident of the N. Park Village condos appeared. He believes there needs to be focus on Freeman Park as a major reason not to go to R3. He stated Freeman Park is enjoyed by the entire state, and is host to routine large events, noting traffic is currently marginal. He believes these events will create a nightmare with the addition of the hundreds of cars with the new development. He also believes R3 will have an explosion of people using the park that will have the effect of discouraging other people in Idaho Falls using the park as it would be overrun with people. Mr. Miller prefers to maintain the quality of Freeman Park.

Scott Probert, resident of the N. Park Village condos, appeared. He indicated many individuals could not make it to this meeting who also share their concern for R3. He stated many have unique concerns, noting the general consensus of concern is R3 would be too high of density for the area.

Donna Howard, resident of the N. Park Village condos, appeared. She stated she moved from the eastside of town to the westside of town for a reason. She also stated she loves where she lives, and it is perfect, although, she indicated she's not fond of the new housing developments but they're not tall and they add to the look of Freeman. She requested Freeman Park not be ruined, and the beauty and open space not be filled with high-density. She also requested keep something low key, and don't add to the traffic. Ms. Howard shared her personal experience of keeping her grass green, stating she was told the city is experiencing water pressure problems due to the growth. She questioned how these infrastructure issues are going to be addressed. She also requested not to cut down trees or take down fences. She believes the city needs to be considerate of the current residents and not take away their livable space.

Allison Harris, Idaho Falls resident, appeared. She stated she recently had a three-story apartment building built in the middle of businesses and a traditional subdivision. She indicated one of the concerns by these particular residents is higher crime and safety of their children as now there are neighbors that they don't know. She requested this be something to consider.

Mr. Bane appeared for rebuttal, realizing he can't talk about future development plans for this site. He stated the neighborhood meeting included renderings as the developer wanted to be upfront and transparent with the neighborhoods. He believes there were street concerns, noting Latah Avenue is currently being widened to a full road, and any improvements that are not done on Higham Street would also be completed with the development which would take the traffic to Fremont, which is a minor arterial. Mr. Bane stated the intent of higher-density in this area is the walkability and the bike-ability, as was previously mentioned by Mr. Hutchens. He believes R3 supports that, stating these people would not drive to events in Freeman Park which would limit the traffic. He also stated there is currently sewer and water at the site, and, per conversation with Public Works, there are no concerns with water pressure or sewer issues, and any upgrades would come with the development, noting existing water lines and sewer lines would be used.

Mayor Casper closed the public hearing.

Councilor Burtenshaw reiterated the maximum height of R2 with the additional setback requirement, no height restriction for R3, and the limitations on the number of units. Councilor Francis referenced the Comprehensive Plan, stating the community must accept change but does not have to accept radical change. He believes the Comprehensive Plan is trying to encourage higher density in order to prevent unacceptable sprawl problem, hence the three stories allowed in the R2, and the allowed density. He realizes these residents made some investment in their lives based on a previous decision. He is unsure if R3 is considered a radical change based on the height. Councilor Hally stated Tautphaus Park also has a lot of houses in the surrounding area. He realizes this property is close to the river, and he is not in favor of seeing high-rise residential areas that close to the river. Councilor Freeman agreed with Councilor Hally.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to deny the request to rezone. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Freeman,

Francis. Abstain - Councilor Radford. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that as amended, Council approve the Reasoned Statement of Relevant Criteria and Standards for the denial of the rezone. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally. Abstain - Councilor Radford. Nay - none.

**6. Announcements.**

Mayor Casper announced current and upcoming weekend events include the Duck Race, the Roaring Youth Jam, the Bonneville County Fair, and the Shoshone Bannock Indian Festival. Councilor Burtenshaw announced Heritage Park was recently asphalted, she believes this will be a legacy park.

**7. Adjournment.**

There being no further business, the meeting adjourned at 10: 21 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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