

## August 13, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 13, 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  
Council President Michelle Ziel-Dingman  
Councilor John Radford (via WebEx)  
Councilor Thomas Hally  
Councilor Jim Freeman (via WebEx)  
Councilor Jim Francis  
Councilor Shelly Smede

Also present:

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

### **Pledge of Allegiance:**

Mayor Casper requested Councilor Thomas Hally to lead those present in the Pledge of Allegiance.

Councilor Francis proposed to remove item C.4) from the agenda. He stated Community Development Services has contracted with a consultant, Opticos, to analyze the City's zoning code. The draft of this report was just received earlier in the day. Councilor Francis believes it would be appropriate to wait for the analysis of the recommendations and any definition changes for the long-range proposals/suggestions for changes to the zoning code which may prevent any 'undo' of a decision; the context of the report will give time for further clarification for the public as he believes there has been a misunderstanding in the community for the historical reason for the proposed change; and he has requested Community Development Services Director Brad Cramer explain the historical situation and the task assigned to Opticos. Director Cramer stated he, along with several other individuals, attended a conference in Colorado in February 2019 to learn how to improve and increase the housing choices in Idaho Falls. This included performing an audit of City Code. The City then contracted with Opticos to find housing types in correct context and how to create these housing types. Director Cramer stated, unfortunately, the timeline for this report has merged with a development request that will be presented before the Council in the near future. Although the proposed language on the current agenda was not directly related to accommodate that future development, Director Cramer believes several individuals believed these are one and the same. He understands the desire to wait to prevent a re-visit in the immediate future. He also believes this cannot be the end of the housing discussion for the variety of choices and options in the community. Mayor Casper noted the City Code is managed for the benefit of the entire community, it is not managed for the benefit of one (1) or two (2) individuals. It was then moved by Councilor Francis, seconded by Council President Dingman, to remove from the agenda the hearing labeled as Section C.4) Public Hearing – Amendment of Sections Comprehensive Zoning Ordinance. Councilor Radford wants to ensure as these issues are discussed going forward the compelling importance of how this plays out is recognized. He expressed his appreciation to the number of people interested in the zoning. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried. Mayor Casper noted this item will be presented again once the final draft of Opticos has been analyzed.

### **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:**

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Mayor Casper stated Eastern Idaho Public Health (EIPH) met on August 13. The State of Idaho has 498 current cases, 60 of those cases are in Bonneville County. This is a rate of 16 active cases per 10,000 and keeps this area in the Moderate Risk level. EIPH had a lengthy dialogue with a range of perspectives regarding students and athletics. The Board then turned to the status of hospitals. Masking remains the single most important measure for physical, mental, and economic health. There is no proven adverse health effects for mask wearing although some individuals may have breathing difficulties. EIPH considered criteria for High Risk level, this level was modified. Mayor Casper stated she has a great deal of respect for members of the EIPH Board. She believes the Board is doing a great job balancing comments from the public, expert suggestions, hospitals, and elected officials. She expressed her gratitude for their efforts. She noted Fire Chief Duane Nelson is staying up to date with District 7.

### **Consent Agenda:**

The Airport requested approval of minutes from the June 20, 2020 Airport Leadership Workshop.

Public Works requested approval of minutes from the June 24, 2020 Public Works Utility Meeting.

Municipal Services requested approval of the Treasurer's Report for June, 2020; minutes from the July 22, 2020 City Council Special Session; July 22, 2020 City Council Budget Session; July 23, 2020 City Council Budget Session; July 27, 2020 City Council Work Session; July 28, 2020 City Council Budget Session; and July 30, 2020 City Council Meeting; 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 Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

### **Regular Agenda:**

#### **Idaho Falls Police Department**

##### **Subject: Police Personnel Manual**

The changes to the Police Personnel Manual were brought to the Council on May 11. The changes were then published to the entire Police Department on May 12 so employees could review the changes and make comments. That required 30-day comment period has expired and the changes are ready to be acted upon by the Council. The changes include changing section VI-6 regarding compensation for court/administrative proceedings. It also changed section VII-4 Hold days.

Councilor Francis noted no feedback was received. He briefly reviewed the two (2) elements in this modification. Councilor Freeman clarified no negative feedback was received although there were several positive comments.

It was moved by Councilor Francis, seconded by Councilor Freeman, to approve the Resolution to amend the Police Department Personnel Manual as presented, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

#### RESOLUTION NO. 2020-20

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

#### **Municipal Services**

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**Subject: Quote 20-035, Phase II - Construction of Fiber Huts for Idaho Falls Power**

This contract will provide construction for additional fiber huts to house residential fiber. *Additional Background:* On 23 July, Idaho Falls Power received notification from DePatco that they had entered into an agreement for the sale of DePatco to Sunroc Corporation. That sale became effective as of 7 August.

It was moved by Councilor Smede, seconded by Council President Dingman, to accept and approve the lowest quote received from DePatco for a total of \$67,292.15. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

**Subject: Public Hearing for the Proposed Fees for Fiscal Year 2020/21**

Municipal Services respectfully requests that the Mayor and Council conduct a public hearing for the proposed 2020/21 fee schedule and approve the corresponding resolution.

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

Municipal Services Director Pamela Alexander stated a variety of budget meetings have been held. The public hearings were advertised on August 2 and August 9 as required. Director Alexander reviewed new fees and/or fee increases for the Idaho Falls Airport, Community Development Services, Idaho Falls Power, Parks and Recreation, Idaho Falls Police Department, and Public Works.

Mayor Casper requested any public comment. No one appeared.

Councilor Freeman stated fees are not raised to produce revenue, these increases are to help with service costs. Mayor Casper stated the two (2) primary revenues are taxes and fees, however, some fees cannot be high enough to cover the cost of a service. These fees are then subsidized. Councilor Radford questioned the fee for the sprinkler system at Pinecrest Golf Course. Parks and Recreation Director PJ Holm stated this fee was included in the previous year. He noted a 4% across-the-board fee increase will also assist.

Mayor Casper closed the public hearing.

It was moved by Councilor Smede, seconded by Council President Dingman, to approve the Resolution adopting the Fiscal Year 2020/21 fee schedule 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. 2020-21**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**Community Development Services**

**Subject: Request to Extend Deadline to Record a Final Plat, Linden Trails Addition, Division No. 4**

For consideration is a request to extend the deadline to record a plat by an additional three months. The final plat was approved February 27, 2020. The Subdivision Ordinance requires plats to be recorded within 180 days of approval, which would be August 27, 2020. Due to delays with Bonneville County review and recording process, the applicant is concerned the deadline will pass before the County is able to sign the plat for recording. Staff recommends the deadline to record be extended to November 27, 2020.

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Councilor Francis described the location of the plat.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the request to extend the deadline to record the plat for Linden Trails Addition, Division No. 4 to November 27, 2020. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

### **Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing, Division No. 15**

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Snake River Landing, Division No. 15. The Planning and Zoning Commission considered this item at its March 3, 2020, meeting and recommended approval by unanimous vote. Staff concurs with the recommendation and recommends approval of the plat.

Councilor Francis described the location of the plat. He stated two (2) lots and two (2) zones are involved. One (1) lot is 5.9 acres and the other is 6.4 acres with LC and HC zoning.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for Snake River Landing, Division No. 15, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Final Plat for Snake River Landing, Division No. 15, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. 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 Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Snake River Landing, Division No. 15, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

### **Subject: Public Hearing - Rezone from RE to LC, Zoning Ordinance, Reasoned Statement of Relevant Criteria and Standards, M&B: 1.48 Acres, E1/2 NE1/4 SE1/4, Section 25, T2N, R37**

For consideration is the application for rezone from RE to LC, Zoning Ordinance, Reasoned Statement of Relevant Criteria and Standards, M&B: 1.48 Acres, E1/2 NE1/4 SE1/4, Section 25, T2N, R37. The Planning and Zoning Commission considered this item at its July 21, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Mayor Casper requested the applicant presentation. No applicant appeared.

Mayor Casper requested staff presentation. Director Cramer presented the following:

Slide A1 – Property under consideration in current zoning

Director Cramer stated the parcel was annexed in December 2019 as part of a City-initiated annexation along with other parcels in the adjacent area. At that time the owners did not request a specific zone knowing the zone would change.

Slide A2 – Comprehensive Plan Future Land Use Map

Director Cramer stated the requested zone is appropriate for the area.

Slide A3 – Aerial photo of property under consideration

Slide A4 – Additional aerial photo of property under consideration

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Slide A5 – Photographs of the property

Director Cramer stated there has not been a lot of change for a number of years. He noted small agricultural use on the site.

Councilor Freeman questioned access to the property. Director Cramer confirmed west and east accesses. Per Councilor Francis, Director Cramer confirmed the property is long and narrow. Councilor Francis questioned City streets and the right-of-way. Director Cramer does not expect any street to connect across the property but there will be access to a parking lot for commercial or multi-family residential. Mayor Casper questioned the self-service storage facility in the adjacent area. Director Cramer stated this is allowed as access is allowed inside of the building.

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

Councilor Francis stated rezoning is not taken lightly, however, this was expected as Director Cramer indicated. He believes LC fits well within the current adjacent zoning, however, he is unsure how this will develop with no through-street. Mayor Casper stated, per Councilor Francis, she believes the Council should not shy away from a rezone when needed.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning M&B: 1.48 Acres, E1/2 NE1/4 SE1/4, Sec 25, T2N, R37 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, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

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

**ORDINANCE NO. 3327**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 1.48 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM RE ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from RE to LC of M&B: 1.48 Acres, E1/2 NE1/4 SE1/4, Sec 25, T2N, R37, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

**Announcements:**

Mayor Casper announced the ribbon cutting and opening of Costco; Utah Associated Municipal Power Systems (UAMPS) Annual Conference will be held August 17-18; the public hearing for the budget will be held August 20; the public hearing for forgone will be held August 27; and final approval of the budget will occur on August 27.

**Adjournment:**

There being no further business, the meeting adjourned at 8:29 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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