

August 23, 2018

The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, August 23, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

**Call to Order:**

There were present:

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

Also present:

All available department directors  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

**Pledge of Allegiance:**

Mayor Casper requested Rylan Vesella, Boy Scout Troop #445 and Bridgewater Elementary student, to lead 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.

Jerry Jernigan, Idaho Falls, appeared. Mr. Jernigan is protesting the actions taken on S. Boulevard between 17th Street and Sunnyside Road. He understands the center lane is being included due to the number of accidents although he has heard of no accidents in this area. He stated the center lane will prohibit parking and will lower the property values. Mr. Jernigan requested the bike lane be moved.

Tony Jenkins, Idaho Falls, appeared. Mr. Jenkins expressed his concern for S. Boulevard as the reconfiguration is moving the vehicular traffic much closer to the sidewalk. He believes the turning lane is completely useless. He questioned how the Council would feel if no warning was received. Mr. Jenkins indicated the bike lane is too narrow for traffic and he guaranteed someone will be injured in the bike lane. Mr. Jenkins did express his appreciation for the lower speed limit in this area.

Tony Gresham, Idaho Falls, appeared. Mr. Gresham reiterated the same concerns for S. Boulevard although he too appreciates the lower speed limit for enhanced safety. Mr. Gresham believes the middle lane is not necessary for the traffic flow and he agrees the bike lane is too narrow in the current configuration, this is a safety risk. He stated the residents will have no on-street parking and there will be no access for services without blocking the bike lane.

Mike Murdock, Idaho Falls, appeared. Mr. Murdock indicated accidents on S. Boulevard are minimal. He stated he attempted to ride in the bike path and ended up falling into the curb. Mr. Murdock stated RV's can only be driven in the center lane to avoid the overhanging trees. He indicated no warning was received for the reconfiguration.

Ben Hill, Idaho Falls, appeared. Mr. Hill stated there is no room to park at his residence therefore his several visitors will have to park in adjacent housing additions, which may be difficult. He indicated the reconfiguration of S. Boulevard has moved people closer to the curb, whereas most families ride their bicycles on sidewalk. He

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believes the center lane just takes up space. Mr. Hill questioned a bike lane on the west side of the street only. He indicated he was almost struck on his bike while staying in the bike lane.

Kate Jenkins, Idaho Falls, appeared. Ms. Jenkins expressed her concern for the center lane on S. Boulevard. She stated the mail truck had to park at the entryway and walk as there is nowhere to park the mail truck. She believes delivery trucks parked in front of the residents will be an easy accident as they would use the turn lane as a go-around lane. Ms. Jenkins stated the driveways will be directed into traffic. She also stated there are a small number of streets for turning left.

Renee Murdock, Idaho Falls, appeared. Ms. Murdock stated she has regularly lived in the S. Boulevard area since 1968 and she has not seen any accidents. She believes the turn lane is unnecessary and is a hazard.

**Consent Agenda:**

Municipal Services requested approval of the Treasurer's Report for the month of June, 2018; and, Street Department purchase of used paver.

The Fire Department requested approval of Fire Engine Lease Agreement for wildland fires.

The City Clerk requested approval of the Expenditure Summary for the month of July, 2018; minutes from the July 12, 2018 Council Meeting; July 13, 2018 Council Budget Session; July 17, 2018 Council Budget Session; and, July 20, 2018 Council Budget Session; and, license applications, all carrying the required approvals

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

**Regular Agenda:**

**Municipal Services**

**Subject: Adoption of 2018/2019 Proposed Fees, Including New Fees and Fee Increases**

Municipal Services respectfully requests Mayor and Council approval of the 2018/19 proposed fees including new fees and fee increases.

Councilmember Radford stated the fees have been discussed multiple times over the course of several months. Mayor Casper stated the proposed fees do not include the Animal Control fees which were advertised in error. Those specific fees will be considered at a later time.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Resolution adopting 2018/19 proposed fees, including new fees and fee increases, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2018-21

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.

**Subject: Adoption of 2017/18 Fiscal Year Budget**

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For consideration is the proposed annual 2018/19 fiscal year budget that was tentatively approved on August 16, 2018 by the Mayor and City Council. Municipal Services respectfully requests formal adoption of the 2018/19 fiscal year budget, in the amount of \$206,598,558, appropriating the monies to and among the various funds.

Councilmember Radford expressed his appreciation to Municipal Services Director Pamela Alexander and the finance team. Councilmember Francis concurred, he also believes there was collaborative effort among all departments with a major emphasis on the first responders for protection of the community and protection for the first responders themselves. Mayor Casper commended all Department Directors and their staff members for recommendations, proposals, and projects for coming years. She believes this is a herculean effort with Municipal Services staff. Mayor Casper stated the Councilmembers have reviewed all elements and they have read, studied, and made sure they understand the necessity for each element. The Councilmembers have also advocated for department needs. Mayor Casper stated she is proud to be a part of the finished project. Councilmember Radford stated \$26M of the budget will be allocated to first responders. He is grateful for this part of process and he believes the community shares those values.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Annual Appropriation Ordinance for the 2018/19 fiscal year budget under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers 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. 3209

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, FOR THE PERIOD COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSE FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

**Subject: Sales Agreement with Bonneville County for Two Street Sweepers**

It is the recommendation of the Municipal Services and Public Works Departments to sell two (2) used street sweepers from the City's surplus equipment to Bonneville County. Under the sale agreement, Bonneville County will pay the City of Idaho Falls \$20,000.00 for each sweeper, for a total of \$40,000.00.

Councilmember Radford confirmed the proper steps were followed for this item.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Sales Agreement with Bonneville County for two (2) street sweepers in the amount of \$40,000. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

**Fire Department**

**Subject: Idaho State University Paramedic Instruction Agreement**

For consideration is the annual contract between Idaho State University (ISU) and the City for providing paramedic instruction and clinical experience for Idaho State University's Paramedic program. This is the third year of the program and reflects a small increase from last year.

Councilmember Francis stated didactic instruction has now been included in the agreement. He indicated there has been collaborative effort among several groups in the City. He believes this agreement will improve the Emergency

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Medical Technicians (EMT) as instructors. Councilmember Freeman believes the City is fortunate to have ISU in the vicinity with an emphasis on medical training.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the contract with Idaho State University and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

### **Community Development Services**

#### **Subject: Business Improvement District (BID) Management Agreement with Idaho Falls Downtown Development Corporation (IFDDC) for FY2018-2019**

For consideration is the BID Management Agreement with IFDDC for FY2018-2019. Each year the BID has existed the City has entered into such an agreement with IFDDC. The agreement requires IFDDC to report on their plans and expenditures, hold meetings with its membership, and outlines the payment schedule for tax assessment collections within the BID boundaries.

Councilmember Smede stated Bonneville County collects the tax assessment funds and then allocates those funds to the City. She also stated the BID Management Agreement has been occurring for approximately twenty years. Councilmember Freeman congratulated Catherine Smith, IFDDC Executive Director, for the improvements. Councilmember Francis read the goals of the IFDDC. Councilmember Dingman stated she has seen communication improvement with the downtown merchants and with management of the BID. Councilmember Radford concurred. Councilmember Hally stated the Redevelopment Agency has made an effort to include the downtown area in the redevelopment area, he believes there have been several improvements. He also believes the downtown area is important to the City as a stamp of identity. He fully supports the downtown. Councilmember Freeman believes the IFDDC goals benefits the downtown as well as all businesses across the City. Mayor Casper believes the seeds for success have occurred for many years with other groups, including the Redevelopment Agency and Community Development Services. She also believes a vibrant downtown is important.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the BID Management Agreement with IFDDC for FY2018-2019 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

#### **Subject: Long Cove Drive Right-of-Way Plat**

For consideration is a Right-of-Way plat for a portion of Long Cove Drive. This plat will establish necessary right-of-way between the Sand Pointe and Darcy Steward subdivisions. The reason for having a separate right-of-way plat is that the property line between the two subdivisions bisects the proposed roadway. This method of platting allows the right-of-way to be established without both developments providing the full plat, as one of the developers is not ready to do so.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Right-of-Way plat for Long Cove Drive, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

#### **Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, T&T Park Addition**

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for T&T Park Addition. The Planning and Zoning (P&Z) Commission considered this item

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at its June 5, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated the parcel was partially developed while in Bonneville County but redevelopment within the City required platting. The development will require changes to approaches and sidewalks along the street frontage.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for T&T Park Addition, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Final Plat for T&T Park Addition, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for T&T Park Addition, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

**Subject: Public Hearing – Form-Based Code Amendments**

For consideration is an ordinance amending three sections of the Idaho Falls Form Based Code. The changes include a small amendment to façade requirements to match the Downtown Design Guidelines, the addition of two building types in the Edge C Subdistrict, and a minor change to a reference in the chapter on sign requirements. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

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

Community Development Services Director Brad Cramer appeared. He believes all amendments to this code are almost completed.

**Slide 1 – Form Based Code Changes - Buildings**

Director Cramer stated this change is related to window height guidelines for downtown buildings. The windows will not be counted in the transparency requirements. This change will also match previous code guidelines.

**Slide 2 – Form Based Code Changes - Building Types**

Director Cramer stated building types will be added to Subdistricts which are meant to be a transition from commercial to residential. It is proposed to add Store Front Building Type and General Stoop Building Type.

**Slide 3 – Form Based Code Changes - Signs**

Director Cramer stated General Requirements have been amended which specifically refers to Central Commercial (CC) Zone in the downtown district.

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

Councilmember Smede reiterated the changes as presented by Director Cramer.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance amending sections of the Idaho Falls Form Based Code under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3212

AN ORDINANCE AMENDING CHAPTER 7 TO TITLE 10 OF THE IDAHO FALLS CITY CODE, ADOPTING THE AUGUST 2018 EDITION OF THE IDAHO FALLS FORM BASED CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Subject: Public Hearing – Zoning Ordinance Amendments**

For consideration is an ordinance amending various sections in Chapters 2 and 3 of the zoning ordinance. The changes are primarily related to allowed uses and their definitions, but there is also a small change to the requirements for accessory dwellings and lot sizes in the Traditional Neighborhood Zone. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

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

Director Cramer appeared. He also believes all amendments to this code are almost completed.

Slide 1 – Zoning Ordinance Changes - Land Use Tables

Slides 2-9 – Zoning Ordinance Changes

Director Cramer reviewed the proposed changes: planned transition overlay zone will now list what is allowed as permitted uses; vehicle washing facility defined, identified, and location allowed; Light Industry and Heavy Industry now includes distribution in the warehousing definition; Accessory Dwellings relating to the lot size area; Traditional Neighborhood (TN) Zone wording correction; rear yard setback was inadvertently eliminated; typo numbers were corrected; uses allowed, and not allowed, in Commercial Zone; eliminating duplication in Performance Standards; and, Light Industry eliminated from Limited Commercial Zone.

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

Councilmember Smede stated as adjustments are needed the document can be updated and changed. She reiterated the changes as presented by Director Cramer. She believes these changes will match the zoning ordinance.

Councilmember Francis questioned the proposed wording included in (6) Commercial Uses in the TN Zone. He recommended the inclusion of 'permitted' to (a) Applicability (i). Director Cramer also recommended changing (6) to Non-Residential Uses in the TN Zone. He believes both recommendations would be acceptable. It was then moved by Councilmember Francis, seconded by Councilmember Radford, to amend 6(a)(i) standards apply to all permitted non-residential uses and, to amend the title of (6) to strike Commercial and insert Non-Residential Uses. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance with the accepted amendments from Councilmember Francis amending various sections of the zoning ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers 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. 3210

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AN ORDINANCE AMENDING TITLE 11 OF THE IDAHO FALLS CITY CODE, AMENDING THE COMPREHENSIVE ZONING, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Subject: Public Hearing – Rezone from R&D to R1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Heritage Hills Division No. 3**

For consideration is the application for rezoning from R&D to R1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Heritage Hills Division No. 3. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

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

Director Cramer appeared with the following:

Slide 1 – Property under consideration in current zoning area

Slide 2 – Aerial photo of property under consideration

Slide 3 – Additional aerial photo of property under consideration

Director Cramer stated several years ago a preliminary plat was submitted for an additional division to the subdivision that would require rezoning of this property to accommodate the preliminary plat.

Slide 4 – Comprehensive Plan Future Land Use Map

Slide 5 – Photo looking south along 5<sup>th</sup> West (East River Road)

Slide 6 – Photo looking east near the southwest corner

Slide 7 – Photo looking west near the northeast corner

Slide 8 – Photo looking north near southwest corner

Councilmember Radford questioned the sidewalk and gutter requirement. Director Cramer stated the City failed to make the sidewalk and gutter improvement requirements during the time of the preliminary plat. He indicated a hold has been placed on future building permits until the improvements are completed.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing. She noted no comments were received in the P&Z Commission hearings for any of the above public hearing items.

Councilmember Smede reiterated the approval of the previous preliminary plat. Councilmember Francis believes there is logic and benefit to develop the curb and sidewalk. Councilmember Radford expressed his concern for the rezone as his vision does not include housing overcoming the ability to become a Research and Development (R&D) Center. He indicated he would not support additional development to the south of this area as he believes this area needs to be protected for the future of the City as a research-oriented City. Councilmember Smede concurred with Councilmembers Francis and Radford. She wants to ensure the City does not encroach on current R&D facilities. Councilmember Dingman concurred with Councilmembers Francis and Smede. She believes zoning needs to respond to the markets, noting there were no public comments to persuade her otherwise. Councilmember Hally believes a sidewalk will be important for the traffic on East River Road. Mayor Casper commended the R&D opportunity, she also appreciates the previous commitment of the preliminary plat.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance rezoning Heritage Hills Division No. 3 under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3211

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AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF M&B: APPROXIMATELY 7.744 ACRES SE 1/4, SECTION 1, T 2N, R 37E AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R&D ZONE TO R1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezone of Heritage Hills Division No. 3, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

**Announcements and Adjournment:**

Mayor Casper stated Appreciation Day at the Zoo will be held August 25. Councilmember Francis noted Mayor Casper spent the day on the South Fork of the Snake River learning about water conservation. Mayor Casper stated the water conservation funds will help in a number of ways.

There being no further business, the meeting adjourned at 8:43 p.m.

s/ Kathy Hampton \_\_\_\_\_  
CITY CLERK

s/ Rebecca L. Noah Casper \_\_\_\_\_  
MAYOR