

September 10, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 10, 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 (by WebEx)
Councilor Thomas Hally
Councilor Jim Freeman (by 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 Evalyn McGaha, a 6th grade student at Discovery Elementary, to lead those present in the Pledge of Allegiance.

Special Presentation honoring Evalyn McGaha:

Mayor Casper recognized Ms. McGaha, her mother Vonda Dorner, and additional family members. She stated Ms. McGaha was recently invited to Washington DC to visit the White House and was able to meet President Donald Trump and First Lady Melania Trump as part of a larger commemoration of the 19th amendment. As part of the initiative *Building the Movement: America's Youth Celebrate 100 Years of Women's Suffrage*, Ms. McGaha's artwork, *Our Voices Matter*, was chosen to represent the State of Idaho in the exhibit. Mayor Casper read a City proclamation proclaiming September 10, 2020 as Evalyn McGaha Day for her prizewinning artwork entry selection which expresses the might and power of a woman's vote. Per Mayor Casper's request, Ms. McGaha stated she heard about the symbols of hope and how women couldn't vote or use their voice to speak up for themselves. Therefore, she drew the symbols of hope. She also stated her favorite part of her visit to Washington DC was seeing the sites and meeting First Lady Melania Trump. The proclamation and a City pin were presented to Ms. McGaha. Ms. McGaha then presented her framed artwork to Mayor Casper and the City of Idaho Falls.

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 (as needed):

Mayor Casper stated there have been a total of 34,617 State-wide cases reported. There have also been 430 new cases and one (1) new death, which brings the total number of deaths to 407. Bonneville County had 48 new cases which puts the case rate at 17.1 per 10,000. This keeps Bonneville County in the Moderate Risk range. Mayor Casper noted the Eastern Idaho Public Health (EIPH) Board lifted the order for Teton County, and Madison County is being watched due to the number of active cases. She also noted the State website captures daily numbers, and there is a new version of the reporting formatting. Bonneville County is 4th out of the top five (5) counties in the State for high numbers of cases, although the death rate is lower. Mayor Casper indicated mask wearing will also keep the flu rates lower.

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Consent Agenda:

Councilor Francis noted the document for Consent Agenda item C.3 has two (2) different printed amounts. The amount of \$45,000 has been corrected for the Mayor's signature.

Idaho Falls Power requested approval of minutes from the August 13, 2020 Idaho Falls Power Board Meeting.

The Police Department requested approval of the Memorandum of Understanding between District 91 and IFPD regarding School Resource Officers (SRO).

Community Development Services requested approval of the Renewal of The Broadway Parking Garage Management Agreement; FY 2020-2021 Business Improvement District Management Agreement with Idaho Falls Downtown Development Corporation; and the renewal of the Memorandum of Understanding Regarding Parking Enforcement in the Downtown Area.

Municipal Services requested approval of the Approval to Write-Off Ambulance Service Accounts; approval to Write-Off Uncollectible Parking and Miscellaneous Delinquent Accounts; approval to Write-Off Unpaid Utility Service Accounts; the Treasurer's Report for July 2020; minutes from the August 21, 2020 City Council Budget Session; August 24, 2020 City Council Work Session; and August 27, 2020 City Council Meeting; and license applications, all carrying the required approvals

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

Regular Agenda:

Fire Department

Subject: Bingham County Ambulance Service Agreement

This Service Agreement allows the Fire Department to provide proficient and cost-effective Emergency Medical Transport Services for Bingham County residents.

Councilor Hally stated these three (3) agreements have been reviewed with Legal staff and the Idaho Falls Fire Department (IFFD). He noted Bingham County does not include Blackfoot. He stated the agreement reflects a slight increase of 1.5% with the amount being \$96,190.

It was moved by Councilor Hally, seconded by Councilor Smede, to approve the Ambulance Service Agreement between the City and Bingham County and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Bonneville County Ambulance Service Agreement

This Service Agreement allows the Fire Department to continue to provide a proficient and cost-effective method of Emergency Medical Transport Services for the residents of Bonneville County.

Councilor Hally stated the agreement reflects a 3% increase; has also been reviewed with the County, Legal staff, and Fire Chief Duane Nelson; and includes the Fire District with Swan Valley. He also stated the total amount is \$2M.

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It was moved by Councilor Hally, seconded by Councilor Smede, to approve the Ambulance Service Agreement between the City and Bonneville County and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Labor Agreement between City of Idaho Falls and Firefighters Local 1565

This Labor Agreement contains agreed upon wages, benefits and working conditions between the City and Idaho Falls Firefighters No. 1565; as a result of collective bargaining and shall be in effect during the timeframe of May 1, 2020 through April 30, 2021.

Chief Nelson stated this agreement is typically for the calendar year beginning in May and running through the end of April. He stated negotiations were discussed prior to COVID-19. The labor group agreed to forgo formal negotiations, they also agreed to an extension of contract with no change to the contract. Chief Nelson stated the group will negotiate next spring in a better forum. He indicated the labor group understood there would be no Cost of Living Adjustment (COLA) increase and there would be an increase with health insurance. Councilor Hally stated, per Idaho Law, the City has recognized the Idaho Falls Firefighters Local No. 1565. He also stated the lengthy and detailed agreement involves several individuals and addresses several items.

It was moved by Councilor Hally, seconded by Councilor Smede, to approve the Labor Agreement between the City and Idaho Falls Firefighters Local No. 1565 and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Parks and Recreation

Subject: Establishment of a War Bonnet Round Up Advisory Committee

The members of various City Advisory Committees established by the Council add valuable insight, energy, support, and consistency to various City Directors, programs, and functions. As owner and producer of Idaho's Oldest Rodeo, the War Bonnet Round Up Rodeo, the City wishes to establish and perpetuate a group of volunteers who can offer support and advice to the Director of City Parks and Recreation on an ongoing and publically transparent basis in support of the War Bonnet Round Up Rodeo. The structure and function of the Advisory Committee is consistent with similar Advisory Committees currently functioning pursuant to Title 2 of the City Code.

Councilor Francis stated this is codification of a War Bonnet Round Up Advisory Committee under Title 2 as the City is the owner and the producer of the War Bonnet Round Up Rodeo. He also stated this will be a seven (7) member committee. Councilor Francis expressed his appreciation to the committee members in advance as this is a year-long commitment. He noted this item was discussed at the September 8 Council Work Session.

It was moved by Councilor Francis, seconded by Councilor Smede, to approve the Ordinance adding the War Bonnet Round Up Advisory Committee to Title 2 of 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 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. 3331

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADDING TITLE 2, CHAPTER 4, ESTABLISHING AND ORGANIZING A WAR BONNET ROUND UP ADVISORY COMMITTEE, WITH PURPOSE, DUTIES, COMPOSITION, RULES FOR APPOINTMENT, ATTENDANCE, MEETINGS,

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REMOVAL, AND RULES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Public Works

Subject: Bid Award – HK Pit Recharge Site Development

On Thursday, September 3, 2020, bids were received and opened for the HK Pit Recharge Site Development project. The purpose of the project is to install 769 linear feet of 36-inch pipe from the Idaho Canal, west to Revere Drive. Completion of this piping installation will allow the former HK Pit to be utilized for groundwater recharge mitigation.

Councilor Freeman stated the City has been wanting to get this area as a recharge site as there are a lot of possibilities for this site. Councilor Radford is hopeful this will help the neighborhood. He is also hopeful to find ways to recover costs. Mayor Casper noted the recharge is putting water into the underground aquifer. She expressed her gratitude to the Public Works Department.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the plans and specifications, award the bid to the lowest responsive, responsible bidder, Knife River Corporation – Mountain West in an amount of \$54,717.00 and authorize the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Access Easement for Mountain View-MPT Hospital, LLC

For consideration is an Access Easement allowing Mountain View Hospital to cross City property to provide an additional emergency access point to the care facility. The City property that the easement would allow access across is used as a drainage way for storm water collected at the Church Farm storm pond located south of 25th Street and east of Barbara Avenue.

Councilor Freeman noted the building in the photo (which was included in the packet) has been demolished. Councilor Radford expressed his gratitude to the Public Works Department..

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Access Easement and give authorization for the Mayor to sign the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Legal

Subject: Code Definition Ordinance

The City Code has commonly-used terms across the Code's sections, chapters, and titles. This Ordinance would move commonly used definitions to a definitions section that would apply to the entire City Code. The goal of this effort is to standardize and consolidate commonly used definitions, modernize the City Code, and to clarify Code interpretations.

Councilor Hally expressed his appreciation to the Legal Department as it takes time to review and update many written documents. He noted this item was discussed at the September 8 Council Work Session. He also stated City Code is important and represents issues of law that pertain to the City. Mayor Casper noted the draft version from the September 8 Council Work Session has been corrected.

It was moved by Councilor Hally, seconded by Councilor Freeman, to approve the Ordinance clarifying and making uniform definitions in the City Code under a suspension of the rules requiring three complete and separate

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readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Freeman, Smede, Francis, Dingman, Hally. Abstain – Councilor Radford. Motion carried.

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

ORDINANCE NO. 3332

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING MULTIPLE CITY CODE PROVISIONS (ESPECIALLY TITLE 1, CHAPTER 3) TO STANDARDIZE DEFINITIONS IN THE CODE AND TO PROVIDE FOR RULES AND STANDARDS OF INTERPRETATION AND CONSTRUCTION OF THE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Teton Mesa Division No. 1:

For consideration is the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Teton Mesa Division No. 1. The Planning and Zoning Commission considered this item at its May 5, 2020, meeting and recommended approval by unanimous vote. Staff concurs with the recommendation and recommends approval of the plat. The development agreement for this plat was approved by the City Council at the August 27, 2020 meeting.

Councilor Francis expressed his appreciation for the development of this area as this has been a vacant field since approximately 1954. He noted the staff report does not match the Reasoned Statement of Relevant Criteria and Standards, although per discussion with Community Development Services Director Brad Cramer, the staff report is not valid and the Reasoned Statement is correct.

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Teton Mesa Division, No. 1, 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.

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 Teton Mesa Division, No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Ordinance Closing the Revenue Allocation Area for the Pancheri-Yellowstone Project Area

For consideration is the ordinance which closes and terminates the Revenue Allocation Area for the Pancheri-Yellowstone Project Area. The Idaho Falls Redevelopment Agency has worked to spend funds responsibly and effectively and while there not as many projects completed as hoped, the agency board is proud of the accomplishments and projects within the project area.

Councilor Francis stated the Idaho Falls Redevelopment Agency closed this area December 31, 2019. There is a time period to ensure all payments have been made and all money is accounted for. Any remaining funds will go to Bonneville County for distribution to the various taxing entities associated with the land. The property taxes collected going forward will add to the City tax base. Councilor Hally reiterated the City's share of money returned goes to the tax base. Therefore, the tax base through growth has increased via new construction.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance terminating the Revenue Allocation Area for the Pancheri-Yellowstone Project Area under a suspension of the rules requiring three

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

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

ORDINANCE NO. 3333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, IMMEDIATELY TERMINATING THE REVENUE ALLOCATION AREA FOR THE PANCHERI-YELLOWSTONE PROJECT AREA; REQUIRING DISTRIBUTION OF ANY SURPLUS DETERMINED TO EXIST PURSUANT TO SECTION 50-2909, IDAHO CODE; AUTHORIZING THE CITY CLERK OR THE URBAN RENEWAL AGENCY OF IDAHO FALLS, IDAHO, ALSO KNOWN AS IDAHO FALLS REDEVELOPMENT AGENCY, TO FILE THE ORDINANCE, TOGETHER WITH THE BOUNDARY MAP, WITH THE OFFICE OF THE COUNTY RECORDER, THE COUNTY ASSESSOR, AND THE IDAHO STATE TAX COMMISSION AS PROVIDED IN SECTION 63-215, IDAHO CODE; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE GIVEN TO EACH OF THE TAXING ENTITIES AFFECTED BY SAID REVENUE ALLOCATION AREA; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Subject: Public Hearing – Rezone from R1 to R2, Zoning Ordinance, Reasoned Statement of Relevant Criteria and Standards, M&B: 1.19 acres, SW corner of the SW ¼ of the SW ¼ Section 23, Township 2N, Range 37E

For consideration is the application for Rezone from R1 to R2, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 1.19 acres, SW corner of the SW ¼ of the SW ¼ Section 23, Township 2N, Range 37E. The Planning and Zoning Commission considered this item at its August 4, 2020, meeting and recommended approval of R2 as opposed to the initial request for R3A. Staff concurs with this recommendation.

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

Mayor Casper requested a presentation by the applicant.

Blake Jolley, Connect Engineering, appeared via WebEx. Mr. Jolley believes this is a simple request. He identified the area located at the intersection of W. 17th Street and Bellin Road, north of the Fire Station. He stated this property has been vacant for its entirety. He believes development of the property will improve the intersection. Mr. Jolley stated this property is unique with easements on the south for power and irrigation, and power on the west. He noted the parcel is smaller than it appears due to these restrictions which makes it difficult to develop in R1. He believes the request for R2 would fit within the area and the location. He noted the corner, as part of the development, will be required to be improved. He also noted discussion has occurred with the City and the irrigation district for any requirements. Mr. Jolley stated, per City discussion, the property is only allowed one (1) access from Bellin Road which also makes it a little harder to develop this parcel. Therefore, the R2 was requested to meet the restrictions and provide development. The R2 would also meet the needs of the intersection. Councilor Freeman questioned the reasoning for the change from the original request of R3A. Mr. Jolley stated the R3A was changed to R2 due to concerns/comments from the neighbors.

Mayor Casper requested a staff presentation.

Director Cramer presented the following:

Slide A1 – Property under consideration in current zoning

Slide A2 – Aerial photo of property under consideration

Slide A3 – Additional aerial photo of property under consideration

Director Cramer stated the road has significant improvement requirements which makes R1 a difficult zone to use.

Slide A4 – Comprehensive Plan Future Land Use Map

Director Cramer stated R2 is consistent with the plan recommendation.

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Slide A5 – Photo looking along Bellin Road

Slide A6 – Photo looking north along Bellin Road

Slide A7 – Photo looking at the site across W. 17th South

Slide A8 – Photo looking from intersection across the site

Slide A9 – Photo looking at adjacent property

Director Cramer noted this property was proposed for development a number of years ago, one (1) of the challenges was the elevation change between the two (2) properties.

Slide A10 – Photo looking south along Bellin Road

Slide A11 – Photo looking at the irrigation ditch as referred to by Mr. Jolley

Slide A12 – Photo looking along Bellin Road

Slide A13 – Images of R1 Zone that explain the setback requirements

Director Cramer stated R1 allows single-unit residential and single-unit attached. It also allows two (2) stories.

Slide A14 – Images of R2 Zone that explain the setback requirements

Director Cramer stated R2 allows multi-unit residential but up to a maximum of four (4) units per building regardless of the town-home style. The buildings are allowed to sit slightly closer to the road and the allowed height is three (3) stories.

Per Councilor Francis, Director Cramer confirmed the one (1) access onto Bellin Road. He noted the access will be addressed during the plat process.

Mayor Casper requested additional public testimony. No one appeared.

Per Council President Dingman, Mr. Jolley stated there has not been a neighborhood meeting at this point. Mayor Casper noted the City does not require a neighborhood meeting. Council President Dingman noted there were several comments against the request for the rezone although these comments were primarily centered around the R3A Zone.

Victor Sutherland, developer, appeared via WebEx. Mr. Sutherland had no additional comments.

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

Councilor Francis believes this area would be difficult to develop as R1, he believes the R2 is the correct approach. He noted all comments against the rezone were based on the R3A request. He also believes the density is a compromise to develop the infill property. Councilor Radford stated infill lots that are developed within the City are important for housing choices. He expressed his appreciation to the developer as this will allow more housing opportunities for the community. He also expressed his appreciation to the developer to find the middle ground as zoning decisions are important.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning M&B: 1.19 acres, SW corner of the SW ¼ of the SW ¼ Section 23, Township 2N, Range 37E 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 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. 3334

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 1.19 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1 ZONE TO R2 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the for the Rezone from R1 to R2 of M&B: 1.19 acres, SW corner of the SW ¼ of the SW ¼ Section 23, Township 2N, Range 37E, 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 the Parade of Homes is occurring – Community Development Services is providing a survey at one (1) of the homes regarding appropriate housing for the community; the Citizens Police Academy begins September 16; and flu shots are becoming available in numerous places within the City. Councilor Freeman reminded all those of 9/11. He noted 343 fire department personnel were lost that day. He also noted people are still dying from the effects of working at Ground Zero.

Adjournment:

There being no further business, the meeting adjourned at 8:40 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper