

September 13, 2018

The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, September 13, 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:

Councilmember Thomas Hally
Councilmember Shelly Smede
Councilmember Michelle Ziel-Dingman
Councilmember John Radford
Councilmember Jim Freeman
Councilmember Jim Francis

Absent:

Mayor Rebecca L. Noah Casper

Also present:

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

Pledge of Allegiance:

Mayor Pro Tem Hally requested Wyatt Squires, a student at Eagle Rock Middle School, to lead those present in the Pledge of Allegiance.

Consent Agenda:

Office of the Mayor requested appointment of Josh Roos to City Treasurer.

Municipal Services requested approval of the Treasurer's Report for the month of July, 2018; Idaho Falls Civic Center for the Performing Arts Pledge from the William J. & Shirley A. Maeck Family Foundation; purchase of meter inventory for Idaho Falls Power; and, purchase of conductor cable for Idaho Falls Power.

Idaho Falls Power requested approval of Easement Assignment to Rocky Mountain Power.

The City Clerk requested approval of minutes from the July 23, 2018 Council Work Session; July 30, 2018 Special Council Meeting; August 6, 2018 Council Work Session; and, August 9, 2018 Idaho Falls Power Board Meeting; license applications, including a Beer license to Fiesta Cancun, The House Bar and Grill, and a Beer license transfer to Shilo Idaho Falls Restaurant LLC, all carrying the required approvals.

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

Regular Agenda:

Public Works

Subject: Council Discussion of Communication to the Public Regarding South Boulevard Project

Councilmember Freeman believes the residents on S. Boulevard have been heard, therefore the striping process has been stopped. Councilmember Francis stated the Public Works (PW) Department has prepared a letter for S.

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Boulevard residents which describes the scope of work and the reasons for the timing. The letter also explains the reasons for the project and the striping plan which reflects five (5) factors: traffic counts and projected volumes; national guidelines for the safe and efficient movement of vehicular and bicycle traffic; the arterial function that S. Boulevard plays within the street network; the public comments the City has received in the last few weeks; and, the City's commitment to the Connecting Our Community (COC) bicycle and pedestrian plan. These factors are the foundation of the decision making. The Public Works Department will distribute this letter along with the 31 comments from concerned citizens. Public Works has individually responded to each comment. These responses fall into three (3) categories: explanations of decisions made with references to national safety standards; descriptions of minor adjustments to the project as a result of public comments; and, references to long-range plans adopted by the City. Councilmember Francis believes at this point, the document is the appropriate form of communication. Also, as the letter indicates, Public Works is scheduling a public meeting next summer to present the results of an impact study. Councilmember Francis believes this communication process is the proper approach as public input has been heard, public concerns have been addressed directly, the process has been explained, and, formal analysis and opportunity for adjustments are in place. This communication process will lay forward a plan for information that may be needed in the following year. Councilmember Radford stated he does not disagree with the majority of Councilmember Francis' comments although he does not believe there was due diligence to inform the citizens regarding the upcoming change as there was no public forum. He believes a meeting is the minimum thing in this case and there is no other alternative. Councilmember Francis believes the alternative is to directly communicate to the public to address the core issues. Councilmember Radford stated the public did not have a chance to speak to the body that represents the role of government. Councilmember Freeman understands the emotional issue for the residents although he indicated the Council has a duty to consider the greater good for the entire City. He reiterated the concerns have been heard. He indicated although different designs have been reviewed, this is the right plan at the right time for the right reasons. Councilmember Dingman questioned the timeline of communication as she is unaware of any minor adjustments to the plan. She expressed her concern for the communication process. Councilmember Francis stated, as a Public Works liaison, he has been working with Public Works since comments have been received. He believes the Council can only go forward, and the best communication is through Public Works. Any adjustments should occur after the project is completed. Councilmember Radford believes the residents may have some good ideas and there is no harm in setting up a meeting to listen to the controversial issues. He also believes the Council is being diminished as a body. Councilmember Francis believes a meeting to hear the same comments is not productive to anyone. The City, as a Council and departments, makes long-range plans and then asks the departments to put those plans into effect. He also believes communication can be improved and corrected. Councilmember Radford stated the data doesn't suggest this will be a safer corridor. The argument is how to communicate with the community. He believes a public hearing matters. Councilmember Dingman does not believe every project needs a public hearing. Councilmember Francis accepted the responsibility to slow down the process, he does not believe this is the failure of Public Works. He reiterated all residents on S. Boulevard will receive the document, and, in addition, those residents or businesses with affected parking changes will be contacted directly. He still believes the most effective public information meeting will occur after the project. Councilmember Radford expressed his appreciation to Councilmembers Francis and Freeman and the Public Works staff as they perform good work for the City, although he still believes a meeting should occur. Councilmember Francis believes a meeting of the community should occur, not just for the S. Boulevard residents. Councilmember Radford indicated this is most controversial item in his three (3) years on the Council. He believes this project was not governed well. Councilmember Hally reiterated a future meeting.

Municipal Services

Subject: Ordinance to Adopt Changes to Title 6, Chapter 3, Temporary Child Care Licensing

Municipal Services requests authorization to adopt changes to Title 6, Chapter 3, Temporary Child Care Licensing. Idaho Code §39-1108 requires Idaho's cities that regulate child care services to maintain a criminal background check as stringent as the State of Idaho's requirements. The Idaho Department of Health now requires that all child care workers and on-site non-providers receive a cleared criminal history background check prior to licensure. This

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authorization will remove Section 1, 6-3-4. (B) 6 and (C) 4 from the City's child care regulations in compliance with Idaho Code §39-1108.

Councilmember Radford stated this item was discussed at length at the September 10 Council Work Session.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Ordinance adopting changes to Title 6, Chapter 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 Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3213

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, TO ADOPT CHANGES TO TITLE 6, CHAPTER 3 TO REMOVE TEMPORARY CHILD CARE LICENSING FROM THE CITY'S CHILD CARE REGULATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Fire Department

Subject: Bonneville County Ambulance Contract

For consideration is the 2018/19 Ambulance Service Contract with Bonneville County. This year's contract includes changes that reflect a six percent (6%) increase to the base fee. This year we also have added an additional \$400.00 in the monthly lease agreement to cover the cost of utilities in Swan Valley.

Councilmember Francis stated the 6% increase is anticipated to help with the ambulance fund deficit. He also noted a typo in the agreement, which will be corrected.

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

Police Department

Subject: School Resource Officer Agreement

For consideration is the School Resource Officer Agreement with Idaho Falls School District #91. The Idaho Falls Police Department (IFPD) provides sworn officers to work as School Resource Officers within Idaho Falls School District #91 schools. This continued agreement provides for a 50% reimbursement for one of the officers and 70% for the other two officers to be paid by School District #91. This agreement is the same as approved by the Council last year with a change of dates to make it affective during school year 2018-2019, and the addition of one officer at the 50% reimbursement rate.

Councilmember Freeman stated the agreement includes one (1) additional officer. Councilmember Smede believes this agreement is incredibly beneficial for students. She commended Officer John Cowley. Councilmember Dingman believes this agreement builds trust with the additional communication between the IFPD and the community.

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It was moved by Councilmember Freeman, seconded by Councilmember Hally, to approve the School Resource Officer Agreement 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.

Parks and Recreation

Subject: Amendment of Title 8, Chapter 11 of the City Code in Regards to Cemeteries

The Parks and Recreation Department respectfully requests amendment of Title 8, Chapter 11 of the City Code to include changes in various definitions, regulations of grave lots and spaces, gravestones, and burial schedules, etc. in order to bring more consistency and predictability to cemetery uses and procedures.

Councilmember Dingman stated the following items were discussed in detail at the September 10 Council Work Session. Councilmember Freeman stated the last update for Cemetery regulations occurred in 1986.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the Ordinance amending Title 8, Chapter 11, 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, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3214

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, TO ADOPT CHANGES TO TITLE 8, CHAPTER 11 TO INCLUDE CHANGES IN VARIOUS DEFINITIONS, REGULATIONS OF GRAVE LOTS AND SPACES, GRAVESTONES, BURIAL SCHEDULES, OWNERSHIP PROCESSES AND DISINTERMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Agreement for Purchase and Sale of Water Right

For consideration is an agreement for the purchase and sale of the water right between Walker Land & Cattle, LLC and the City of Idaho Falls. Walker Land & Cattle, LLC desires to sell and the City of Idaho Falls desires to buy a 15-acre portion of the Water Right No. 35-13314 for use at Noise Park in the amount of \$82,500.

Councilmember Dingman stated this agreement will allow the opportunity for progress and evolution of the development of Noise Park and for the multiple amenities. Councilmember Francis believes the opportunity to get water rights is tremendous. Councilmember Hally stated numerous events occur at Noise Park which require water.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the agreement for the purchase and sale of the water right, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Subject: Change Order No. 1 for the Myers Anderson agreement for the Maeck Zoo Education Center

For consideration is Change Order No. 1 in the amount of \$68,089.73 for RC Heavy Haul, sub-contractor to Petra, Inc. the general contractor on the Maeck Zoo Education Center project. This change order will include supply, installation and relocation of a 200-foot section of storm water piping, supply and installation of a water meter and pit, and supply and replacement of two existing manholes. It also provides an additional new sectionalizing cabinet.

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Councilmember Dingman stated there was a miscalculation, in the amount of \$23.32, as discussed at the September 10 Council Work Session. The amount has been corrected.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve Change Order No. 1 in the amount of \$68,089.73, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Veterinary Services Independent Contractor Agreement

For consideration is an independent contractor agreement renewal between the City of Idaho Falls and Dr. Rhonda Aliah for the purposes of providing veterinary services at the Idaho Falls Zoo at Tautphaus Park from October 1, 2018 through September 30, 2019.

Councilmember Dingman stated the City is fortunate to continue working with Dr. Aliah as she has the ability to care for a wide variety of animals. There are no changes from the prior contract, including no change to the fee rate. Councilmember Radford concurred with Councilmember Dingman regarding Dr. Aliah.

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

Community Development Services

Subject: Electric Line Extension Fee Waiver, Bonneville Hotel

For consideration is a request to waive the electric line extension fees for the Bonneville Hotel. The property is within the area designated for fee waivers by resolution 2016-29. The total fees, including materials and labor totaled \$61,911.79. Of that amount, \$23,228.90 is directly related to the hotel. The remaining amount is for burying the lines in the alley. To be consistent with other recent waivers downtown, staff recommends waiving \$38,382.89 for the alley work. The applicant would like to request the remaining \$23,228.90 be waived as well.

Community Development Services Director Brad Cramer appeared. He stated the Bonneville Hotel falls within the resolution approved in 2016. The resolution allows fee waivers to encourage and incentivize redevelopment projects within areas suffering from urban blight and needing revitalization. He indicated the resolution has not been applied in a consistent manner, although, over the course of the previous year there has been effort to waive only the labor costs and not the equipment. Director Cramer stated the request to waive the entire amount is due to project costs. He noted this is a non-profit organization.

Councilmember Smede reiterated the property falls within the resolution. She recommended that Council follow staffs' recommendation to waive the labor costs only. She believes it is important to support development although she also believes the Council should remain good stewards to ratepayers. Councilmember Hally stated this project has been difficult to complete, is an important element to the downtown area, and, is important to the Redevelopment Agency. He indicated labor is short and costs have increased, therefore it has been difficult for The Housing Authority to obtain funds. Director Cramer believes the equipment fee waiver request is related to the electric service for the property. He expressed his concern that Idaho Falls Power could pay all costs related to downtown development. General brief comments followed.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Electric Line Extension Fee Waiver for the Bonneville Hotel fees of \$38,382.89 for City labor. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Electric Line Extension Fee Waiver for the Bonneville Hotel fees of \$23,228.90 for equipment and materials. Roll call as follows: Aye – Councilmembers Radford, Hally, Dingman, Francis. Nay – Councilmembers Smede, Freeman. Motion carried.

Subject: Professional Services Contract with Stantec for Management of EPA Brownfields Grant

For consideration is a contract with Stantec Consulting Services, Inc. for assistance in management of the recently awarded EPA Brownfields grant. Stantec was instrumental in helping write the grant and language in the contract for grant preparation indicated that if the grant was successful, the City intended to proceed with a contract for management of the grant. The contract is for an amount not to exceed \$549,500. The full grant amount is \$600,000 but it is expected that the City will retain a portion of the grant to cover staff efforts in administration.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Professional Services Contract with Stantec, 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.

Subject: Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E

For consideration is the application for Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E. The Planning and Zoning (P&Z) Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property includes two (2) parcels. This is a Category A annexation requested by the owner. This annexation would not have been eligible without prior annexation of parcels along Lincoln Road. City Services have been available.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E, 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, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3215

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 17.883 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E, 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Commercial and to approve the ordinance establishing the initial zoning for M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E as a Highway Commercial Zone, under the suspension of the rules requiring three

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complete and separate readings and that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3216

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 17.883 ACRES DESCRIBED IN SECTION 1 AND EXHIBIT A OF THIS ORDINANCE AS HC 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 Initial Zoning of HC Zone for M&B: 17.883 acres, SE ¼ Section 9, T 2N, R 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 5

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Park Place Division No. 5. The Planning and Zoning Commission considered this item at its April 3, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property was annexed in 2003 and includes 48 lots with 43 lots being buildable. She briefly reviewed the collector streets and roads for this area. The streets within the development will receive improvement to City standards including curb, gutter and sidewalk.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Park Place Division No. 5, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Final Plat for Park Place Division No. 5, 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.

Director Cramer noted the Reasoned Statement of Relevant Criteria and Standards item I.4. should be amended from R-2A and R-3A Zones to R1 Zone due to the recent rezoning ordinance. The amended Reasoned Statement of Relevant Criteria and Standards will continue to comply with the zoning designation.

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 Park Place Division No. 5, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing – Rezone to Remove a PT Overlay, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards

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For consideration is the application for rezoning property from LC and R1 with a PT overlay to LC and R1 without the PT overlay, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lots 1-4, and a portion of Lot 5, Block 1, Television Park Addition Division 1, Lots 18-21 & 24-27, Block 2, Lots 9-13, Block 3, 1st Amended Anderson-Jeppson Addition. The Planning and Zoning Commission considered this item at its August 7, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Pro Tem Hally opened the public hearing and ordered all items presented be entered into record.

Director Cramer appeared and presented the following:

Slide 1 – Property under consideration in current zoning

Slide 2 – Comprehensive Plan Future Land Use Map

Slide 3 – Aerial photo of property under consideration

Director Cramer stated staff questioned the planned transition overlay on the entire property. He indicated there is no longer demand for commercial use in this area, therefore, there should be protection for the homes.

Slide 4 – Aerial and transitional areas excerpt from guiding document

Director Cramer stated the planned transition overlay was not intended for large parcels of land. He indicated the overlay is unnecessary and should be removed to protect the R1 zoning as well as the homes.

Slide 5 – Additional aerial photo of property under consideration

Slide 6 – Photo looking down Ponderosa Drive

Slide 7 – Photo looking down Juniper Drive

Slide 8 – Photo of Limited Commercial property on north side of 17th Street

Slide 9 – Photo of Limited Commercial property on north side of 17th Street

Councilmember Francis concurred the removal of the overlay is the best way to protect the homes. Councilmember Radford questioned the section of the property with the overlay. Director Cramer believes the overlay should not have been there in the beginning. Councilmember Radford questioned the single home in the location converting to a business. Director Cramer stated this would be considered spot zone.

Mayor Pro Tem Hally requested any public comment. No one appeared. Mayor Pro Tem Hally closed the public hearing.

Mayor Pro Tem Hally reopened the public hearing to allow the applicant to address the Council.

Kaden Fuhriman, Horrocks Engineering, appeared on behalf of the client. Mr. Fuhriman reiterated Director Cramer’s comments regarding the planned transition overlay. Mr. Fuhriman stated the client will be using a shared approach and will improve the approach on/off from 17th Street.

Mayor Pro Tem Hally reclosed the public hearing.

Councilmember Smede stated any future commercial development would require the public hearing process.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance rezoning Lots 1-4, and a portion of Lot 5, Block 1, Television Park Addition Division 1, Lots 18-21 & 24-27, Block 2, Lots 9-13, Block 3, 1st Amended Anderson-Jeppson Addition, 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, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3217

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF LOTS 1-4, & PORTION LOT 5, BLOCK 1, TELEVISION PARK ADDITION DIVISION 1, LOTS 18-21 & 24-27, BLOCK 2, LOTS 9-13, BLOCK 3, 1ST

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AMENDED ANDERSON-JEPPSON ADDITION AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1/PT AND LC/PT/T1 TO R1 AND LC/T1 REMOVING THE PT, PLANNED TRANSITION OVERLAY 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 rezoning of Lots 1-4, and a portion of Lot 5, Block 1, Television Park Addition Division 1, Lots 18-21 & 24-27, Block 2, Lots 9-13, Block 3, 1st Amended Anderson-Jeppson Addition, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Zoning Ordinance Amendments

For consideration is an ordinance amending various sections of the zoning ordinance. The changes include adding language back into the code that was inadvertently omitted, clarifying the conditional use permit process and responsibilities, and clarifying language regarding caretaker dwellings, density calculations, and enforcement. The Planning and Zoning Commission considered this item at its August 7, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Pro Tem Hally opened the public hearing and ordered all items presented be entered into record.

Director Cramer appeared and presented the following:

Slide 1 – Nonconforming Structures language

Director Cramer stated the section refers to buildings that were constructed prior to a code that don't meet current standards. The section was inadvertently omitted.

Slide 2 – Standards for residential zones tables

Director Cramer stated this amendment corrected 'gross density' which should read 'net density'.

Slide 3 – Land Use tables

Director Cramer stated the table outlines different types of Conditional Use Permits (CUP) and which type is considered by which staff and/or P&Z.

Slide 4 – Accessory Dwelling Units

Director Cramer stated commercial and industrial accessory dwelling units were excluded in order to meet residential zone standards.

Slide 5 – Enforcement

Director Cramer stated this amendment will match the revised zoning ordinance.

Mayor Pro Tem Hally requested any public comment. No one appeared. Mayor Pro Tem Hally closed the public hearing.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the ordinance 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 Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

At the request of Mayor Pro Tem Hally, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3218

AN ORDINANCE AMENDING TITLE 11 OF THE IDAHO FALLS CITY CODE, AMENDING THE COMPREHENSIVE ZONING CODE TO FURTHER DEFINE NONCONFORMING STRUCTURES, CLARIFY C.U.P. PROCESSES, ALLOW ACCESSORY DWELLINGS IN COMMERCIAL USES, CALCULATE DENSITY IN RESIDENTIAL ZONES, AND DEFINE CODE ENFORCEMENT PROCEDURES; PROVIDING

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SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Public Comment:

Mayor Pro Tem Hally requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Holly Jackson, Creations of a Child owner, appeared. Ms. Jackson stated she understands the process coming from the State to prohibit temporary child care licenses. She requested streamlining the process to obtain a child care license as she indicated it takes approximately 4-6 weeks to obtain a license. She believes the child care facilities are being set up to fail as there is not enough staff. Ms. Jackson stated there are more than 30 licensed daycare facilities in Idaho Falls which enrolls thousands of children and hundreds of employees. She asked the City to help save the businesses, save the children, and save the City as no one will move to Idaho Falls without daycare. She believes this comes down to time management. Ms. Jackson stated she contacted an additional child care facility in Pocatello and was told their City Clerk allows employees to work without licensing. She reiterated her concern for this issue.

Cori Dashnaw, child care facility owner, appeared. Ms. Dashnaw understands the importance and the length of background checks. She requested consideration of compliance with the State or the City as compliance with both entities is slowing down the process and she believes this will create more unlicensed, unsafe daycare facilities. Ms. Dashnaw expressed her concern for children and the economy as a whole.

Lisa Disney, Idaho Falls, appeared. Ms. Disney stated she has been told there are five (5) different programs for licensing. She questioned how to get the process more streamlined as this process is delaying hiring of employees. Ms. Disney believes all facilities have the same issues.

Holly Jackson reappeared. Ms. Jackson questioned the length of time to run a background check for a child care provider. She does not believe this make sense. She questioned how to fix this issue as a community and how to keep kids safe.

Adjournment:

There being no further business, it was moved by Councilmember Radford to adjourn the meeting at 9:09 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR