

October 10, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 10, 2019, 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
Councilmember Thomas Hally
Councilmember Jim Freeman
Councilmember Jim Francis
Councilmember John Radford
Councilmember Shelly Smede

Absent:

Councilmember Michelle Ziel-Dingman

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Kamryn Roos, a 6th grade student at Rim Rock Elementary, and daughter of Josh Roos, City Treasurer, to lead those present in the Pledge of Allegiance.

Presentation:

Mayor Casper invited Police Chief Bryce Johnson for this presentation. Chief Johnson shared a personal story of the first July 4th celebration he attended in Idaho Falls. He stated at this celebration he was approached by a law enforcement officer from another jurisdiction which happened to be the stepson of Frank VanderSloot. Chief Johnson then indicated approximately one (1) year ago he received a phone call regarding some available office space at the Melaleuca Building on Broadway. He stated this office space was donated for multiple administrative duties which has allowed office space at the current Law Enforcement Building (LEB) to become available for a break room for uniformed officers and other civilian staff and, a soft interview room for witnesses and victims. Chief Johnson then presented the inaugural Idaho Falls Police Community Partner Award to Frank L. VanderSloot of Melaleuca. Chief Johnson stated this award is intended for community members who because of their desire support the Idaho Falls community in a significant way in support the furtherance of public safety, Police operations, and, the overall goals and missions of the Idaho Falls Police Department (IFPD). The donation of 3,500 square feet offers significant support to the IFPD operationally as well as supporting the quality of life for the officers. A standing ovation followed. Mayor Casper reiterated the shortage of space. She also reiterated this office space is a donation and has been made available without a great deal of cost. She noted this office space is not permanent although this space is very valuable in terms of safety and quality of Police work. She expressed her appreciation for this donation. Mr. VanderSloot believes this is an awesome community to live in and to be part of as there is very little contention. He believes this is due to the residents and the elected officials who serve. He recognized the unwarranted attacks on Police departments throughout the country. He believes the IFPD deserves the support.

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.

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Consent Agenda:

Idaho Falls Power requested approval of Power Trade Confirmation Agreements with Shell Energy North America (US), LP; and, approval of Generation Protection Services Review by Brown Kysar Inc. (BKI).

Municipal Services requested approval of the Treasurer's Report for the month of August, 2019; Bid IF-20-A Backhoe for Public Works; and, Quote 19-035 Purchase of Cargo Van for Idaho Falls Zoo.

Public Works requested approval of Bid Award – Well 4 Well House Replacement; Bid Award – Mound Sanitary Sewer Lift Station Upgrade and 17th Street and Yellowstone Storm Lift Station Upgrade; and, Bid Award – Broadway Street Lights - Old Butte Road to Bellin Road.

The City Clerk requested approval of minutes from the September 23, 2019 Council Work Session; and, September 26, 2019 Council Meeting and Executive Session; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Airport

Subject: Contract and Notice of Award to Knife River Construction

It is the recommendation of the Idaho Falls Regional Airport to approve the Notice of Award to Knife River Construction. The Contract price is \$1,824,292. The purpose of this project is to relocate runway 17 end and connecting taxiway, to remove taxiway A from taxiway A1 to runway 17, and to construct taxiway H from taxiway A to taxiway B. At the September 26, 2019 City Council Meeting the City Council approved the acceptance of the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant #46-2019 for this project.

Airport Director Rick Cloutier reviewed the construction activities. He stated this intersection has been identified by the FAA as a hazardous spot. Director Cloutier reviewed the three (3) bidders. He stated this project is 93.75% funded by the FAA, the remaining \$114,000 will be utilized from the Airport funds. Mayor Casper stated this item was reviewed prior to the receipt of the formal grants from the FAA. Councilmember Radford noted this project has been in the works for numerous years.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Contract and Notice of Award to Knife River Construction and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Subject: Approve and Authorize the Procurement Agreement with M-B Companies

It is the recommendation of the Idaho Falls Regional Airport to approve the Procurement Agreement to M-B Companies for the procurement and purchase of Multi-Tasking Equipment for Airfield Snow Removal. The contract price of the awarded contract is \$680,114. At the September 26, 2019 City Council Meeting the City Council approved the acceptance of the FAA AIP grant #45-2019 for this project.

Director Cloutier reviewed the procurement equipment. He stated three (3) bids were received for this project. He also stated this project is 93.75% funded by the FAA, the remaining amount will be utilized from the Airport funds. He noted this equipment will not be received until the following summer.

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It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Procurement Agreement with M-B Companies and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Idaho Falls Power

Subject: Bid Award to Rivers West Construction for Idaho Falls Power Mezzanine Remodel

To remodel the warehouse mezzanine in the Idaho Falls Power administration building to the lowest responsive and responsible bids received for \$87,165.00.

Idaho Falls Power Director Bear Prairie stated this space, a current open warehouse area, will be utilized for additional office space.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to accept and approve the bid from the lowest responsive and responsible bidder, Rivers West Construction, for \$87,165.00. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede. Nay – none. Motion carried.

Public Works

Subject: Easement Vacation – East View Addition

For consideration is an easement vacation for Lots 12, 13, 20, and 21 in Block 17 of the East View Addition, Division 3. This easement vacation is requested by the lot owners, Carey R. and Julie K. Heaton, to better facilitate the development of their property.

Councilmember Freeman stated all departments affected by this easement have given approval as there is no anticipated future need for the easement.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the ordinance vacating the easements for Lots 12, 13, 20, and 21 in Block 17 of the East View Addition, Division 3, under the 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 – Councilmembers 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. 3275

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Community Development Services

Subject: Ordinance and Memorandum of Understanding Regarding Parking Enforcement in the Downtown Area

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For consideration is an ordinance modifying various sections of City Code to allow an authorized parking enforcement agent to assist in parking enforcement. The Ordinance also includes an appeal process for parking violation tickets and addresses other minor changes within these sections. The ordinance is directly related to the Memorandum of Understanding (MOU) which designates Idaho Falls Downtown Development Corporation (IFDDC) as an authorized parking enforcement agent for the downtown area. This concept was discussed during the budget work sessions earlier this year and the Council indicated support for developing the MOU and committed \$35,000 in the budget to assist with this transition. The MOU stipulates the authority of IFDDC, how the money from the City and any parking tickets may be used.

Community Development Services Director Brad Cramer reiterated changes to the ordinance will authorize an enforcement agent for the City to enforce parking standards specifically in the downtown area and, the MOU will designate IFDDC as the parking enforcement agent. He noted the Parking Management Agreement with IF-1, LLC, managed by the Oppenheimer Corporation, will manage the underground parking garage and the surface parking at The Broadway. Director Cramer stated the City currently owns The Broadway. The Broadway is still under warranty, hence the agreement with IF-1, LLC, and not IFDDC. This management agreement will be reviewed after one (1) year. To the response of Councilmember Freeman, Director Cramer stated the warranty is with the construction company. Councilmember Smede reiterated Director Cramer's comments. She stated although this is a pilot project she recognized the extensive research by Catherine Smith, IFDDC Executive Director, with positive input received from the downtown business owners. Councilmember Smede noted this item was previously discussed during the budget sessions.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance amending various sections of City Code related to parking enforcement 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 – Councilmembers Radford, Freeman, Smede, Francis, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3276

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING THE CITY CODE'S DOWNTOWN PARKING REGULATIONS, CREATING PROCEDURES AND REGULATIONS FOR THE COUNCIL TO AUTHORIZE AGENTS TO ENFORCE THE DOWNTOWN PARKING REGULATIONS, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Memorandum of Understanding with the Idaho Falls Downtown Development Corporation, and give authorization for the Mayor and City Clerk to execute the necessary documents. Councilmember Francis noted the annual report date was adjusted in the MOU. Roll call as follows: Aye – Councilmembers Hally, Smede, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Parking Management Agreement with IF-1, LLC for The Broadway Garage

For consideration is a Parking Management Agreement between Idaho Falls and IF-1, LLC to manage the parking garage at The Broadway. IF-1, LLC owns the buildings on the site and constructed the garage and plaza.

Councilmember Smede reiterated Director Cramer's previous comments. She stated the agreement outlines responsibilities for maintenance, revenues, and, expenditures.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Parking Management Agreement with IF-1, LLC and give authorization for the Mayor and City Clerk to execute the

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necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing – Snake River Townhomes Planned Unit Development and Reasoned Statement of Relevant Criteria and Standards

For consideration is the application for a Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards for Snake River Townhomes in the Snake River Landing Development. This application was considered by the Planning and Zoning Commission (P&Z) at its September 3, 2019 meeting and recommended for approval by unanimous vote.

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

Director Cramer stated this property includes 53 townhomes. He indicated one (1) reason for a PUD is when the developer wants to utilize private streets for lots that will eventually be sold. A PUD also allows for some adjustment of regular development standards in exchange for amenities in the development. Director Cramer presented the following:

Slide 1 – Current zoning of property under consideration

Slide 2 – Comprehensive Plan Future Land Use Map

Slide 3 – Aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration

Director Cramer noted the private roadway system that was previously referenced.

Slide 5 – Site plan exhibit

Director Cramer stated in this design the fronts of the public buildings will face the public streets. He noted this is a unique design for Idaho Falls. He stated a request for a reduction in setbacks from a street, which is one (1) adjustment for the PUD, is taking place along the private streets with a rear-loaded garage. In exchange is a large playground on the north end of property.

Slide 6 – Landscape exhibit

Director Cramer noted the pathways will connect with the Snake River Landing bike and pedestrian system. This is one (1) of the amenities listed in the Code. Director Cramer stated PUDs are required to have a higher percentage of landscaping than normal development.

Slide 7 – Phasing exhibit

Director Cramer stated this development will be built over five (5) phases. The amenities are required to be built in the first phase of the PUD. Phase one (1) includes the playground.

Slide 8 – Building 1, 5 unit elevations

Slide 9 – Building 2, 3 unit elevations

Slide 10 – Building 2, 5 unit elevations

Slide 11 – Photo of corner of White Water and Snake River Parkway

Slide 12 – Photos looking north and west along the site

Councilmember Radford questioned the requirement of the Home Owners Association (HOA) in the PUD to pay for snow removal. Director Cramer stated an HOA is not required although covenants are required to ensure the utility lines and roadways were covered. Any utility lines and roadways will be private and will require maintenance. To the response of Councilmember Hally, Director Cramer confirmed the internal streets are private within the development. To the response of Councilmember Freeman, Director Cramer also confirmed the City will not be required to maintain the park. Mayor Casper stated, due to the connectivity requirement, the most significant pathway is across a very busy street. She questioned a plan for pedestrian crossing of the street. Director Cramer is unsure if this item was specifically addressed in this particular development. He reviewed the most logical connection on the map. Mayor Casper questioned requirements for a child-friendly crosswalk versus the current pavers in Snake River Landing. Director Cramer stated an additional adjustment requested is a reduction in length of the parking stalls from 9x20 stalls to 9x19 stalls. He indicated a variance for that same standard and setbacks were approved for the adjacent apartments. He believes the loss of one (1) foot is not detrimental and there would be no negative impacts on the development. To the response of Councilmember Francis, Director Cramer

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confirmed there will be no parking on the streets. He noted the additional parking stalls in the center of the development.

Mayor Casper requested public comment from the applicant.

Dan Larsen, Kartchner Homes, appeared. Mr. Larsen reviewed the connectivity of the trail systems. He noted the trail systems have not been pushed out into the road. He also noted each unit will have two-car parking. He reviewed the area for visitor parking. He also confirmed there will be no parking in the driveway or on the roads. Mr. Larsen expressed his appreciation to staff. Councilmember Radford questioned the parking enforcement. Mr. Larsen stated parking enforcement will be set up with the HOA.

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

Councilmember Smede reiterated Director Cramer's comments of development, the number of units, and, the proposed living units. Councilmember Radford expressed his appreciation for Code changes that may have facilitated a different architectural style.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Planned Unit Development for Snake River Townhomes. Roll call as follows: Aye – Councilmembers Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Snake River Townhomes, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford. Smede. Nay – none. Motion carried.

Subject: Public Hearing – Modifications to the Zoning Code and Sign Code

For consideration is an ordinance for minor modifications to the zoning code and sign code. These changes are part of ongoing maintenance to both codes which CDS conducts annually. The changes address issues identified during implementation of the codes. These changes were reviewed by the Planning and Zoning Commission at its September 3, 2019 meeting and recommended for approval by a 5-1 vote.

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

To the response of Mayor Casper, Director Cramer confirmed this item is a legislative hearing. He stated staff has been reviewing ordinances on an annual basis to keep the ordinances up-to-date. Staff is also addressing issues on a regular basis versus an emergency basis. These proposed modifications are mainly clean-up adjustments. Director Cramer stated the Zoning Code was amended several months ago to move Conditional Use Permits (CUP) from the P&Z to the Board of Adjustment (BOA). He believes this amendment has worked wonderfully and has increased the BOA meeting frequency. However, he indicated the CUPs were not changed in the Sign Code. Therefore, the only modification to the Sign Code is moving the CUP from the P&Z to the BOA. Director Cramer stated several of the Zoning Code changes will relate to land uses that were previously included although they were missed during the re-write of the Code.

Slide 1 – Proposed text

Director Cramer stated one (1) change will allow financial institutions in the R3A zone, which has always been allowed. He stated another change will allow residential development in the Limited Commercial (LC) Zone. The LC has been a mixed-use zone that has allowed residential development although single-unit attached and single-unit detached were missed in the previous amendments. He referred to the previous hearing for Snake River Landing that allowed these units. These units have been previously allowed, they are being reinserted in the Zoning Code.

Slide 2 – Proposed text

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Director Cramer stated the Code previously allowed residential development to occur in the LC Zone although it needed to follow the standards of the R3A Zone. This is being re-inserted into the Code.

Slide 3 – Proposed text

Director Cramer stated the PUD of the Code previously required at least one (1) of the amenities must be built in the first phase of the phasing plan. This section was also dropped during the updates and is being re-inserted. Director Cramer believes this is an important part of the zoning ordinance to ensure the amenity is built. Councilmember Francis questioned the strike-through on the LC setback. Director Cramer stated this is a site-width requirement in the LC Zone in anticipation of residential development. He noted commercial developments do not have a requirement for street frontage, as is required on a home, as commercial development often takes a large lot and breaks it into smaller pieces. Not all of those lots may have frontage on a street. Director Cramer stated the site width was required to be the frontage, which created a problem. The width requirements were deleted from the Commercial Zones. Director Cramer also noted the asterisks will refer to the R3A standards in the Code. To the response of Councilmember Freeman, Director Cramer stated the elimination of the financial institutions was noticed by staff during a permit request.

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

Councilmember Smede reminded the Council that revisions would be required when the Code was changed in the previous year. She reiterated Director Cramer's comments.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Ordinance amending the Zoning Code and Sign 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 – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3277

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 7, CHAPTER 9, TO CHANGE AND REVIEW CONDITIONAL USE PERMITS TO THE BOARD OF ADJUSTMENTS; AMENDING TITLE 11, CHAPTERS 2 AND 3 OF THE ZONING CODE TO MODIFY THE LAND USE TABLES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Municipal Services

Subject: Quote 19-036 Renovation of City Hall Utility Offices

On September 9, 2019, quotes were received and opened for the renovation of City Hall Utility Offices.

Councilmember Radford stated this item has been discussed for a number of years. To the response of Councilmember Freeman, Municipal Services Director Pamela Alexander confirmed a flood occurred in the utility office due to epic rain fall and old piping. She stated this issue will be addressed when current staff is relocated. Mayor Casper stated the renovations will allow consolidation of public services, including handicapped access.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the quote from Alan Clark Construction, Inc. of Idaho Falls for a total of \$86,559.00. Councilmember Francis commended Director Alexander for working on the accessibility of City Hall for several years. Mayor Casper stated there is an ongoing plan for accessibility. Director Alexander noted City Hall is a 1930's building, renovations are occurring as possible. She also recognized the Space Utilization Committee that focuses on Americans with Disabilities Act (ADA)-type accessibility issues. She noted the funding for the renovations is not coming from ADA funds. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried

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Subject: Public Hearing for the Purchase and Sale Agreement between the City of Idaho Falls and Bonneville County

The purpose of the public hearing is to receive public comment for the purchase of surplus 4-H property for \$430,000.00.

Mayor Casper stated this property is known as the 4-H Building, or the Bonneville County Extension Building, and is currently owned by Bonneville County. This building will be intended to assist with zoo expansion and zoo administrative offices. Mayor Casper noted each governmental entity is required to hold public hearings. She indicated Bonneville County has previously held their public hearing and the agreement has been signed by the County. The agreement would be approved by the Council in the future if there are no concerns.

Mayor Casper opened the public hearing and requested any public comment. No one appeared. Mayor Casper closed the public hearing. Councilmember Francis expressed his concern for personal comments. Following brief discussion it was decided Councilmember Francis would contact the Directors for any specific concerns.

There was no action recommended.

Announcements:

Mayor Casper announced several shows will be forthcoming at the Colonial Theatre; Idaho Falls, on behalf of the Chamber of Commerce, will be hosting the annual legislative tour which will include a ribbon cutting for new Idaho National Laboratory (INL) buildings; a Special Council Meeting will be held on October 17 regarding the future of Idaho Falls Fiber; and, Councilmember Dingman is participating in transportation meetings. Councilmember Dingman will also be participating in the Mrs. Idaho pageant.

There being no further business, the meeting adjourned at 8:39 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR