

November 14, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 14, 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 John Radford
Councilmember Jim Francis
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 Kailey Johnson, a sophomore at Compass Academy and Senior Girl Scout in Troop 733, 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.

Catherine Smith, Idaho Falls resident and Idaho Falls Downtown Development Corporation (IFDDC) Executive Director, appeared. Ms. Smith expressed her concern with downtown scooters. She likes the idea of another mode of transportation although she expressed her concern with the speed limits. She believes 15 mph is too fast for downtown sidewalks as they are some of the busiest sidewalks. She suggested a solution to slow down traffic on the sidewalk is to provide a rule that scooter riders must dismount through a crosswalk. Ms. Smith also stated IFDDC is now managing the on-street parking following the October 10 Council Meeting. She indicated IFDDC is actively working hard to respond to concerns.

Carter Smith, Idaho Falls resident, appeared. Mr. Smith stated he believes the City should have a skate park downtown. He stated it would be more fun to bring in tourists with skateboarding kids.

Jake Durtschi, Idaho Falls resident and IFDDC Chairperson for the Idaho Falls Park Advisory Board, appeared. Mr. Durtschi stated IFDDC performed two (2) years of research, including other cities, to move parking forward for growth. He concurred with Ms. Smith regarding hiccups that have occurred due to past enforcement. He noted no rules have been changed and IFDDC is only enforcing the rules that have been in place.

Jim Pletcher, husband to an owner of a downtown shop, appeared. Mr. Pletcher stated he has been attending IFDDC meetings as an observant and with the perspective as a retail owner. He believes the process has been excellent and there has been a lot of hard work and thought. He stated there has not been rigidity and there is flexibility put in place to evaluate changes. He also stated getting the two (2) hour parking more into the hand of the customers, clients, and, visitors is the goal to proceed with. Mr. Pletcher is in strong favor of that approach.

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Tasha Taylor, Idaho Falls resident and member of the IFDDC Board, appeared. Ms. Taylor concurred with Mr. Durtschi and Ms. Smith. She believes there should have been support from the City. She also believes the misconception is the lack of communication. Ms. Taylor requested support for downtown.

Consent Agenda:

Idaho Falls Power requested approval of minutes from the October 17, 2019 Special Council Meeting.

The Fire Department requested approval of Bingham County Ambulance Service Agreement; and, Firefighter Personal Protective Equipment (PPE).

Municipal Services requested approval of the Treasurer's Report for the month of September, 2019; Bid IF-20-D Backhoe Loader for Public Works; Bid IF-20-F Used Tractor with Mower for Parks and Recreation; Bid IF 20-G Pierce Enforcer Pumper Truck Fire Department; and, Bid IF-20-H Two Dump Trucks for Public Works.

The City Clerk requested approval of minutes from the October 21, 2019 Council Work Session; October 24, 2019 Council Meeting; and, November 8, 2019 Executive Session and Special Council Meeting; and, license applications, all carrying the required approvals.

Councilmember Radford noted, for those present, that many of the items on the Consent Agenda were worked through during previous budget meetings.

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 Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was then moved by Councilmember Smede, seconded by Councilmember Freeman, to remove item 5.B.2) Parks and Recreation, War Bonnet Round Up Association Agreement, from the agenda as it is not ready for consideration. This item will be added to a future agenda following additional discussion. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 1.753 acres, SW1/4, Section 26, T 2N, R 37E

For consideration is an application for Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2North, Range 37 East. The application was considered by the Planning and Zoning Commission at its October 2, 2018 meeting and recommended approval by unanimous vote. Because the Commission's recommendation was over a year old the annexation and initial zoning was reconsidered by the Commission at their November 12, 2019 meeting and again recommended for approval. Staff recommends approval of the application.

Councilmember Smede stated this property is located north of Jackson Hole Junction. The intent is to use the property for commercial uses. This annexation is Category A, requested by the property owner. There are services readily available in the area.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, under

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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 Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3280

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.753 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 of M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, 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 Medical Services Center and to approve the ordinance establishing the initial zoning for M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, under a suspension of the rules requiring three complete and separate readings and request 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 Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3281

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.753 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC, HIGHWAY COMMERCIAL 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 for M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, 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, Loder Subdivision

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Loder Subdivision. The application was considered by the Planning and Zoning Commission at its October 2, 2018 meeting and recommended approval by unanimous vote. Because the Commission's recommendation was over a year old the plat was reconsidered by the Commission at their November 12, 2019 meeting and again recommended for approval. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

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Councilmember Smede questioned this final plat, versus a preliminary plat, due to this area being annexed in the previous motions. Community Development Services Director Brad Cramer stated there are a number of requirements in the subdivision ordinance for a preliminary plat. However, because this is one (1) lot and it follows existing roadways the ordinance does not require a preliminary plat. Councilmember Smede stated this property is currently vacant, undeveloped land and is a single-lot plat. The property will require development of sidewalks along the frontage and during modification of the Jackson Hole Junction improvement drawings. Mayor Casper questioned development along the interstate including the frontage road. She also questioned placing a walking area next to the interstate where there is only one (1) road entrance into the parcel. Director Cramer confirmed the sidewalk is on the Pioneer Road side and will most likely be on only one (1) side of Pioneer Road. He indicated the parcel is small enough that a single access will likely be adequate for emergency services although it would require internal accommodation if needed. He stated if shared access is required a second entrance would be added. Councilmember Francis questioned the final plat being drawn up prior to annexation. Director Cramer stated this was previously a common practice. He also stated both these items were approved more than a year ago and it is a fairly simple plat. Councilmember Dingman questioned the property owner being located so closely to Jackson Hole Junction. Director Cramer does not recall the owner of property but he stated this property would not be part of the Jackson Hole Junction plat.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Loder Subdivision, 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 accept the Final Plat for Loder Subdivision, 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.

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 Loder Subdivision, 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: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Brookside Division No. 6

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Brookside Division No. 6. The application was considered by the Planning and Zoning Commission at its June 4, 2019 meeting and recommended approval by unanimous vote. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

Councilmember Smede stated two (2) previous preliminary plats were approved for this area in 2001 and 2008. The land was annexed into the City in March 2018. The developer has previously worked with the City to allow water lines to run through the County property. A variance was previously approved which serves to allow development and to protect water line placement. Councilmember Smede stated there are seven (7) buildable lots and all will be completed in a single phase as detached, single-dwelling units.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Brookside Division No. 6, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – Radford. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Brookside Division No. 6, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final

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Plat. Roll call as follows: Aye – Councilmembers Freeman, Smede, Francis, Dingman, Hally. Nay – Radford. 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 Brookside Division No. 6, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – Radford. Motion carried.

To the response of Mayor Casper, Councilmember Radford expressed his concern with amended plats when the infrastructure is not being fully played out through whole subdivision plats.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Winter Sunnyside Development Division No. 1

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Winter Sunnyside Development Division No. 1. The application was considered by the Planning and Zoning Commission at its June 4, 2019 meeting and recommended approval by unanimous vote. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

Councilmember Smede stated this property was annexed in April 2018. The single building has since been removed and the property contains a single commercial lot. Councilmember Smede stated direct access to Sunnyside Road for just this lot will not be allowed. The plat establishes a shared access easement for the property to the east. Cross access will be encouraged so potential development of properties to the west could utilize the shared access. To the response of Councilmember Francis, Director Cramer confirmed there will be access to the east so it will not encroach onto residential property. The hope is to share access on the west. To the response of Councilmember Radford, Director Cramer confirmed that Public Works believes this is the least obtrusive way to provide access and protect the major thoroughfare. Councilmember Radford questioned an access road off the main road. Director Cramer stated it is not a warranted need in this situation.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Winter Sunnyside Development Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Winter Sunnyside Development Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. 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 Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Winter Sunnyside Development Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Parks and Recreation:

Subject: Purchase and Sale Agreement between the City of Idaho Falls and Robert Elden Pennock

For consideration is a Purchase and Sale Agreement between the City of Idaho Falls and Robert Elden Pennock for the land next to Heritage Park that will allow the City to develop Heritage Park and connect the park to the south end of Milligan Road.

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Councilmember Freeman stated there have been issues since the property was donated for Heritage Park and there is a need for property for the next step of development. Director Holm stated there was a need to move power lines from the middle of the park to the western right-of-way along the outside of the park. The Engineering Department stated more property was needed for future widening of Milligan Road for adequate turning lanes. Councilmember Freeman stated this property will also connect to the River Walk. Councilmember Dingman questioned the purchase price. Director Holm stated the purchase price was through real estate comps, the final comp was \$45,000 per acre or \$1.01 per square foot for .31 acres. Councilmember Freeman believes this is a step forward in right direction. Councilmember Radford believes there has been a lot forethought and planning for Heritage Park. He is excited for the use of the Snake River as part of a natural park and a connection to the trail system that is now approaching 30 miles around the river. He believes park property along the river is a win for everyone.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Purchase and Sale Agreement with Robert Elden Pennock for a total amount of \$14,000, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: War Bonnet Round Up Association Agreement

This item was removed from the agenda.

Fire Department

Subject: Idaho Falls Community Hospital Transport Service Agreement

For consideration is the contract between Idaho Falls Community Hospital and the CITY for Transports that originate from IF Community Hospital and transport patients to other medical facilities. This two (2) year professional services contract will provide new services with an Eastern Idaho Medical Center.

Councilmember Francis stated this is a two (2) year agreement with one (1) year extension by mutual agreement. The Idaho Falls Fire Department (IFFD) will be the first call and primary provider. Councilmember Francis noted two (2) typos and an issue on page 4 of the agreement. He stated paragraph 1.8.d.iii should read “fee schedule as established by the City of Idaho Falls”. He noted Legal staff will correct the issue. Councilmember Radford questioned the distribution of ambulance runs between the two (2) hospitals. Fire Chief Duane Nelson stated the agreement is only for transports out of the Idaho Falls Community Hospital and is established for movement of patients between medical facilities within or outside the City. This does not include 911 responses. Chief Nelson also stated protocol has been set up for what each facility can and are willing to receive and, how to decide which patient goes to which hospital. He clarified a patient always has the choice of hospital. Councilmember Freeman stated this is similar to other County agreements. Chief Nelson stated this agreement requires a contract with other hospitals from what was previously a 911 dispatch call.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, with the modified wording as previously discussed and legal making the corrections for the contract, to approve the Healthcare Transportation Service Agreement with Idaho Falls Community Hospital, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Fire Department Lease Purchase Agreement

It is the recommendation to approve the Master Lease Purchase Agreement with PNC Equipment Finance, LLC with a five-year lease term.

Councilmember Francis stated this is a five (5) year lease purchase. He also stated this item was thoroughly discussed at the October 21 Council Work Session. The first payment will be due October 2020 and the annual

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payment will be paid from the IFFD Municipal Equipment Replacement Fund (MERF). The new truck will replace the current truck which is reaching its end of service and will go into reserve. Councilmember Francis stated the new truck will help the City keep the Insurance Services Office (ISO) rating. Councilmember Radford believes this is a good situation at this time. He stated the IFFD is trying to keep the MERF whole and will continue to allocate money into the MERF. At Mayor Casper's request, Councilmember Radford briefly explained the MERF for those present.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the Master Lease Purchase Agreement with PNC Equipment Finance, LLC for a Ladder Truck, 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.

Announcements:

Councilmember Francis expressed his appreciation to all those in attendance. Mayor Casper stated the Idaho National Laboratory (INL) will be assisting with the CyberForce Competition on November 15 and 16. The competition includes nine (9) Idaho teams. She also stated the Festival of Trees begins the week of November 18; and, the Centennial Ball, celebrating 100 years, will be held at the Colonial Theatre on November 22.

There being no further business, the meeting adjourned at 8:23 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR