



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, March 25, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Councilor Shelly Smede, Councilor Jim Francis, Councilor Jim Freeman, and Councilor Thomas Hally

Via WebEx: Council President Michelle Ziel-Dingman, and Councilor John Radford

2. Pledge of Allegiance.

Mayor Casper requested Councilor Smede to lead those present in the Pledge of Allegiance.

3. Public Comment.

Public comment was temporarily suspended.

4. Consent Agenda.

A. Airport

1) Approval of Work Order 21-02 with T-O Engineers for Airport Master Plan Update

The purpose of this work order is to obtain services and support for the Airport Master Plan Update required by the FAA. The Airport Master Plan will guide the City in the growth and future development of the Idaho Falls Regional Airport and its associated properties.

B. Idaho Falls Power

1) Idaho Falls Power Board Meeting Minutes - February 2021

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all of its meetings.

C. Public Works

1) Bid Award - Seal Coats - 2021

On Tuesday, March 16, 2021, bids were received and opened for the Seal Coats - 2021 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform seal coating on city streets.

D. Municipal Services

1) Bid IF-21-21, Purchase of Distribution Transformers for Idaho Falls Power

Bid IF-21-21 was received on March 10, 2021 for the purchase of inventory of distribution transformers for Idaho Falls Power.

- 2) Minutes from Council Meetings
March 8, 2021 Council Work Session and Executive Sessions; and March 11, 2021 Council Meeting.
- 3) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Smede, seconded by Council President Ziel-Dingman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay - none.

5. Regular Agenda.

A. Idaho Falls Power

- 1) IF-21-22 Conduit Fiber Phase III Agreement with Bluelake Utility Services, LLC.
Idaho Falls Power solicited bids from qualified contractors to provide conduit for buried electrical conductor replacement and fiber optic cable installation. We received two bids with Bluelake Utility Services, LLC. being the lowest responsive, responsible bidder. The base bid with add alternates is \$1,147,228.25, plus a ten percent (10%) contingency of \$114,722.83 for a total authorization of \$1,261,951.08.

Idaho Falls Power Director Bear Prairie stated two (2) bids were received for this project. He noted Bluelake Utility Services, LLC was also the low bid for the Phase II agreement. It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the bid award for Bluelake Utility Services, LLC of Meridian, Idaho for a not-to-exceed amount of \$1,261,951.08 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

B. Public Works

- 1) Alley Vacation - Alley adjacent to Lots 1 through 5, Block 18, of the Original Townsite of Eagle Rock, now Idaho Falls.
Attached for consideration is an ordinance to vacate an alley located in Idaho Falls. The alley lies south of the southerly right-of-way line of Oak Street and north of the northerly right-of-way line of 13th Street. The public utility use over the vacated property will be retained by the city in the form of a utility easement. The alley shall revert to the property owner that owns each side of the alley.

Public Works Director Chris Fredericksen stated the alley is approximately 80' in length with

water and power lines existing within the alley. Per Councilor Francis, Director Fredericksen stated the sanitation containers can be accommodated. Councilor Freeman noted this location is from the Eagle Rock Townsite. He reiterated utilities can be used if needed.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Alley Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title. The motion carried by the following vote: Aye - Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3373

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF A PORTION OF A PUBLIC ALLEY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED ALLEY SHALL VEST AS SPECIFIED IN SECTION 2 OF THIS ORDINANCE; RESERVING TO THE CITY A PUBLIC UTILITY EASEMENT AS DESCRIBED 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.

2) Bid Award - Street & Sanitation Building Construction

On Tuesday, March 16, 2021, bids were received and opened for the Street & Sanitation Building Construction project. A tabulation of bid results is attached. The purpose of this project is to construct a new building for use by the Street and Sanitation Divisions.

Director Fredericksen stated the proposed building is approximately 8,400 square feet and will accommodate storage for the Street and Sanitation Divisions. He noted the lowest bid was slightly over the anticipated cost, however, sufficient funds have been identified to complete the work. He also stated the Sanitation Division is funding 56% of the building; the Street Division is funding the remaining 44%; the project will include in-kind services and will be valued within the division's percentage (cost accounting will be broken out as needed); and a final cost evaluation will occur when the project is complete. He noted this facility will have an internal wash bay and will allow a crane to move containers as needed. Director Fredericksen indicated a bid protest was received. He stated upon the review of the lowest bid it was found the plumbing subcontractor license only accommodated work up to \$50,000. The bid protestor believed the cost of plumbing would be more than the \$50,000 and the low bid should be invalidated by the City. Director Fredericksen stated the bid was reviewed with the Legal Department and Rivers West Construction, who confirmed the plumbing bid was less than \$50,000. Councilor Freeman noted the contractor is local.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the plans and specifications, award to the lowest responsive, responsible bidder, Rivers West Construction, Inc., in an amount of \$1,490,000.00 and authorize the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis,

Radford, Dingman, Smede, Freeman. Nay - none.

C. Community Development Services

- 1) Public Hearing-Rezone from LC to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 1.5 acres, Jackson Hole Junction Subdivision 1st Amended, a portion of Lot-19 Blk-1.

Attached is the application for Rezoning from LC to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 1.5 acres, Jackson Hole Junction Subdivision 1st Amended, a portion of Lot-19 Blk-1. The Planning and Zoning Commission considered this item at its February 16, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Mayor Casper requested applicant presentation.

Caden Fuhriman, Horrocks Engineers, appeared on behalf of Jackson Hole Junction. Mr. Fuhriman stated this item was previously presented to the Council pending developers during the Coronavirus (COVID-19) pandemic. He noted the area was previously rezoned and the amendment of the plat occurred, however, the current request for the rezone is to adjust the property lines to make a clean break. He described the business in close proximity. Councilor Freeman questioned a road on the southern end. Mr. Fuhriman stated there are approaches that enter the area and public utilities, however, per the tenant, the drive aisle will be relocated.

Mayor Casper requested staff presentation.

Community Development Services Planning Director Kerry Beutler appeared. Mr. Beutler stated both uses are compatible with the Comprehensive Plan. Mr. Beutler noted slight differences in the zoning, HC would allow outside storage, LC would not. He also noted LC allows residential development, HC does not. He indicated the adjustment was made six (6) months ago, realizing additional adjustments would need to be made.

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

Councilor Francis believes the adjustment makes sense due to uncertain circumstances. He also believes this would open options for the development. He quoted a section of the Planning and Zoning (P&Z) Commission minutes.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the ordinance rezoning M&B: 1.5 acres, Jackson Hole Junction Subdivision 1st Amended, a portion of Lot 19 Block 1 from LC to HC under a suspension of the rules requiring three complete and

separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay - none.

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

ORDINANCE NO. 3374

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF JACKSON HOLE JUNCTION, A PORTION OF LOT 19, BLOCK 1, 1.5 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LC ZONE TO HC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the rezone from LC to HC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

2) Public Hearing-Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Brutsche Addition.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Brutsche Addition. The Planning and Zoning Commission considered this item at its February 16, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Mayor Casper requested applicant presentation.

Clint Jolley, HLE, Inc. appeared via WebEx. Mr. Jolley stated this is amending the PUD to build from one (1) lot to two (2) lots. He also stated there are currently no plans to add units; this amendment is due to financial reasons; and he will appear before the Council if future plans were to occur.

Mayor Casper requested staff presentation.

Mr. Beutler indicated this PUD is unique in the way it is being approached. He stated the PUD was initially enacted in 1977, although several changes have occurred in the City Code since that time. He also stated this amendment looks at the current ordinance as well as the historic ordinance. He noted the minor changes are slight adjustments, major changes would change the overall character of the development. Mr. Beutler stated when this PUD was developed it was developed without any set standards so he believes it's appropriate to go through the public hearing process due to the historic change. He reiterated there are no physical changes

on the current property, and the PUD will continue to meet today's standards. He indicated the property owner is working through the re-financing process and is trying to avoid a lien on the second property. Per Councilor Francis, Mr. Beutler stated any major changes would depend on current or historic standards. He noted this particular PUD meets and exceeds current standards.

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

Councilor Francis believes this is a simple split of lots. He also believes it would give flexible financing and possible development of the lot.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Planned Unit Development for Brutsche Addition as presented. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Brutsche Addition, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay - none.

3) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Brutsche Addition Division No. 1 First Amended.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Brutsche Addition Division No. 1 First Amended. The Planning and Zoning Commission considered this item at its February 16, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mr. Beutler stated this plat relates to the previous item. He reiterated the applicant is intending to create two (2) lots. The PUD will continue and will be maintained and operated as one (1) lot, and will be enforced through the zoning ordinance. Mr. Beutler noted there is no development agreement (as indicated on the agenda) due to this item being a simple amendment.

Councilor Francis stated this lot includes 8.23 acres. He noted this plat was reviewed by all City departments.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council accept the Final Plat for Brutsche Addition Division No. 1 First Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Brutsche Addition

Division No. 1 First Amended, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay - none.

4) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Jackson Hole Junction Second Amended Plat.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Jackson Hole Junction Second Amended Plat. The Planning and Zoning Commission considered this item at its February 16, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mr. Beutler noted this item does not have a development agreement (as indicated on the agenda) due to this item being a simple amendment. He stated this is an adjustment in lot lines to accommodate future development. He also stated there are four commercial (4) lots and one (1) common lot. He indicated utility easements were discussed with P&Z. He noted since that time the applicant has worked with staff and all issues were resolved. Councilor Freeman questioned the difficulty of moving the utilities in the area that may be underground. Mr. Fuhriman noted a section of the utilities will be removed due to a building and will be re-routed around the section which may require additional rock removal. Per Councilor Francis, Mr. Fuhriman stated there are five (5) lots although one (1) lot will remain a storm drain pond.

Councilor Francis stated this has been reviewed by all City departments. Director Hally noted the lava rock issue was part of the criteria to be a redevelopment area. He believes changes were needed due to ShowBiz no longer coming to the area.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council accept the Final Plat for Jackson Hole Junction Second Amended Plat, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Jackson Hole Junction Second Amended Plat, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay - none.

6. Announcements.

Mayor Casper announced March 28-April 3 as Holy Week; the Mayor's Scholarship Fund Event on March 31; the Community Zoo Clean-up day on April 3; and the City Council Work Session and the first day individuals can be vaccinated on April 5. She noted COVID-19 case numbers have slightly decreased although Bonneville County is roughly 20% of the State cases. She stated Eastern Idaho Public Health (EIPH) issued a press release stating individuals should know what they should be doing. A COVID-19 vaccine video was then presented by the Department of Health and Welfare through EIPH.

Mayor Casper announced this would be the last Council Meeting with Councilor Smede. She stated working with Councilor Smede has been a privilege, partially due to her sunny disposition even during difficult situations. She believes Councilor Smede has been a real asset to the community. The Councilmembers also shared several positive comments. Councilor Smede wants Idaho Falls to know they are being taken care of by brilliant people in the employees, Councilmembers, the Mayor, and the directors. She expressed her appreciation to the Council. Mayor Casper then presented Councilor Smede with her Council picture and Council name plate.

7. Adjournment.

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

s/ Kathy Hampton
Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor