



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

Thursday, May 13, 2021

7:30 PM

City Council Chambers

### 1. Call to Order.

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

### 2. Pledge of Allegiance.

Mayor Casper requested Council President Dingman to lead those present in the Pledge of Allegiance.

### 3. Public Comment.

Temporarily suspended.

### 4. Consent Agenda.

It was moved by Councilor Radford, seconded by Councilor Freeman, to pull from the Consent Agenda item 4. B. 2) Idaho Falls Power for separate consideration. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

#### A. Mayor's Office

##### 1) Appointments to City Boards, Commissions, and Committees

Attached please find communication from Community Development Services Director, Brad Cramer regarding the citizen volunteers I am appointing/reappointing to serve on the following City of Idaho Falls Boards, Committees, and Commissions:

Name	Board	Term Expires
Don Ormond	Idaho Falls Board of Appeals	12/31/23
Mark Andrus	Idaho Falls Board of Appeals	12/31/23
Joseph Belloff	Idaho Falls Board of Appeals	12/31/23
George Klomp	Idaho Falls Board of Appeals	12/31/23
Jonathan Gallup	Idaho Falls Board of Appeals	12/31/23
Jim Anglin	Idaho Falls Board of Appeals	12/31/23
Ted Sermon	Idaho Falls Board of Appeals	12/31/23
Max Mora	Idaho Falls Board of Appeals	12/31/23
Hugh Staiger	Idaho Falls Board of Appeals	12/31/23
Brent Conan	Idaho Falls Board of Appeals	12/31/23

---

Hugh O'Donnell	Idaho Falls Board of Appeals	12/31/23
Dale Johnson	Idaho Falls Board of Appeals	12/31/23
Mike Baumforth	Idaho Falls Board of Appeals	12/31/23
Ben Hix	Idaho Falls Board of Appeals	12/31/23
Bryce Hill	Idaho Falls Board of Appeals	12/31/23
Carl Passino	Idaho Falls Board of Appeals	12/31/23
Mike Jensen	Idaho Falls Board of Appeals	12/31/23
Nathan Gallup	Idaho Falls Board of Appeals	12/31/23
Fred Bunce	Idaho Falls Board of Appeals	12/31/23
Matt Bradley	Idaho Falls Board of Appeals	12/31/23

These individuals have been screened by Building Official Reggie Fuller and subsequently recommended by Director Cramer. I too have reviewed the information provided and I am confident these individuals meet the criteria set forth in the city code. I anticipate they will make positive contributions to the good work of the city.

I request your vote to confirm these appointments at the regular Council Meeting on Thursday, May 13, 2021.

If you have questions or comments, please feel free to contact me or Director Cramer.

## 2) Appointments to City Boards, Commissions, and Committees

Attached please find communication from Community Development Services Director, Brad Cramer regarding the citizen volunteers I am appointing to serve on the following City of Idaho Falls Boards, Committees, and Commissions:

<b>Name</b>	<b>Board</b>	<b>Term Expires</b>
Julie Anglesey	Historic Preservation Commission	12/31/24
Katherine Heiser	Historic Preservation Commission	12/31/24
Tasha Taylor	Historic Preservation Commission	12/31/24

These applicants have been screened and subsequently recommended by Director Cramer. I have reviewed the applications and have met with the recommended applicants by phone. I am confident these individuals meet the criteria set forth in city code, and I anticipate each will make positive contributions to the good work of the city.

I request your vote to confirm these appointments at the regular Council Meeting on Thursday, May 13, 2021.

If you have questions or comments, please feel free to contact me or Director Cramer.

## B. Idaho Falls Power

### 1) IFP Hydropower Generation Insurance Policy Renewal

This policy provides insurance for the City's hydropower generation facilities. The attached policy, EUTN18225293, was the best commercially available policy presented to IFP's generation plant insurance broker, Marsh Wortham (an American Public Power Association (APPA) preferred insurance broker).

### 3) Idaho Falls Power Board Meeting Minutes - March 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 - Hughes Addition Water Line Improvements**

On Tuesday, May 4, 2021, bids were received and opened for the Hughes Addition Water Line Improvements 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 replace approximately 4,000 linear feet of waterlines, water services, and complete roadway reconstruction.

#### **2) Bid Award - Sewer Line Rehabilitation - 2021**

On Tuesday, May 4, 2021, bids were received and opened for the Sewer Line Rehabilitation - 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 line approximately 3,500 linear feet of sewer line, reconnect over 70 service lines, and cut protruding services.

#### **3) Bid Award - Thermoplastic - 2021**

On Thursday, May 6, 2021, bids were received and opened for the Thermoplastic Citywide - 2021 project. A single bid was received and the bid tabulation is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to place approximately 11,500 square feet of thermoplastic pavement markings on various city streets.

#### **4) Bid Award - North Highland Park Concrete Improvements - 2021**

On Thursday, May 6, 2021, bids were received and opened for the North Highland Park Concrete Improvements - 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 install approximately 650 square yards of concrete sidewalk along Elmore Avenue in Highland Park.

### **D. Municipal Services**

#### **1) Bid IF-21-26, Purchase of Fiber Inventory for Idaho Falls Power**

On April 22, 2021, Bid IF-21-26, the City Council approved a partial fiber inventory bid award. Idaho Falls Power held the award of certain items pending further engineering analysis to ensure the products that were bid met utility specifications. Upon review they do meet requirements and we recommend awarding the bids for items 5-10 and 14 -18 from IF-21-26 bid. Staff now seeks approval to award these items to the lowest responsive and responsible bidders for a total of \$726,030.00.

#### **2) Treasurer's Report for March 2021**

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending March 2021, total cash, and investments total \$146.2M. Total receipts received and reconciled to the general ledger were reported at \$16.7M, which includes revenues of \$13.5M and interdepartmental transfers of \$3.2M. Total disbursements reconciled to the general ledger were reported at \$19.2M, which includes

salary and benefits of \$5.4M, operating costs of \$10.6M and interdepartmental transfers of \$3.2M. As reported in the attached investment report, the total investments reconciled to the general ledger were reported at \$133.6M.

**3) Minutes from Council Meetings**

April 19, 2021 City Council Work Session; and April 22, 2021 City Council Meeting.

**4) License Applications, all carrying the required approvals**

***Recommended Action:***

It was moved by Councilor Burtenshaw, seconded by Councilor Radford, to accept the Consent Agenda as amended. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

**2) IF21-30 IFP 2021 Microduct Installation Services Agreement**

Idaho Falls Fiber (IFF) has the need for a significant amount of microduct services for FY2021. Microduct needs are intermittent throughout the fiber buildout and it is imperative that when needed, these services are performed in a timely manner so as to not delay the total project. For this reason, a single contractor is not in the best interest of IFF or its customers. IFF solicited formal bids for these services with bid IF 21-30 where B. Jackson Construction, LLC and Yard Butler were the lowest responsive, responsible bidders. Approval of these agreements will allow IFF to contract for services on an as-needed basis for the best pricing and specific service.

Idaho Falls Power (IFP) Director Bear Prairie stated IFP requested to change the recommendation as was indicated on the agenda following a notice regarding clarity of the bid and responses received for the bid. Therefore, following discussion with staff and legal counsel, IFP has requested to reject all bids and re-start the process to add clarity to eliminate any confusion. Per Mayor Casper, Director Prairie stated this will not affect any construction schedules. Per Councilor Burtenshaw, Director Prairie stated the current contract indicates a 30-day termination notice as well as scope of work. Councilors Radford and Burtenshaw expressed their appreciation for the opportunity of local businesses.

It was moved by Councilor Radford, seconded by Councilor Freeman, to reject all bids related to this item. The motion carried by the following vote: Aye - Councilors Freeman, Burtenshaw, Dingman, Radford, Francis. Nay - Councilor Hally.

**5. Regular Agenda.**

**A. Municipal Services**

**1) Sole Source Purchase of Dehumidification System at the Wes Deist Aquatics Center**

On June 16, 2020, an evaluation team consisting of architecture, in-door aquatic design, structural, mechanical, and electrical engineering professionals conducted a comprehensive

facility assessment of the 34.5-year-old Wes Deist Aquatics Center. The evaluation consisted of life safety, short-term and long-term recommendations, with the facility's dehumidification units and supply ductwork throughout the natatorium being a recommendation for immediate replacement. The facilities current dehumidification units are over 20-years old and no longer effectively provide adequate dehumidification of the facility.

Councilor Burtenshaw stated there is a chance for some savings; the new dehyde system will be 1/3 of the noise of the current system; and shutdown of the Aquatic Center (for this project) will affect the smallest number of user groups.

It was moved by Councilor Burtenshaw, seconded by Council President Ziel-Dingman, to authorize to advertise the City's intent to make a sole source procurement following a 14-day period, per Idaho Code §67-2808, and authorize the City to then issue a purchase order to Norbryhn Equipment Company (NEC) for a total of \$293,275.00. The motion carried by the following vote: Aye - Councilors DIngman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

## **B. Public Works**

### **1) 17th Street and Woodruff Avenue Intersection Improvement Right-of-Way Agreement.**

Please find attached for execution a right-of-way agreement with Fast Stop 1147 Inc. for the sale of property to accommodate improvements to the 17th Street and Woodruff Avenue Intersection project. The purchase value was negotiated and involves Parcel 15 for \$126,662.00.

Public Works Assistant Director Chris Canfield stated this is the last Right-of-Way (ROW) agreement for this intersection. He also stated bidding for this project will begin in winter with construction scheduled for spring 2022. Councilor Freeman noted 18 parcels were purchased for this project; the majority of funds for the project are federal funds; the City's cost-share is 7.34%; and the project is under budget. Assistant Director Canfield noted this project will be similar to the 17th Street and Hitt Road intersection.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve of the 17th Street and Woodruff Avenue Intersection Improvement Right-of-Way Agreement and authorize the Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

## **C. City Attorney**

### **1) Public Hearing for increase of fees to the 2020/2021 Fee Schedule**

The Office of the City Attorney respectfully requests that the Mayor and Council conduct a public hearing for the addition of a fee to the 2020/2021 fee schedule and approve the corresponding resolution. The Public Hearing has been scheduled for Thursday, May 13, 2021 at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue

in Idaho Falls, Idaho. The Hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the fee schedule was published on Sunday, April 25, 2021 and Sunday, May 2, 2021.

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

Mr. Fife stated a public hearing is required per Idaho Code when fees are increased per a certain percentage. He also stated fees are approved annually during the budget session although there may be adjustments throughout the year for unexpected costs for services. Fees must have a reasonable nexus to the services provided.

Mayor Casper requested any public comment. Seeing no testimony, Mayor Casper closed the public hearing. Mayor Casper then re-opened the public hearing. Per Councilor Burtenshaw, Assistant Director Canfield stated the Iona Bonneville Sewer District (IBSD) contract expired in December with a continuing resolution through June 1, and the rate analysis determined a fee increase was needed for the services provided. He noted IBSD and the City of Ammon are very similar and followed in the same suit for recommendation for a fee increase. He also noted the City of Ucon agreement will expire December 2021 and discussions are occurring per the rate analysis with any fee increase to be addressed during the budget process. Mayor Casper re-closed the public hearing.

It was moved by Councilor Hally, seconded by Councilor Freeman, to approve the fee resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

#### RESOLUTION NO. 2021-13

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

#### 2) Ordinance Conforming Mayoral Power to Idaho Constitution and Idaho Code

Cities in Idaho are established pursuant to Idaho Constitution, Article XII. Cities are governed also by general laws contained in Idaho Code Title 50, Mayors have only the powers delegated to them by the Idaho Code. The State Legislature has limited the exercise of mayoral police power to corporate City limits, effective March 12, 2021. This Ordinance amends the City Code to reflect the limitation of mayoral authority in the Idaho Constitution and in the Idaho Code.

Per Councilor Freeman, Mayor Casper believes mayors were allowed a boundary from other communities during a pandemic.

It was moved by Councilor Hally, seconded by Councilor Freeman, to approve the ordinance

amending City Code to conform Mayoral powers to the limits of the Idaho Constitution and the Idaho 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. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3385

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1, CHAPTER 5, SECTION 7, LIMITING MAYOR'S AUTHORITY TO CITY LIMITS CONSISTENT WITH IDAHO CODE; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**3) Sister Cities Ordinance Update**

For many years, the Idaho Falls Sister Cities Program has promoted relations and understandings between the Japanese City of Tokai-mura and the City of Idaho Falls. This Ordinance revises the current City Code Chapter that regulates the City's relationship with the Sister Cities program in order to ensure that the program continues to thrive and still meet government financing and accounting best practices.

Mr. Fife stated this ordinance will align with other boards, committees, and commissions in Title 2, and will clarify the inconsistencies with City funds. He also stated there have been lengthy discussions regarding the Sister Cities group. Mr. Fife believes it's essential that the City partners with the Sister Cities Association. Councilor Francis recognized the cooperation and collaboration with the Sister Cities Association. He stated the proposed ordinance will establish an advisory committee designed to work collaboratively with the youth and adult associations to advance the goals and purposes of the program identified by the association. He described the three (3) primary functions of the committee - to compliment and support the programs cultural person-to-person exchanges with Tokai-mura, Japan; to expand the presence of the Sister Cities program and cultural understanding in the community; and provide oversight and tracking of all City funds in the City's financial protocol system. He noted there is a slight adjustment to 2-14-12 regarding funding and donations.

It was moved by Councilor Francis, seconded by Councilor Hally, to approve the ordinance reorganizing the Sister Cities Advisory Committee 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 Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

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

ORDINANCE NO. 3386

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE

STATE OF IDAHO; AMENDING TITLE 2, CHAPTER 14, TO EXPAND THE PURPOSES, DUTIES, AND GOALS OF THE SISTER CITIES ADVISORY COMMITTEE AND REORGANIZE ITS COMPOSITION; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

#### **D. Community Development Services**

##### **1) Public Hearing-CDBG PY 2020 Consolidated Annual Performance and Evaluation Report (CAPER)**

Pursuant to HUD requirements, entitlement communities receiving CDBG funds must complete an annual performance and evaluation report (CAPER). As part of the reporting process, information on projects completed and funds spent must be presented in a public hearing and then posted for public comment. The public hearing has been advertised and scheduled for the May 13, 2021, regular meeting. The meeting will be followed by a 15-day public comment period and then a request for the Council to approve a resolution at the May 27, 2021, meeting. The CAPER must be submitted to HUD no later than June 30, 2021. Questions about the CAPER or the projects presented may be directed to the CDBG Administrator, Lisa Farris.

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

Mayor Casper requested staff presentation.

Lisa Farris, Grants Administrator, appeared. Ms. Farris indicated two (2) rounds of Coronavirus (COVID-19) funds were received. She then presented the following:

Slide 1 - Community Development Block Grant (CDBG) Basics, Criteria for Projects/Activities

- Must meet one (1) of three (3) National Objectives (HUD)
- Must be a HUD Eligible Activity
- Additional Criteria

Slide 2 - Project/Activity must fit into one (1) of four (4) priorities defined by HUD

- Community Development Priority
- Economic Development Priority
- Housing Development Priority
- Public Service Priority

Slide 3 - Completed Projects/Activities.

Ms. Farris stated the Program Year (PY) is from April 1, 2020 through March 31, 2021. \$425,034 was received for PY2020, \$137,465 has been spent which assisted with the following:

- Behavioral Health Center (BHC) Eastern Idaho - \$18,000, assisted over 2,928 clients with case management, mental health assessments, services for homelessness due to a mental health crisis, or alcohol or substance abuse
- Eastern Idaho Community Action Partnership (EICAP)/Grandparents Raising Grandchildren (GRG) - \$6,000, assisted with legal aid services for 22 GRGs
- Idaho Legal Aid - \$12,000, assisted 39 households with legal aid for victims of domestic



violence

- Idaho Falls Senior Citizen Community Center - \$16,445, walk-in freezer project and one (1) full-time employee
- Administration - \$85,020, one (1) full-time staff administered CDBG Program: 2020 Annual Action Plan (AAP), 2020 CAPER, Financial/Performance Reporting, and management of all projects and activities
- Homeless Stand Down - cancelled due to COVID-19 pandemic
- 2020-21 Point in Time Count - full report pending from IHFA

Slide 4 - Projects/Activities - Status

Ms. Farris stated \$5,188.88 was spent. She noted some projects are delayed due to COVID.

- Public Works - \$141,227.30, curb, gutter, sidewalk in Highland park
- Façade Improvement - \$38,707.70, downtown lighting project finishing up
- IFP/Utility Assist - \$6,000, intake process with service provider agencies
- College of Eastern Idaho - \$8,636, 11 daycare vouchers for Low-to-Moderate Income (LMI) students
- Habitat 4 Humanity Idaho Falls (H4HIF) - \$80,383, delayed due to COVID and shortage of volunteers/contractors
- CLUB, Inc. - \$5,000, case management, services, resources and information for homeless

Slide 5 - PY2019 Program Year funds spent in PY2020, \$121,932.19

- Public Works - \$97,420, 16 homes with curb, gutter and sidewalks in Highland Park
- Façade Project - \$40,000, Pie Hole Pizza
- YMCA Chairlift Vestibule Project - \$72,000, professional design services in process
- H4HIF - \$30,000, began build/rehab
- CLUB, Inc. - \$5,000, case management for homeless

Slide 6 - PY2018 funds spent in PY2020, \$94,897.65

- Public Works - \$125,452, final payment on project
- Façade Improvement - \$55,000, SPRUCE
- Housing Rehab - \$73,000, install donated home at 1072 Science Center

Slide 7 - Ms. Farris reviewed a summary of program funds stating \$360,983.71 was spent from April 1, 2020 through March 31, 2021 which includes 41 total projects, 30 completed projects, and 11 projects are open/moving forward

Slide 8 - Map of 2020 projects completed by census tracts, 9707=1, 9711=0, 9712=23

Slide 9 - Current balances as of May 13, 2021

Year	Award	Balance	% remaining	
PY2004	\$ 491,000	\$0	0%	2004
PY2005	\$ 465,543	\$0	0%	2005
PY2006	\$ 418,940	\$0	0%	2006
PY2007	\$ 417,257	\$0	0%	2007
PY2008	\$ 402,199	\$0	0%	2008
PY2009	\$ 407,064	\$0	0%	2009
CDBG-R	\$ 109,234	\$0	0%	N/A
PY2010	\$ 441,751	\$0	0%	2010

PY2011	\$ 369,546	\$0	0%	2011
PY2012	\$ 314,082	\$0	0%	2012
PY2013	\$ 361,453	\$0	0%	2013
PY2014	\$ 342,373	\$0	0%	2014
PY2015	\$ 342,928	\$2.00	~0%	2015
PY2016	\$ 342,935	\$0	0%	2016
PY2017	\$ 336,511	\$13,917.57	~4.13%	2017
PY2018	\$ 391,880	\$11,377.00	~2.9%	2018
PY2019	\$ 399,774	\$89,556.62	~22.40%	2019
PY2020	\$ 425,034	\$271,837.76	~64.00%	2020
(17 years)	\$6,670,270	\$386,690.95		

Ms. Farris stated the 2020 allocation is expected to be \$438,662 which is going through the AAP.

Slides 10-21 - photos of several projects including:

- IF Senior Citizen Community Center - \$16,445, walk-in freezer replacement project
- Community Food Basket Idaho Falls - \$7,615, pallet wrapper machine
- Community Development Priority - before and after of curb/gutter/sidewalk improvements at 1560 Elmore
- Economic Development - assisting downtown businesses \$20,000, lighting project (1 of 5 locations)
- Housing Priority - before and after of 2018 single-unit housing acquisition/rehab at 1072 Science Center, H4HIF
- Idaho Mountain Trading - lighting/sign project
- Pie Hole Pizza - before and after of façade project
- 2018 Façade Project - SPRUCE

Slide 22 -

Ms. Farris stated CARES Act dollars were received including CV1-CDBG and CV3-CDBG, CV2 were reserved for States. These dollars included criteria, requirements, and flexibilities including no duplication of a benefit. The 2020 AAP and Public Participation Plans were amended in order to receive the funding. Flexibilities allowed 5-day public comment versus 30 days; lifted the 15% public service cap for 2020; and gave the option of WebEx platforms. Funds must be spent by September 30, 2022.

Slide 23 -

Ms. Farris stated CV1-CDBG allocation was \$250,072, 8 out of 14 projects have been completed, and as of May 13, 2021 \$87,504.73 has been spent. The money has allowed assistance to the Senior Center with Meals on Wheels; assisted 48 LMI clients with Idaho Legal Aid; H4HIF offered mortgage assistance to 4 LMI homeowners; BHC acquired Personal Protective Equipment (PPE); Community Food Basket acquired a commercial dishwasher, gas stove, sorting tables, and a dump truck; Idaho Falls Arts Council acquired sneeze guards/PPEs for 5 facilities; Trinity United Methodist Church assisted 6 adult homeless men during lockdown; and School District 91 provided 9,000 lunches for summer food program to LMI census tracts.

Slide 24 -

Ms. Farris reviewed open/status of 6 out of 14 projects stating total spent on CV1-CDBG was \$154,893.53 with a balance of \$95,178.47. \$15,000 for IFP/Utility Assistance; \$17,000 for Downtown Event Center parklet; \$25,000 for EICAP emergency assistance/Haven utilities; \$45,946.84 for administration, salary/benefits and advertising for CV1/CV3 CDBG; \$35,542.43 for homeownership lending; and \$24,078 for Trinity Day Shelter homeless services supplies.

Slides 25-30 - photos of CV1 completed projects:

- Trinity Day Shelter
- ARTitorium and Willard Arts Center sneeze guards
- Community Food Basket Idaho Falls
- BHC equipment purchases
- Senior Center - preparation of Meals on Wheels

Slide 31 -

Ms. Farris stated \$257,585 was received for CV3-CDBG, 3 out of 7 projects have been completed, and as of May 13, 2021 \$63,640.37 has been spent. The money has allowed assistance to the Idaho Falls Arts Council with utility assistance, insurance assistance, and 10 LMI full/part-time positions; BHC acquired technology purchases; and Skyline Activity Center repurpose project including purchase of pharmacy refrigerator and planned project of Vertical Platform Lift System (VPLS).

Slide 32 -

Ms. Farris reviewed open/status of 4 out of 7 projects stating total spent on CV3-CDBG was \$86,814.36 with a balance of \$170,770.63. \$70,453.34 for Skyline Activity Center Repurpose Project; \$20,000 for professional services; \$26,008 mortgage assistance to 9 LMI homeowners; \$43,593 Idaho Falls Symphony audio/visual equipment; \$40,000 Community Food Basket for counter/storage rehab and driveway resurface.

Slides 33-34 - photos of CV3 completed projects:

- Skyline Activity Center pharmacy refrigerator purchase and preparation of steps for VPLS
- BHC technology equipment

Slide 35 -

Ms. Farris stated as of May 13, 2021 \$241,707.89 of CV1-CDBG and CV3-CDBG was spent between September 2020 and May 2021; there are a total of 21 projects with 8 projects completed and 13 projects open broken out by census tracts.

Ms. Farris stated the public comment will be taken from May 13 through May 27, and the plan must be submitted to HUD by June 30.

Councilor Freeman recognized and expressed his appreciation for the accounting provided by Ms. Farris. Mayor Casper expressed her gratitude with the COVID dollars that were spent.

Mayor Casper requested any public comment. Seeing no one providing testimony, Mayor Casper closed the public hearing.

There was no action requested for this hearing.

- 2)** Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Providence Point Division No. 2.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Providence Point Division No. 2. The Planning and Zoning Commission considered this item at its March 2, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Community Development Services Director Brad Cramer stated Council approved the Planned Unit Development (PUD) for this area in February. This area includes 62 lots for residential construction, a common lot, and access lot. Per Councilor Burtenshaw, Director Cramer stated a widening of 49th S will follow the typical section for a minor arterial. Assistant Director Canfield described future improvements for the road.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Development Agreement for Providence Point Division No. 2, and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Providence Point Division No. 2 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 Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Providence Point Division No. 2 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

- 3)** Final Plat and Reasoned Statement of Relevant Criteria and Standards, Kingwood Addition Division No. 1 Third Amended.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Kingwood Addition Division No. 1 Third Amended. The Planning and Zoning Commission considered this item at its February 2, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Director Cramer stated this area is currently one (1) lot which is subdivided into seven (7) lots. He noted there is no development agreement required as there are no public improvements.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Kingwood Addition Division No. 1 Third 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 Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

---

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Kingwood Addition Division No. 1 Third Amended 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, Burtenshaw. Nay - none.

**4)** Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Fairway Estates Division No. 25.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Division No. 25. The Planning and Zoning Commission considered this item at its July 7, 2020, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Director Cramer noted a discrepancy in the staff report and the development agreement. He explained the staff report indicates there are 25 developable lots although one (1) existing lot is being re-platted in an existing previous division. The development agreement indicates there are 24 lots as it pertains to the bridge. Director Cramer indicated the one (1) lot was platted prior to the stipulation for the bridge, therefore only 24 lots are new. He also indicated there was an additional change to the development agreement, which indicated there were 48 remaining lots that could be built before a bridge is required, the correct number is 49. Per Councilor Burtenshaw, Director Cramer stated the preliminary plat shows the location of the bridge crossing.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the Development Agreement for Fairway Estates Division No. 25 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Burtenshaw, Dingman. Nay - Councilor Radford.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to accept the Final Plat for Fairway Estates Division No. 25 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 Dingman, Francis, Burtenshaw, Hally, Freeman. Nay - Councilor Radford.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Fairway Estates Division No. 25 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - Councilor Radford.

**5)** Public Hearing-Rezone from TN with PT Overlay to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Lots 37-45 less Right-of-Way, Block 62, Crows Addition.

Attached is the application for Rezoning from TN with PT Overlay to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for M&B: Lots 37-45 less right-of-way, Block 62, Crows Addition. The Planning and Zoning Commission considered this item at its April

6, 2021, meeting and recommended denial by a unanimous vote. Staff concurs with this recommendation and recommends rejection of the ordinance.

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

Mayor Casper requested applicant presentation.

Jeff Freiberg, Oxbow Lane, appeared. Mr. Freiberg stated there is currently a self-storage unit to the west of the property. He indicated Reece Naive owns this property as well as the storage unit which was built in 1977. He also stated the storage unit was built with approval of a variance although a variance is not the right tool to use. Mr. Freiberg indicated a storage unit could not be built in the current TN zone. He identified several uses that would be allowed in TN, stating none of these uses would be appropriate. He believes nothing would be appropriate as there is no frontage on the City street, although there is a little frontage by the canal on Emerson. He indicated this area is currently a weed patch. Mr. Freiberg stated Mr. Naive is wanting to put a similar unit on the property. He also stated it's easy for the City to say no, that it's spot zoning, and it doesn't comply with the neighborhood although any zoning change request would be a spot zone. He indicated the hard part is allowing what can be put there. Mr. Freiberg indicated there has not been any complaints with the existing facility that has been rented for 40 years. He also indicated Mr. Naive would like to pass this property onto his daughter.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration

Slide 2 - Property under consideration in current zoning

Director Cramer indicated there are two (2) zones on this property, Traditional Neighborhood (TN) and Planned Transitional (PT) Overlay. He stated the PT Overlay was put on most properties along 17th Street in 1987, the PT Overlay has also been requested to be removed.

Slide 3 - Property under consideration in current zoning, zoomed out

Slide 4 - Comprehensive Plan Future Land Use Map

Director Cramer stated the PT Overlay zone was designed for properties that were transitioning from single-family residential to commercial uses. It set up the number of standards required for an assembly of land in order to develop commercial use or multi-family dwelling use. Director Cramer stated that designation remains. Removal of the overlay is not consistent with the Comprehensive Plan Map.

Slide 5 - Aerial photo of property under consideration

Director Cramer stated the predominant uses in the immediate area are residential with storage units to the west.

Slide 6 - Photo looking west across property

Director Cramer stated this property is currently vacant.

Slide 7 - Photo looking west down alley

Slide 8 - Photo looking at the canal that separates the parcel from 17th Street

Director Cramer stated there is a substantial distance from the 17th Street right-of-way.

Director Cramer stated, referring to Slide 2, there is no frontage, there is limited access, and this area is challenging. He indicated spot zone has been referenced, although there is no specific definition for spot zone. He also indicated the closest HC zone is at the intersection of 17th Street and Holmes Avenue. He stated the PT Overlay offers commercial uses, including storage units although a different variety. These are referred to as indoor storage units which are accessed from inside of a building. Director Cramer recognized an error in staff report, clarifying the City does not own this property. He noted there has not been much change to the land use on adjoining parcels area since 1970's. Per Councilor Radford, Director Cramer reiterated a variance allowed the current storage unit to be built. There is no longer an option to do a land use variance. Also per Councilor Radford, Director Cramer stated the storage unit must be accessed by the alley. Director Cramer is unsure if this access is acceptable to the Fire Department. He also indicated there is a requirement for the alley to be paved if the development is next to an alley. He stated HC allows a lot of commercial uses and access to an alley is problematic. Councilor Freeman questioned an adjacent piece of property being City owned. Director Cramer was unsure. Councilor Burtenshaw questioned options for the land owner. Director Cramer stated this area is challenging and will require creativity and concession from normal development standards. Per Council President Dingman, Director Cramer clarified variance is referring to setbacks and landscape requirements, not variance of uses. Per Councilor Francis, Director Cramer stated per past practice, the developer would be required to develop the alley. Also per Councilor Francis, Director Cramer confirmed all options in HC would apply depending on the size of lot. Director Cramer stated the PT zone has stipulations to waive the exact requirement. Per Councilor Freeman, Director Cramer confirmed conditions cannot be applied to an HC zone.

Mayor Casper requested any public comment. No one appeared. Mr. Freiberg reappeared. He stated the HC zone was requested in order to build another storage unit. He concurs this area is a challenge. He believes this is a small infill area.

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

Councilor Radford stated he has strong feelings around infill and structures that increase the tax rolls. He believes it seems inconsistent to say no. Councilor Francis does not believe the options of HC are appropriate for this neighborhood/area. Councilor Burtenshaw questioned the final plat process. Councilor Francis stated the Council is obligated to approve final plats because they've already been through the subdivision ordinance. Council President Dingman believes this is the most difficult rezone in six (6) years. She does not believe the physical space will ever meet the requirement of other uses in HC, and she is unsure what an individual would do with the property due to the amount of space and the access point. She believes it's a low risk to transition to HC. Mr. Fife explained legislative versus quasi-judicial. Per Mayor Casper,

Mr. Fife stated the Comp Plan is not law, it's a document. He also stated the zoning is the law that needs to be applied. He does not believe it's appropriate to problem solve a development.

Mayor Casper questioned a PT Overlay on properties that had no road and no frontage other than an alley. She questioned if there was a plan to pave over the canal to create frontage on 17th Street. Mr. Fife stated the Comprehensive Plan is a document that establishes the philosophy and vision of what should happen generally in an area of town. He also stated any previous idea of what should happen doesn't matter at this time and does not have relevance. Per this question, Mayor Casper re-opened the public hearing. Director Cramer stated the plan in 1987 was to identify transitions around the City including reducing driveways on 17th Street, Fremont and Boulevard to increase traffic speeds and efficiency and to make sure commercial uses across an alley have sufficient buffering, such as the Walgreens on 17th Street and Holmes. Director Cramer is unsure if this meant piping a canal. Council President Dingman questioned if the rezone could be denied knowing that all uses allowed in the zone could not occur on this property. Director Cramer stated uses are important/critical although there is also the question about how this fits in the zoning scheme. Director Cramer reviewed the first two (2) whereas statements in the proposed ordinance. Mayor Casper re-closed the public hearing. Councilor Freeman cannot imagine more storage units in this area and does not want to make the same mistake as 40 years ago.

It was moved by Councilor Radford to approve the ordinance rezoning M&B: Lots 37-45 less right-of-way, Block 62, Crows Addition from TN with PT Overlay to HC under suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion failed for lack of a second.

It was then moved by Councilor Francis, seconded by Councilor Freeman, that Council deny the ordinance rezoning M&B: Lots 37-45 less right-of-way, Block 62, Crows Addition from TN with PT Overlay to HC. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay - Councilor Radford.

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the denial of the rezone from TN with PT Overlay to HC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Freeman, Francis. Nay - Councilor Radford.

- 6)** Public Hearing-Comprehensive Plan Amendment from Lower Density and Estate to Higher Density, Commercial, and Employment Centers, Resolution and Reasoned Statement of Relevant Criteria and Standards to Amend the Comprehensive Plan Future Land Map. For consideration on the regular agenda is a Resolution amending the Comprehensive Plan Future Land Use Map. The proposed amendment reflects comprehensive plan policies recommending a mix of uses at the intersection of major roadways as well as land use applications and requests happening in the area. Similar plan designations can be found at the intersection of 65th South and 5th West, 49th South and 15th East, in the south part of town.



The nearest such designation on the north part of Idaho Falls is at Highway 20 and 81st North. The map amendment was considered by the Planning and Zoning Commission at its April 6, 2021 meeting and recommended for 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.

Blake Jolley, Connect Engineering, appeared. Mr. Jolley stated this application is part of a second step, which is not currently ready for presentation but will be presented in the future. He believes this area is changing and creating different types of zoning to be established.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Comp Plan proposed area to be changed

Director Cramer stated this area is shown as low-density residential estate. The proposal is a mix of uses that represents an intersection of two (2) arterials which are identified in the plan as supporting neighborhood services and high-density residential. Director Cramer noted the Comp Plan is broad brush strokes and does not follow property lines.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated Estate shows areas in the County, these are difficult to redevelop.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Aerial photo of zoning in the immediate area

Slide 6 - Comprehensive Plan pattern

Director Cramer stated in the southern part of town the plan was developed to show commercial and high-density nodes (smaller, compact areas of development focused around major intersections). He noted these patterns of mixed-used centers.

Slide 5 - Comprehensive Plan pattern

Director Cramer noted there are no commercial and high-density nodes in this area.

Slide 7 - Bonneville County Comprehensive Plan

Director Cramer stated the County designation is urban residential. He also stated the change is more reflective of what the County plan is already showing in the area. Director Cramer noted the minutes included in the packet are incorrect. He also noted there was no public comment.

Per Mayor Casper, Director Cramer stated this proposal would be more consistent to the County policy. He also stated the Comp Plan extends beyond the Area of Impact (AOI). Per Councilor Francis, Director Cramer stated these are the same kinds of intersections for walkable centers. The arterial intersections seem to be the best place for these. Also per Councilor Francis, Director Cramer stated these are walkable communities.

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

Councilor Radford believes walkable centers will lead to a more innovative and productive community.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Resolution amending the Comprehensive Plan Future Land Use Map for the area around the intersection of W 65th N and N 5th W and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the amendment of the Comprehensive Plan Future Land Use Map 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, Burtenshaw. Nay - none.

**RESOLUTION NO. 2021-14**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE COMPREHENSIVE PLAN DESIGNATION IN THE AREA LOCATED AROUND THE INTERSECTION OF W 65TH N AND N 5TH E. PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

**6. Announcements.**

Councilor Francis announced May 14 as the Bonneville County, Idaho Falls Police Memorial Gathering. Mayor Casper announced May 9-15 as National Police Week; Tim Reinke, City of Idaho Falls Golf Professional, is being inducted into the Rocky Mountain Section of the Professional Golfers' Association (PGA) Hall of Fame; and the legislative session has adjourned/recessed.

**7. Adjournment.**

There being no further business, the meeting adjourned at 9:53 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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