

June 13, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 13, 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 Francis
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Michelle Ziel-Dingman

Absent:

Councilmember John Radford

Also present:

All available Department Directors
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Lily Marie Cramer, a 4th grade student at Ethel Boyes Elementary School and daughter of Community Development Services Director Brad Cramer, 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.

Randall Wheeler, City resident and hangar owner at Idaho Falls Regional Airport (IDA), appeared. Mr. Wheeler expressed his appreciation to the elected officials for the forum to express concerns. He indicated he previously sent his information to the elected officials in an email. Per recent review of the new draft lease agreement he believes his concerns have been resolved. However, Mr. Wheeler has additional concerns. He stated his father owned an airplane which was parked outside at IDA in the 1960's. In the 1980's Mr. Wheeler purchased an airplane with his father which was parked at Aerohawk in the legacy hangars, the only hangars at that time. Between the 1980's and the present day, IDA has developed a great hangar infrastructure. Mr. Wheeler stated he now owns an airplane with his son to which they need a hangar. He indicated he is not in a financial position to build a new hangar. He expressed his concern that the direction of IDA will take his hangar away from him. He understands this is City property and does not want to be negative. He expressed his appreciation to the City services and benefits. Mr. Wheeler stated, per discussion with his father, it appeared years ago there was an effort to restrict general aviation in Idaho Falls. He believes this direction will cause general aviation to decrease in the City at IDA. He indicated he will be one of those individuals who will have to move. Mr. Wheeler believes additional input should be solicited from hangar owners, although he does not represent legacy hangar owners. He once again expressed his concern with general aviation.

Consent Agenda:

Idaho Falls Power requested approval of Power Trade Confirmation Agreement.

Municipal Services requested approval of Treasurer's Report for the month of April 2019; Bid IF 19-16, Approval to Purchase Street Light Poles for Idaho Falls Power; Bid IF 19-23, Approval to Purchase Electrical Conductors for

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Idaho Falls Power; Bid 19-L, Approval to Purchase Ammunition for the Police Department; Bid 19-M, Approval to Purchase One Replacement Bucket Truck for Idaho Falls Power; Quote 19-025, Approval to Purchase Power Inventory for Idaho Falls Power; and, Quote 19-026, Approval to Purchase Gravel for Public Works.

The City Clerk requested approval of minutes from the May 16, 2019 Idaho Falls Power Board Meeting; May 20, 2019 Council Work Session; May 23, 2019 Council Meeting; and, June 3, 2019 Area of Impact Council Discussion; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Idaho Falls Power

Subject: Director’s Report: Emergency Bank Repair to the Lower Power Plant

Idaho Falls Power (IFP) Director Bear Prairie stated during routine power plant checks following the Memorial holiday, IFP staff found bank erosion to the Lower Power Plant. The sustained rain over the Memorial weekend saturated the ground and put pressure on the retaining wall which caused the retaining wall to collapse and the bank to sustain erosion. The erosion was extremely close to the substation fence which caused major concern as the substation at the Lower Power Plant is a critical component of the electrical system. Director Prairie stated IFP was unsure of repair costs, therefore IFP staff began contacting contractors for replacement of rip rap to stabilize the bank. He indicated the remaining retaining wall, from the 1940’s, held up fairly well. This situation was considered an emergency per State purchasing laws. Bids were solicited from three (3) local contractors, HK Contractors was selected to remove the old wall and replace the rip rap. Director Prairie stated the work, including 300 cubic yards of rip rap and 150’ of shore line, has been completed in the amount of \$23,100, which is significantly less than originally anticipated. He noted there are no issues with the Federal Energy Regulatory Commission (FERC), US Army Corps of Engineers, or, the Idaho Department of Water Quality. He also stated additional electrical upgrades were completed to the substation while the Lower Power Plant was offline. To the response of Councilmember Francis, Director Prairie stated this is a permanent solution. He noted the failure was due to the wall built in the 1940’s and, there were no weep holes for water flow as water can move through rip rap as a permeable layer. Councilmember Hally questioned the drainage system. Director Prairie stated new construction techniques are designed with weep holes. Mayor Casper noted future IFP Board Meetings may address additional inspections.

Fire Department

Subject: Adoption of the 2015 International Fire Code with amendments to current Ordinance

The Fire Department recommends adoption (by ordinance) of the 2015 International Fire Code (IFC) and amendment of the current City ordinance to align with the new adoption. This will coordinate the use of this code with the State Fire Marshal’s Office and Idaho Falls Community Development Services. Amendments will eliminate redundancy and conflict while providing a clear, concise and consistent approach to public fire safety.

Mayor Casper stated the following two (2) items were addressed at the June 10 Council Work Session.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to approve the Ordinance adopting the 2015 International Fire Code 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 Smede, Hally, Dingman, Freeman, Francis. Nay – none. Motion carried.

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

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ORDINANCE NO. 3252

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTIONS 7-10-1 THROUGH 7-10-4 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2015 EDITION, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to approve the Ordinance amending Title 5, Chapter 13; Title 6, Chapter 3; and, Title 9, Chapter 4 to align with the 2015 International Fire Code 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 Hally, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3253

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTER 13, OF TITLE 5, CHAPTER 3, OF TITLE 6, AND CHAPTER 4, OF TITLE 9 TO ALIGN THE CITY CODE WITH THE 2015 INTERNATIONAL FIRE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Approximately 119.027 acres, Section 31, Township 3 North, Range 38 East

For consideration is a request for annexation with initial zoning of R1, R2, and R3A with the Airport Overlay, annexation and zoning ordinances, and Reasoned Statements of Relevant Criteria and Standards, for approximately 119.027 acres in Section 31, Township 3 North, Range 38 East. The Planning and Zoning (P&Z) Commission considered this item at its May 7, 2019 and recommended approval by unanimous vote.

Councilmember Smede stated this property includes the remaining portion of Fairway Estates Subdivision. The approved preliminary plat included portions of land dedicated to low and medium density residential, professional office, and, commercial spaces. This property falls under the Airport Overlay Zone and is a Category A annexation, requested by the property owner.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B: Approximately 119.027 acres, Section 31, Township 3 North, Range 38 East, 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 Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3254

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 119.027 ACRES DESCRIBED IN SECTION 1 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.

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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 119.027 acres, Section 31, Township 3 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Low Density Residential and Higher Density Residential and to approve the ordinance establishing the initial zoning for M&B: Approximately 119.027 acres, Section 31, Township 3 North, Range 38 East, under the 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 Francis, Dingman, Freeman, Hally, Smede. Nay – none. Motion carried.

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

ORDINANCE NO. 3255

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 119.027 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R1, R2, AND R3A ZONES WITH THE AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 119.027 acres, Section 31, Township 3 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Smede, Dingman. Nay – none. Motion carried.

Subject: Public Hearing – Rezone from R3A to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lots 42-48 Less the West 900.34 square feet, Block 6, Highland Park

For consideration is a request to rezone property from R3A to LC, the accompanying zoning ordinance, and Reasoned Statement of Relevant Criteria and Standards for Lots 42-48 less the west 900.34 square feet, Block 6, Highland Park. The Planning and Zoning Commission considered this item at its May 7, 2019 meeting and recommended approval by a 5-1 vote.

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

Director Cramer appeared with the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated this property is the victim of the City’s effort to re-write the zoning ordinance.

Slide 2 – Future Land Use Map of the Comprehensive Plan

Director Cramer stated Planned Transition (PT) would include commercial uses intended to be close to residential properties.

Slide 3 – Aerial photo of property under consideration

Director Cramer stated the requested LC Zone would follow the principles of the Comprehensive Plan. He also stated the property under consideration is at an intersection of two (2) arterial streets. He clarified this property is not a spot zone as there is no size that determines a spot zone. A spot zone would be a zoning change that is not consistent or does not comply with the Comprehensive Plan. A spot zone also gives additional rights to a particular property owner that does not make sense for the area. He reiterated staff does not feel this is a spot zone as the

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property is at an intersection to the arterial streets, is near residential land uses, a traditional neighborhood allows Limited Commercial within an appropriate way, and, the zone was originally zoned as RSC1 (Residential Shopping Center Zone) that allowed the use that was there. The City's rezoning ordinance created a non-conforming use, which was an oversight.

Slide 4 – Additional aerial photo of property under consideration

Director Cramer stated this property is currently a credit union.

Slide 5 – Airport Overlay Zone Map

Slide 6 – Photo looking to the east across the property

Slide 7 – Photo looking south down Fremont Avenue

Councilmember Hally believes one of the issues did not allow a message-type sign, this change will now allow the sign. He questioned the limits of a sign. Director Cramer confirmed an Electronic Message Center would be allowed and any limitations/restrictions would apply. Councilmember Francis questioned the landscape requirements. Director Cramer stated the landscape requirements would only be required if the use changes or there is some type of development. Councilmember Smede questioned the 'less amount'. Director Cramer believes the 'less amount' refers to the curve in the road. Councilmember Smede questioned, other than the sign, any additional changes. Director Cramer stated the consideration is for the land use(s) and would the site be appropriate for the land use(s). Mayor Casper concurred the decision should be based on the land use as a permanent change, not on the sign.

Mayor Casper requested any public comment.

Toby Hayes, Vice President at East Idaho Credit Union (EICU), appeared. Mr. Hayes stated the initial intent for the rezone was an application for a sign permit. It was determined the building was in a non-conforming use. The request was to change the zoning to be conforming with the intent for a sign. Mr. Hayes indicated there were concerns from P&Z that this change would allow other commercial buildings to occupy this location. He stated EICU intends to stay at this location for at least the next ten (10) years, if not longer. Councilmember Francis questioned the intent for landscaping requirement. Mr. Hayes was not aware of landscaping differences for the current zone and the proposed rezone. He indicated EICU would consider the landscaping.

Mayor Casper closed the public hearing.

Councilmember Smede reiterated Director Cramer's comments, this appears to be unintended. Councilmember Dingman believes the rezone makes sense for use within this neighborhood, this was an easy parcel to overlook. Councilmember Francis concurred with Councilmember Dingman although he expressed his concern/frustration with the advantage of the LC Zone without the requirement of the standards. Mayor Casper stated 'grandfathering' may occur. Director Cramer stated the landscaping would be brought up to standard if major changes happen on the site. He noted the landscape requirement would be 20', he believes the current landscape is 10-15' around the perimeter and, for the most part, is in compliance. Mayor Casper expressed her appreciation to EICU for being willing and patient for the process. She indicated the entire City was transitioned and believes several properties may be missed.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance rezoning Lots 42-48 less the west 900.34 square feet, Block 6, Highland Park, 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 Dingman, 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. 3256

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF LOTS 42-48 LESS W 900.34 FT, BLOCK 6,

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HIGHLAND PARK AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R3A ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezoning of Lots 42-48 less the west 900.34 square feet, Block 6, Highland Park, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Ordinance Vacating a Portion of the Plat for Nauvoo Village Division No. 1

For consideration is a request to vacate a portion of the plat for Nauvoo Village Division No. 1. The plat was recorded in 2002 for development of apartments with easements for utilities and private roads. Nothing on the property has ever developed and the parcel remains vacant. The applicant's request is to vacate the entire plat with the exception of a utility easement on the south side of the property as requested by Idaho Falls Power.

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

Slide 1 – Aerial photo of parcel under consideration

Director Cramer stated a vacation may be more marketable to a new developer/owner without the existing lot lines. He noted there is no proposed development at this time. The vacation would essentially erase the map around the property.

Slide 2 – Nauvoo Village, Division No. 1 plat

Director Cramer stated the plat was recorded in 2002. There has been no activity on the site. There is no right-of-way on the plat, this is property lines and easements. At the time this plat was proposed, it was proposed as a gated community with private roadways. The easements were for the private roadways and private utilities. The remaining easement would be a 20'-wide public utility easement on the southern end which is in use with IFP. Director Cramer confirmed this parcel is an empty field.

Mayor Casper requested any public comment.

Chris Adams, Creek Home Associates, appeared. Mr. Adams stated he is working with landowner. He concurred with Director Cramer's comments to vacate the plat to allow the return to a single parcel and to allow the landowner to market the land differently. Once vacated, the parcel won't appear to be encumbered by easements. Mr. Adams recognized the remaining easement for IFP. He stated this easement will be included in a future plat.

Mayor Casper closed the public hearing.

Councilmember Smede reiterated Director Cramer's comments. Councilmember Freeman stated, as a former firefighter, he responded to two (2) fire calls in this open field. He also noted nothing will change short-term. Councilmember Francis noted all easement removals have been approved by the various associated departments.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance vacating a portion of the plat for Nauvoo Village Division No. 1, 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 Hally, Smede, Dingman, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3257

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; VACATING A PORTION OF THE NAUVOO VILLAGE DIVISION NO. 1

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SUBDIVISION, DESCRIBED HEREIN, WITHIN THE CITY OF IDAHO FALLS, IDAHO; PROVIDING FOR SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Announcements:

Mayor Casper stated several Councilmembers will be attending the Association of Idaho Cities (AIC) Annual Conference June 19-21, and, the Parks and Recreation Department will be sponsoring several events for Father's Day as well as Movies in the Park.

There being no further business, the meeting adjourned at 8:26 p.m.

s/ Kathy Hampton _____
CITY CLERK

s/ Rebecca L. Noah Casper _____
MAYOR