



City Council Meeting Minutes

501 S Holmes Ave
Idaho Falls, ID 83402

Thursday, June 29, 2023,

7:30 PM

Idaho Falls Civic Center

1. Call to Order

Present: Council President Michelle Ziel-Dingman, Councilor Hally, Councilor Freeman, Councilor Francis; and Councilor Burtenshaw

Also present:

All available Department Directors
Randy Fife, City Attorney
Corrin Wilde, City Clerk

Absent:

Mayor Rebecca L Noah Casper
Councilor Radford

2. Pledge of Allegiance

Council President Michelle Ziel-Dingman led those present in the Pledge of Allegiance.

Public Comment

Melody Byers 175 E 15th St. Ms. Byers is here tonight to ask the city for help. She says she has experienced a great deal of stress regarding the issues with drainage at her residence. Ms. Byers says she has collected information on the history of the drainage near her home. She said it rained on May 23, June 7th, and the 12th. She said when we had the rain storm many people's homes flooded and said her basement flooded 60" deep. She feels losing half her house should not have happened. She said there is a history of flooding in the area. Ms. Byers has talked to the city and found out that she is on a list and would like for someone to look at her situation and be moved higher on the list.

East Stepson 185 E 15th St. Mr. Stepson said when they moved into their home, he said there was a large hole caused by the water and rain, he said every time it rains the water floods up to their driveway and after a few days it will go away. Mr. Stepson said the system was installed in 1908 and it is not that the basement flooded it's the fact that the water was still flowing into the basement the next day, and it was just their corner that was still a lake however the rest of the neighborhoods were drained. He wants to raise awareness about this and feels they should have received more city support. He said he sent in a Damage Claim and was denied by ICRMP and felt it was a blanket denial letter. He said in his area the water was deep and was not going anywhere and feels the city should look into the drainage.

Danielle Stepson 185 E 15th St. Ms. Stepson says they have lived in their home for 6 years now and have 2 kids and one of which bedrooms is downstairs and flooded. She feels they have been neglected by the city and even the rejection letter was just a duplicate one and feels that they did not even read the

claim. She said the water in the road stands in that area for days and feels it's an ongoing problem. Ms. Stepson feels their case is a lot different from the rest of the city because the water stayed and was not able to be pumped out until 4:30 pm the next day. Ms. Stepson stated that she was told that her area is one of the first areas they respond to however they did not come until the next day and then left a short time after arriving as they were already going into overtime. Ms. Stepson said the next morning she called begging for the city crew to come again. She said they did come and pumped many truckloads of water out. Ms. Stepson said the area flooded again on the 7th and 12th leaving her afraid to leave the house unattended. She said she has anxiety about it possibly flooding again. Ms. Stepson explained that she will have to get a loan to pay for the flooding damage.

Consent Agenda

A. Idaho Falls Power

- 1) Paine Feeder Easement with Bonneville County
- 2) 23-24 Downtown Alley Upgrade Project - Rogers

B. Parks and Recreation

- 1) Resolution - 2023 Waiver for Certain Fourth of July Celebration Fees

C. Office of the City Clerk

- 1) Meeting minutes as listed on the agenda
- 2) License Applications, all carrying the required approvals

It was moved by Councilor Francis, seconded by Councilor Burtenshaw 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 Hally, Francis, Dingman, Burtenshaw, Freeman. Nay – None

5. Regular Agenda

A. Municipal Services

- 1) BID IF-23-12, 16" Pipe and Materials

Director Fredericksen presented the Bid IF-23-12, the purchase of 16" pipe, and materials for routine maintenance and repair by the Water Division.

Funds to purchase the 16" pipe and materials are within the 2022/23 Public Works Water Division budget.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis Pursuant Accept and approve the bid received from the lowest responsive and responsible bidder, Core and Main for \$167,429.00. The motion carried by the following vote: Aye – Councilors Freeman, Burtenshaw, Francis, Dingman, Hally Nay – None

B. Airport

- 1) Approval of Agreement to Acquire Parking and Revenue Control System and Equipment from Spaces, USA**

Council President Dingam explained that the equipment in the Airport's main parking lot is over 15 years old and has greatly exceeded its useful life. This equipment requires daily maintenance to keep it running and breakdowns are a common occurrence. Replacing this equipment is a high priority in this fiscal year. A request for qualifications was advertised in March. Airport staff narrowed the list to three vendors. After conducting interviews with the three finalists, Airport staff is recommending Spaces, USA primarily because of their pricing structure, technology features, and proven track record working with the Airport. As part of this project, lot infrastructure will need to be updated including concrete work to facilitate running conduit and connecting fiber. Most of the infrastructure work will be done in-house. The cost of the equipment, installation, and maintenance is minimal to the Airport. The Spaces, USA pricing structure charges parking lot users a small technology fee in addition to the cost of parking. These fees are charged once per transaction. Over the first 2.25 years, the fee will be \$1.25 per transaction, after which the fee will reduce to \$0.63. In addition to the technology fee, the Airport will pay software fees of \$900 per month and call center fees of \$0.25 per transaction.

It was moved by Councilor Freeman, seconded by Councilor Francis to approve agreement with Spaces, USA for a new Parking and Revenue Control System (PARCS) including new entrance and exit equipment and authorization for the Mayor to execute the agreement. The motion carried by the following vote: Aye- Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay - None

C. Idaho Falls Power

- 1) Professional Engineering Services Agreement with Gannett Fleming Inc. for Upper Plant First Part 12 Inspection**

Idaho Falls Power Assistant General Manager Stephen Boorman explained that in 2021, Gannett Fleming performed an analysis of the right dike at the Upper Plant, which resulted in a high-hazard status designation from the Federal Energy Regulatory Commission (FERC). All projects with a FERC high hazard designation requires a Comprehensive Assessment, commonly referred to as a "Part 12 Inspection" every 5 years. This professional services agreement is to conduct the first five-year inspection. Gannett Fleming was selected following a solicitation of qualifications (SOQ) process. The agreement will cover work needed for the high-hazard designation work required over the next five years. This agreement will require an expenditure up to \$345,925.00 of which \$150,000 is currently budgeted in the 2022-2023 budget. The remainder will be included in the IFP 2023-24 fiscal year budget.

It was moved by Councilor Freeman, seconded by Councilor Francis to approve the Upper Plant Part 12 Inspection Professional Services Agreement with Gannett Fleming, 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, Freeman, Francis. Nay- None

2) IFP 23-22 LED Luminaries Inventory for Idaho Falls Power

Idaho Falls Power Assistant General Manager Stephen Boorman explained that Idaho Falls Power solicited bids from qualified vendors to purchase LED luminary inventory to continue replacing non-LED streetlights in the community. Nine bids were received with these three vendors being the lowest responsive, responsible bidders:

Vendor	Units	Amount
Solarmax LED	1300	\$158,500.00
Bell Electrical Supply Co.	160	\$24,244.80
Platt Electric	1000	\$12,060.00
Total	2460	\$194,804.80

It was moved by Councilor Freeman, seconded by Council Francis approve the purchase of 2,460 LED Luminaries for streetlight upgrades and replacements from Solarmax LED, Bell Electrical Supply Co. and Platt Electric for a total of \$194,804.80 The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally. Nay- None

3) IFP 23-23 Paine South Feeder Material for Idaho Falls Power

Idaho Falls Power Assistant General Manager Stephen Boorman explained that Idaho Falls Power solicited bids from qualified vendors to purchase material for the Paine South Feeder. Eight bids were received with the following six being the lowest responsive, responsible bidders who also meet our construction schedule:

Vendor	Amount
Irby	\$2,696,537.60
General Pacific	\$112,518.10
Border States	\$167,637.76
Anixter	\$205.00
D&S Electric	\$318,030.56
Mountainland Supply	\$217.80
Total	\$3,295,146.82

It was moved by Freeman, seconded by Council Burtenshaw approve the purchase of material for Paine South Feeder from Irby, General Pacific, Border States, Anixter, D&S Electric, and Mountainland Supply for a total of \$3,295.146.82. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

D. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Ivywood Division No. 4

The Planning and Zoning Commission considered this item at its April 4, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Development Agreement for the Final Plat for Ivywood Division No. 4, and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye – Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Final Plat for Ivywood Division No. 4 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, Burtenshaw, Francis, Freeman, Hally. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Ivywood Division No. 4 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- None

2) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, A Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R1, Single Dwelling Residential which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, A Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval of the annexation with initial zoning of R1.

Council President Dingman opened the public hearing and ordered all items presented to be entered into the record.

Applicant Barry Bame, Connect Engineering 2295 N Yellowstone, Idaho Falls Idaho.

Mr. Bame appeared and presented the following.

This property is situated in the Area of Impact and is contiguous to city limits. The proposed annexation is an addition to the Right of Way for Sand Creek Estates, Division 2. The initial right of way into Sand Creek Estates, Division 2 is currently proposed at 49 feet. Additional right of way to the south will be developed by the developer of Sand Creek Estates, Division 2 and when the property to the north is developed additional right of way will be added and developed. The initial zoning of R1 is consistent with the Sand Creek Estates, Division 2.

Assistant Director Kerry Beutler appeared and gave an overview of the Annexation request.

Slides 1, 2, and 3 show an Ariel view of the property. Director Beutler stated this is a Category "A" annexation as it is requested by the property owner. The property is in the Area of Impact and contiguous to City limits along the east and north property lines. Annexation of the property is consistent with the policies of the City's Comprehensive Plan. Staff recommends approval of the annexation and initial zoning of the R1 Zone.

Council President Dingman requested any public comment. No one appeared. Council President Dingman closed the public hearing.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance annexing 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East, assign a Comprehensive Plan Designation of “Suburban”, and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay- None

3) Legislative Public Hearing-Part 2 of the Annexation and Initial Zoning of R1, Single Dwelling Residential, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance establishing the initial zoning for R1, Single Dwelling Residential as shown in the Ordinance exhibits 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, the amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office. The motion carried by the following vote: Aye – Councilors Freeman, Burtenshaw, Francis, Dingman, Hally. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R1, Single Dwelling Residential and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay- None

4) Quasi-judicial Public Hearing-Rezone from R3A, Residential Mixed Use with a PUD, Planned Unit Development overlay to R3A, Residential Mixed Use, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on approximately 2 acres for Lot 23 and 24, Block 1, Lorin C Anderson Addition Division 1, Fourth Amended Plat

Council President Dingman opened the public hearing and ordered all items presented to be entered into the record.

Applicant Bryce Marsh, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls Idaho.

Mr. Marsh stated that this project is located generally north of Parley St. east of St. Clair Ave and south of 17th Street just West of Woodruff Ave. Mr. Marsh described an approximately 2-acre property that is currently zoned R3A and has a historical PUD overlay. Mr. Marsh gave an overview of the history of the property. He stated back in the 1980’s they had a PUD that was never built, and it expired. He said in 2004 the PUD master site plan was approved for the same area however only the existing building was

built on it and nothing else. He said a lot of the development around this property to the North and West has developed separately and moved on. Mr. Marsh said the result of this has left this historical PUD rendered in a spot where it can't be developed under the current PUD code. Mr. Marsh stated that is why he is here tonight to request a rezone and remove the historical PUD and have the historical R3A be the underlying zone moving forward so this site can see development.

Assistant Director Beutler presented this request. Mr. Beutler stated that previously when the city adopted a Planned Unit Development, they adopted an overlay zone on the property. Mr. Beutler stated that we don't do that process anymore. Currently, with a Planned Unit Development, we treat it as a conditional use permit resulting in an issuance of a permit rather than an actual zone. Mr. Beutler stated because this property received a zoning designation the only way to remove the zoning designation is to go through this rezoning process. Mr. Beutler stated that the most recent Planned Unit Development from 2004 can no longer be constructed as the property has been split and sold off and other development is accruing. He said the only remaining part of that PUD is on the south end and currently the existing PUD Ordinance does not accommodate for that. Mr. Beutler stated that if the Planned Unit Development is removed nothing would change with the underlining zone; it would remain the R3A the mixed-use residential zone which allows for general office-type uses as well as residential uses. Mr. Beutler stated that staff recommends approval of the removal of the overlay. The planning commission also recommended approval.

Council President Dingman requested any public comment. No one appeared.

Council President Dingman closed the public hearing.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance Rezoning approximately 2 acres for Lot 23 and 24, Block 1, Lorin C Anderson Addition Division 1, Fourth Amended Plat from R3A with PUD Overlay to R3A, 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 carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R3A with PUD Overlay to R3A and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Freeman, Francis, Hally, Burtenshaw, Dingman. Nay - None

5) Amendment to Title 11, Comprehensive Zoning Ordinance, Section 11-2-6(W)10, Standard for Allowed Land Uses, Planned Unit Development, Amenities.

Assistant Director Kerry Beutler appeared. Mr. Beutler stated that what they try to do from time to time is amend the zoning Ordinance when there are adjustments that need to be made. He said what you see here tonight is a specific amendment to the Ordinance related to Planned Unit Development and related to the amenities that are required and provided as part of that Planned Unit Development. Mr. Beutler stated that what they are identifying is a usable outdoor space that is required in a Planned Unit Development and to make sure it is truly a usable space. He said sometimes with Planned Unit Development that comes to us we have had those questions, for example is a 10-foot drainage pond really a usable space for the people who live in that development? Mr. Beutler stated with the amenities we are identifying what are true physical amenities. He said outdoor amenities like swimming pools, hot

tubs, theater rooms, and gyms. He said in the past we have seen a lot of open areas and what we really would like to see is a physical amenity that would service that development. Mr. Beutler stated that another thing we commonly see with Planned Unit Developments is a playground or playground equipment and there is some additional language that would require a minimum of three different functions. He said for example a slide and swing set and climbing wall. Mr. Beutler stated that we have seen a lot of development lately that has dog parks and we do not have any current language in the code regulating dog parks. He said this amendment provides direct language regarding the dog park. He said the dog park should be completely fenced and shall include pet waste stations, trash cans, benches or picnic tables, and a minimum of one of the following: wash station, grooming tables, or agility training equipment. Mr. Beutler stated the last item is for similar amenities that would be approved by the Council. He said it is hard to come up with a complete list of amenities because each development and developer has a different experience, a different product, a different price point, and a different customer base so they are often bringing us things that we have not contemplated or seen before, and the intent is to provide a little flexibility for things that we have not considered. Mr. Beutler stated the planning commission did consider these items both at a work session and then at a regular public hearing and did recommend approval of the changes. He stated that the staff does support the changes. Council President Dingman feels this is a positive change to the Ordinance that lists out our amenities. She said it's important to modernize and update this list of amenities as developments change and housing products change and our communities change, and she feels these potential changes are smart. Councilor Francis appreciates the staff for doing this because it is very responsive to things the Council has said. Councilor Francis emphasized that it is commercial playground equipment and is not something you buy for your backyard. He also noted that he will amend the motion to add the words "such as" instead of "i.e.", Councilor Burtenshaw stated that she is not a big fan of PUDs but does like that these are the higher development standards because there are some variances allowed in PUDs that make it complicated for the city down the road. She said she appreciates the staff's response on this.

It was moved by Councilor Francis, seconded by Council Burtenshaw. To approve the Ordinance amending amenities in a Planned Unit Development with the amendment of replacing "i.e.", with "such as" in section 1 (c) (i) 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, Francis, Burtenshaw, Hally, Freeman. Nay- None

3. Announcements

Council President Dingman thanks all the staff members involved in putting together our employee picnic. Tomorrow June 30th there is an Aviation Airport BBQ from 11 am to 1 pm at the Airport. Independence Day holiday and the city will be closed on July 4th to celebrate. All the Council is invited to participate in the parade and we will be collecting items for the Community Food Basket Idaho Falls. Fire Station 7 opens on July 10th and we will be celebrating our expansion of fire services to protect our citizens. July 10th is the next City Council Work Session.

4. Adjournment.



City Council Meeting Minutes

501 S Holmes Ave
Idaho Falls, ID 83402

There being no further business, the meeting adjourned at 8:33 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

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

