



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, August 12, 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 Francis, and Councilor Lisa Burtenshaw

Absent: Councilor Jim Freeman

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

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

3. Public Comment.

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Stephanie Rose, Idaho Falls resident appeared. Ms. Rose’s comments were regarding the siting of the water tower in S. Capital Park, the outreach, and the public opportunity to engage in site selection. Ms. Rose stated in February she learned from residents near the park of the public hearing notice for the Conditional Use Permit (CUP) that S. Capital Park had been chosen as the site for the new water tower. She then contacted Jeff Forbes, who indicated this item did not come before the Parks and Recreation (P&R) Commission. She indicated she and Mr. Forbes were waiting for the information and persuasion phase of the outreach to conclude during the pandemic and had no idea of the progressive site selection in the previous year. She also indicated normally-engaged individuals knew nothing about this and the response from staff and city leaders was that the public had spoken and due to extensive public outreach the public had ample opportunity to participate. Ms. Rose believes the implication was that they weren’t paying attention or lacked motivation. She indicated she pays attention and there is a network due to the dying local media. She also indicated she is signed up for a number of email notification lists, and she recalls nothing but the repeats of the same general information and dialogue about losing the old water tower. Ms. Rose stated a deep dive shows the outreach of the site selection was not extensive. She indicated between the kick-off in April 2019 through June there were five (5) presentations, without new information. The content was always the same with the main objective to educate on the importance and need for a new water tower and retaining the old tower was not an option. Ms. Rose stated the reduction of six (6) sites to three (3) sites was explained in detail but there was no comparing or contrast in the final three (3) sites to help form an educated opinion, and nothing was offered regarding the announcement of the final selection phase. She also stated in the 26-minute site selection presentation in February, just two (2) minutes were spent on the final three (3) sites, there were no details

addressing the Land and Water Conservation Funds, parking data, or impact to the different areas. Ms. Rose stated three (3) weeks prior to this public meeting, downtown merchants were invited to a special meeting about site selection where concerns were discussed and the merchants launched a campaign to defend the parking lots at sites two (2) and three (3). She indicated the bias of the tabulated comments reflects this. She also indicated the public's first notification, two (2) days before the meeting, consisted of a press release and one (1) Facebook post. She stated there was no follow up after the meeting. Ms. Rose stated, unlike the merchants, there was no outreach to the surrounding residential neighborhood or the P&R Commission, and nothing was published or posted about the site selection until the CUP hearing. She believes the merchants were the only voices heard. She also believes the process should be stepped back so the public can be involved. Ms. Rose indicated since she received multiple notifications for the War Bonnet Round Up Rodeo, she believes the city could do better especially when it involves truly important matters.

4. Consent Agenda.

Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.

A. Airport

- 1) Minutes from Airport Leadership Board Meeting
June 15, 2021 Airport Leadership Board Meeting

B. Municipal Services

- 1) Minutes from Council Meetings
July 26, 2021 City Council Budget/Work Session and July 29, 2021 City Council Meeting.
- 2) License Applications, all carrying the required approvals

Recommended Action:

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

5. Regular Agenda.

A. Municipal Services

- 1) Public Hearing for the Tentative 2021/22 Fiscal Year Budget
Pursuant to Idaho Code §50-1002, the Notice of Public Hearings for the 2021/22 fiscal year budget was published on Sunday, August 1, 2021, and Sunday, August 8, 2021.

Mayor Casper stated the councilmembers are statutorily tasked with setting the budget. She also stated there are 11 departmental budgets, and some are fairly significant. She explained

that at the end of the budget process the council adopts a preliminary budget (which occurred at the July 29 City Council Meeting). This preliminary budget sets the placeholder for spending, public comment is then received per State Statute. Mayor Casper stated fees that the city collects are counted as revenue in the budget, and the city works hard to not keep the fees too low or too high, noting fees rise gradually as costs and inflation increase. She also stated a public hearing must be held if fees rise above the statutory (5%) level, however the city takes a practice to notice all fee increases, whether or not the fees meet the 5% level. Mayor Casper stated the public hearing for the forgone is to collect tax dollars that were not previously collected. She also stated the three (3) public hearings are all related to revenues and expenditures for the upcoming fiscal year beginning October 1, 2021 through September 30, 2022. Mayor Casper noted this budget process begins in early April, therefore, in some cases dollars may be estimated. She also noted dollars cannot be spent without council approval and the budget must be adopted per State Statute. Mayor Casper stated the council has set aside time to discuss any public hearing comments prior to the final adoption on August 26.

Municipal Services Director Pamela Alexander appeared. She reviewed the budget process stating the budget calendar has been posted on the city's website, a budget workshop was held on April 2, 2021, all budget sessions were noticed, department budget presentations are posted on city's website, and the proposed budget was published as required by State of Idaho Statute. She also stated the 2021/22 proposed budget includes a total not-to-exceed amount of \$295,496,132 which includes total estimated property tax revenue of \$41M (which includes new growth and annexation), 3% statutory property tax levy (whole dollar value of \$1.1M), 1% Forgone (public safety package, whole dollar value of \$407,400), and \$2M for prioritized budget requests (city employees, public safety, and P&R). City-wide funded priorities include the implementation of a city employee compensation plan = \$313,043 and implementation of June 19th holiday for city employees = \$30,000. Director Alexander briefly reviewed public safety funded priorities, P&R funded priorities, and other departments funded priorities (Mayor's Office, Public Works, and Municipal Services). Contingency funds in the amount of \$21M include budget capacity for the American Rescue Plan Act (ARPA) = \$10M, contingency = \$8M, and 2021/22 carryover funds for obligated 2021/22 fiscal year contracts = \$3M. General and Government funded priorities include recreation fund allocation increase = \$72,320, golf capital purchases = \$65,000, and safety coordinator for risk management activities = \$64,576. Director Alexander briefly reviewed the 2021/22 proposed fiscal year budget for the General Fund = \$54,257,004. She noted the majority of this budget is for the Idaho Falls Police Department (IFPD) (includes payment for the Law Enforcement Complex (LEC)), the Idaho Falls Fire Department (IFFD), and the P&R Department. These three (3) departments historically take 77-78% of the total General Fund budget. She reviewed the General Fund allocation by department for the previous 13 years, and the tax levy (property tax, sales tax, and state-shared revenue) allocation expense per dollar. She also briefly reviewed the 2021/22 proposed fiscal year budget for Special Revenue Funds = \$32,140,575. The 2021/22 proposed fiscal year budget for Internal Service Fund includes contingency = \$21M, Workers' Compensation = \$3,849,920, and employee benefits = \$60,000. The 2021/22 proposed fiscal year budget for Capital Projects Funds = \$35.4M, the largest expense is for the LEC. The

2021/22 proposed fiscal year budget for Enterprise Funds = \$148M, the largest component is Idaho Falls Power (IFP) at \$81.9M.

Mayor Casper opened the public hearing. She requested public testimony. No one appeared. Mayor Casper closed the public hearing.

2) Public Hearing for the Proposed Fees for Fiscal Year 2021/22

The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the 2021/22 fiscal year proposed fee schedule was published on Sunday, August 1, 2021, and Sunday, August 8, 2021.

Director Alexander reiterated any fee and/or fee increase greater than 5% must be published. She briefly reviewed fee increases for Airport, IFP, Municipal Services, P&R (including Sandy Downs, Zoo, and Recreation), and Public Works. Councilor Hally noted the golf fees did not increase, however, he questioned the addition of \$1 to the fund in order to repay the loan for the irrigation system. Director Alexander stated she is unsure of this increase.

Mayor Casper opened the public hearing. She requested public testimony. No one appeared. Mayor Casper closed the public hearing.

3) Public Hearing to Levy 1% of Forgone for Fiscal Year 2021/22

The Notice of Public Hearing for the 2021/22 forgone resolution was published on Sunday, August 1, 2021, and on Sunday, August 8, 2021. The hearing is scheduled for Thursday, August 12, 2021, at 7:30 pm in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho. At the conclusion of the hearing, Council will have met the notice and hearing requirements to levy 1% of the City's forgone balance of \$407,400 for the specific purpose for which the forgone increase is being budgeted, namely: to fund fire department dispatch software, fire station generators and police staffing and other public safety maintenance and operation needs.

Director Alexander reiterated the proposed 1% forgone is for a whole dollar value of \$407,400. 2021/22 forgone funding priorities include a public safety (Fire and Police) package for on-going operational needs. She indicated the city is hoping to obtain some IFFD equipment items through the ARPA.

Mayor Casper opened the public hearing. She requested public testimony. No one appeared. Mayor Casper closed the public hearing.

Mayor Casper stated follow up discussion will occur on August 23.

B. Idaho Falls Power

1) Pole Attachment License Agreement Renewal with Qwest Corporation dba CenturyLink QC

This reciprocal License Agreement will govern attachments on poles owned by the other entity. The agreement establishes rules for work coordination between the two entities, sets requirements for make-ready work and establishes fees associated with pole attachments. This supersedes the agreement approved by City Council on Nov. 22, 2016.

Idaho Falls Power Director Bear Prairie appeared. He stated IFP has had a reciprocal agreement for numerous years. Councilor Radford believes this is a good use of poles to reduce the overall number of poles.

It was moved by Councilor Radford, seconded by Councilor Hally, to approve this renewal agreement with CenturyLink QC of Monroe, Louisiana, and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw. Nay - none.

C. Public Works

1) Ordinance Revision for Title 2 adding Chapter 16 to establish a Development Impact Fee Advisory Committee

Public Works and with other city departments have been working with the consulting firm, TischlerBise, to evaluate and develop impact fees for the city. Idaho Code Title 67, Chapter 82 directs those cities considering the adoption of such impact fees to establish a Development Impact Fee Advisory Committee. The proposed ordinance, written by our City Attorney addresses this requirement.

Public Works Director Chris Fredericksen clarified this ordinance is not establishing impact fees, the approval only establishes a committee. He stated this item was discussed at the August 9 City Council Work Session. Per Councilor Hally, Director Fredericksen believes the legislative intent is to govern how impact fees would be established. Also per Councilor Hally, Director Fredericksen confirmed the committee excludes elected officials. Mayor Casper stated the city is considering impact fees as revenues from property taxes are onerous to raise from members of the public, and the state legislator has taken steps to limit city's abilities to bring in dollars from property taxes, however, cities have to function. She also stated that growth should pay for growth without putting that burden on existing taxpayers.

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

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

ORDINANCE NO. 3400

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; ESTABLISHING A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE AND ITS

PURPOSES, DUTIES, ORGANIZATION, AND RULES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

D. Community Development Services

- 1)** Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Fairway Estates Division No. 28.

Attached is the application for the Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Division No. 28. The Planning and Zoning Commission considered this item at its September 15, 2020, meeting and recommended approval. Staff concurs with this recommendation.

Councilor Radford abstained himself from this item. Community Development Services Assistant Planning Director Kerry Beutler appeared. He stated the subdivision includes 18 residential lots, all lots meet the minimum standards and are consistent with the improved preliminary plat. He also stated this plat completes several street networks which will help with the overall transportation through the neighborhood. He noted discussions have occurred regarding access to 5th E. with regard to the bridge over the Idaho Canal and the street connection. Mr. Beutler stated a restriction was placed on the preliminary plat that 120 additional lots could be platted before the bridge was necessary. He noted the development agreement includes the breakdown of the division and the proposed 18 lots will leave 31 lots remaining prior to construction of the bridge. Per Councilor Francis, Mr. Beutler explained platted lots and developmental lots are one and the same. He stated, once the plat is recorded, the lot lines become physical lots that can be sold and built upon. Councilor Burtenshaw questioned the staff notes indicating 32 lots out of the 120 lots. Mr. Beutler stated several divisions of Fairway Estates are being platted at the same time which affects the overall number. He confirmed the development agreement, which has been signed by the developer, indicates 31 lots. Mayor Casper questioned the timeframe of the Planning and Zoning (P&Z) Commission. Mr. Beutler stated the application will go back to P&Z if older than one (1) year. Councilor Francis believes the P&Z minutes contained unresolved confusion, which he believes has been resolved. He also believes the developer realizes the importance of the second access. Mr. Fife clarified the council can only require what is required by the law and whether there's compliance. Councilor Radford began to explain his reasoning for abstaining. Mr. Fife believes an explanation of abstaining should be stated at the time of abstaining. Councilor Hally stated, as an avid golfer, the access out of Sage Lakes is somewhat limited, the planned growth will pay for the bridge, the number of lots in the agreement was based on the amount of traffic, and he's never had to stop at the road that leads out of area. He does not believe there is a traffic problem. Mr. Fife apologized as he believed this item was a public hearing. He indicated it would be appropriate for a councilmember to comment. Councilor Radford declined to comment.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the Development Agreement for Fairway Estates Division No. 28 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following

vote: Aye - Councilors Hally, Francis, Dingman, Burtenshaw. 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. 28 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Hally, Burtenshaw. 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. 28 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Hally, Burtenshaw, Dingman. Nay - Councilor Radford.

- 2) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 25.960 acres, SE ¼ of Section 15, Township 2 North, Range 37 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of LM and HC and airport overlay which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 25.960 acres, SE ¼ of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Clint Jolley, HLE Engineering, appeared. He identified the property as Reed's Dairy. He stated this is the first step in further development of the property. He indicated Reed's Dairy will keep the processing plant and has plans for a state-of-the-art creamery. He also stated the cattle will be/have been moved as the property develops.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration in current zoning

Mr. Beutler stated the property includes 25.9 acres and is a county enclave which is surrounded by the city. He identified the airport runway to the north, which is zoned Light Manufacturing (LM), and noted residential and commercial zones are in the area. He stated this is a Category A annexation, which has been requested by the property owner. He also stated the requested initial zoning is a mix of LM and Highway Commercial (HC).

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated the designation for the long-range plan is for employment centers, which is consistent with the requested zones.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Airport Land Use Map

Mr. Beutler stated this property is in close proximity to the airport, therefore the Airport Overlay Zone must also be applied. He indicated the zoning designations are appropriate within the Airport Overlay and the overlay will dictate the allowed uses which will be reviewed as development occurs.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Radford stated he's excited for a long-time county business wanting to be part of the city. Councilor Francis believes this is an exemplary example of a variety of city agencies, the developer, and the land owner that work collaboratively to create a solution that address all interests.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 25.960 acres, SE ¼ of Section 15, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Freeman. Nay - none.

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

ORDINANCE NO. 3401

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 25.960 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of the previously described property and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

3)

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LM, HC and Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 25.960 acres, in the SE1/4 of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval of LM by a unanimous vote. Staff recommends the requested zoning of LM and HC.

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Employment Center" and approve the ordinance establishing the initial zoning for LM, HC and the appropriate Airport Overlay Zones 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, 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 Hally, Burtenshaw, Dingman, Francis, Radford. Nay - none.

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

ORDINANCE NO. 3402

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 25.960 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LM, HC AND AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LM, HC and Airport Overlay Zones and give authorization for the mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Francis. Nay - none.

- 4) Public Hearing-Rezone from I&M to LC, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: approximately 3.802 acres, in the W1/2 W1/2 SW1/4 SE1/4 of Section 6, Township 2 North, Range 38 East.

Attached is the application for Rezoning from I&M to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 3.802 acres, in the W1/2 W1/2 SW1/4 SE1/4 of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. He stated this area is changing as Bish's is taking off in this area and revamping their property. He believes this area will continue to grow and change. He also stated the rezone request is in accordance with the Comprehensive Plan in this area of commercial and higher-density.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler reiterated the requested zone is consistent with the city's Comprehensive Plan as high-density residential. He stated the LC Zone allows a mix of commercial and residential uses.

He also stated when residential is developed in the LC Zone it follows the R3A residential development standards.

Slide 1 - Property under consideration in current zoning

Mr. Beutler stated there are commercial uses to the east, an arterial road to the north (33rd N) is designed to carry traffic, and there is an easy access to Holmes and US20.

Slide 3 - Aerial photo of property under consideration

Mr. Beutler identified the accesses to Holmes and to the employment centers to the west. He stated as development occurs there will be road improvements and utilities extended. Per Mayor Casper, Mr. Beutler stated the closest utility is at the intersection of 33rd N near Bish's.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Radford stated he's excited to see businesses expanding into the city. Councilor Hally stated he has seen this development expand and he believes this is a tremendous business enterprise and a tremendous asset in the city.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance rezoning approximately 3.802 acres, in the W1/2 W1/2 SW1/4 SE1/4 of Section 6, Township 2 North, Range 38 East, from I&M to LC 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, Hally, Radford. Nay - none.

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

ORDINANCE NO. 3403

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 3.802 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM I&M ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

- 5) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 24.832 acres, SE ¼ of Section 6, Township 2 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of LC and Airport Overlay which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 24.832 acres, SE ¼ of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. He stated this is a continuation of the previous public hearing regarding the rezone. He identified the accesses to the property. He noted the city has a 50' strip of property to the west which is adjacent to this property. Per Mayor Casper, Mr. Jolley confirmed the land fill is to the north.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated the Comp Plan designation is consistent with the initial zoning of LC. He also stated this is located within the city's Area of Impact and is a Category A annexation.

Slide 3 - Aerial photo of property under consideration

Slide 4 - Airport Land Use Map

Mr. Beutler stated this property is located in the controlled development, and there are no height restrictions in this particular area as related to the Airport Overlay.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 24.832 acres, SE ¼ of Section 6, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Francis. Nay - none.

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

ORDINANCE NO. 3404

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 24.832 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the previously described property and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw. Nay - none.

6) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning-Ordinance and Reasoned

Statement of Relevant Criteria and Standards, M&B: 24.832 acres, in the SE1/4 of Section 6, Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LC and Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 24.832 acres, in the SE1/4 of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Higher Density and Commercial" and approve the ordinance establishing the initial zoning for LC and the appropriate Airport Overlay Zone 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, 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 Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

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

ORDINANCE NO. 3405

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 24.832 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC ZONE, AND AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LC and Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw. Nay - none.

- 7) Public Hearing-Rezone from HC to CC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: approximately 28.949 acres, in Eagle Ridge Division 3, NE1/4 SW1/4, Section 24, Township 2 North, Range 37 East.

Attached is the application for Rezoning from HC to CC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 28.949 acres, in Eagle Ridge Division 3, NE1/4 SW1/4, Section 24, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its July 6, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Steve Khyme, Eagle Ridge Development, appeared. He stated as the marketing effort on this project continues there is interest in a broader range of uses than what is currently provided. This has come about by the actions of the council and the predecessors to create an environment in the central core of the community to live, work, and play. Mr. Khyme expressed his appreciation for the vision of the council and the neighboring landowners. He believes a mixed-use development will allow the opportunity to do something special. Mr. Khyme also recognized the presence of David Price.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration in current zoning

Mr. Beutler stated there is Central Commercial (CC) Zone to the immediate south, and there is a mix of CC and Highway Commercial (HC) in this area.

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated the Comp Plan shows the area as mixed-use and commercial designations. He also stated CC would be consistent with those designations. The mixed-use indicates an area to live, work, and shop in a carefully planned environment where streets and land use patterns are more densely developed and ample pedestrian ways to shops, stores, and offices.

Slide 3 - Aerial photo of property under consideration

Mr. Beutler identified the Snake River Landing (SRL) area, the pathway system to the south, and the pathway system along Pancheri that connects to the River Walk. He indicated this area is close to shopping and services.

Per Councilor Francis, Mr. Beutler confirmed a small R1 property to the immediate west. He stated this parcel was recently annexed as R1 per the existing residential use. He also confirmed there is county property further to the west. Per Mayor Casper, Mr. Beutler confirmed this area is part of an Urban Renewal District, and has no bearing on the zoning.

Mayor Casper requested public comment.

David Price, Burley, Idaho, appeared. He stated he is one of the principles in this operation. He also stated he has had this property for a long time and has been through all the issues and problems, although this property has improved dramatically. He believes this will be a nicer edition to the city. He respectively requested a positive response from the City Council.

Kevin Young, city resident and business owner, appeared. He stated he is part owner of the auto body company that borders the property. He also stated his business and the neighboring businesses all share their concern reducing this zone to allow multi-unit development. He believes the only reason to reduce the zone would be to allow apartments, multi-unit dwellings, or multi-level apartment buildings. Mr. Young believes SRL is divided into two (2) types of areas, one (1) being retail (lower area) and one (1) being industrial (upper area), divided by a major canal system and a 20-30' elevation change. He identified the properties in the lower area stating there are vacant lots currently zoned CC in this area. He believes this

area is a prime example of how commercial and residential can work together. Mr. Young stated most properties in the upper area were previously zoned industrial. He identified properties in the upper area stating these properties fit the current HC zone. He believes similar businesses should be kept together. Mr. Young stated, per the P&Z notes, this zone already exists in the upper area, and no one wanted to live in a residence with the highway traffic with the rezone. He believes the residents would complain about the highway traffic. He realizes difficult topics could arise and questioned how the council would address these concerns and complaints. Mr. Young reiterated his concern with rezone. He questioned if there may be setbacks, walls, etc. to address any complaints.

Councilor Francis questioned the meaning of CC. Mr. Beutler stated the CC Zone originally only existed in the downtown area, however, it was modified and designed to spread out as now in SRL and Taylor Crossing. He also stated the intent was to provide a mix of commercial and residential uses that co-exist together. He indicated there are standards in the code to address nuisance complaints or concerns. Per Mayor Casper, Mr. Beutler confirmed SRL and Eagle Ridge are separate developments, however, he stated the upper area was designed to mess SRL and Eagle Ridge together at the request of the property owners. Mayor Casper questioned the concerns of the existing business and future business and if there is an element in the law to ensure they could co-exist and calm the worry. Mr. Beutler stated the law is in place to allow businesses to operate, including the noise ordinance, and the city would address any concerns outside of the law with the property owner. Mr. Beutler also stated the zoning ordinance sets the standards to allow these uses to co-exist better together.

Mayor Casper closed the public hearing.

Councilor Hally stated this is a separate redevelopment district which was designated some time ago. He believes it's good to see some development. He also believes the eligibility criteria would be similar. Councilor Francis believes infill and work, live, shop areas have been encouraged. He also believes the developer will make the plats compatible with the other zones.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the ordinance rezoning approximately 28.949 acres, in Eagle Ridge Division 3, NE1/4 SW1/4, Section 24, Township 2 North, Range 37 East. From HC to CC 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 Francis, Dingman, Hally, Burtenshaw. Nay - Councilor Radford.

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

ORDINANCE NO. 3406

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 28.949 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM HC ZONE TO CC ZONE; AND PROVIDING

SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from HC to CC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Hally, Burtenshaw, Dingman. Nay - Councilor Radford.

- 8)** Public Hearing-Comprehensive Plan Amendment from Lower Density Residential to Higher Density Residential and Commercial, Resolution and Reasoned Statement of Relevant Criteria and Standards to Amend the Comprehensive Plan Land Use Map.

For consideration on the regular agenda is a Resolution amending the Comprehensive Plan Land Use Map. The proposed amendment reflects comprehensive plan policies recommending planning for varied commercial functions within the city and locating commercial centers near existing arterials with excess capacity. The map amendment was considered by the Planning and Zoning Commission at its July 6, 2021, meeting and recommended approval. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. He stated this is a two-part item.

Slide 1 - Property under consideration

Mr. Jolley believes this area is in a place where the uses are changing. He also believes changing the comprehensive designations will fit with what is anticipated in this area.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler reiterated there are a lot of changes in this area. He believes these are positive changes for the community as there are active annexation and land uses in the area.

Slide 2 - Current Comprehensive Plan Future Land Use Map

Mr. Beutler stated the lower-density designation was adopted in 2013. He also stated there are some existing residential uses south of Lincoln Road. Mr. Beutler indicated there was a residential subdivision that was platted in Bonneville County and the plans for this subdivision were to extend to the south to have this area more residential in nature, which has been changing. As this area transitions from residential staff believes it's appropriate to amend the Comprehensive Plan. Mr. Beutler stated there are major arterial roads that service the area and have the capacity in the traffic and utility system which is able to support the designation.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Radford believes this makes sense. Councilor Francis believes this is how the city can adjust to change.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the resolution amending the Comprehensive Plan Land Use Map for the area around Lincoln Road, east of Woodruff Avenue, and west of Hitt Road and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally. Nay - none.

RESOLUTION NO. 2021-24

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 NORTH AND SOUTH OF LINCOLN ROAD EAST OF WOODRUFF AVENUE AND WEST OF 25TH EAST. PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO THE LAW.

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 Land Use Map and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

- 9) Public Hearing-Rezone from HC to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: approximately 19.84 acres, in the SW 1/4 of Section 9, Township 2 North, Range 38 East.

Attached is the application for Rezoning from HC to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 19.84 acres, in the SW 1/4 of Section 9, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its July 6, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be included in the record. She requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. He stated this is the second part of the previous motion. He identified the area. He stated this request is to increase the depth of the LC and the HC as he believes the depth is not very deep to allow different opportunities, and because of the continuous changes in the area the LC gives more opportunities.

Mayor Casper requested staff presentation.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration in current zoning

Mr. Beutler stated this property was annexed into the city in 2020. At that time there were no specific uses identified, the proper owners just wanted to be in the city. Mr. Beutler stated

staff worked with the property owners to create the zone and split the property ½ and ½ at the time. He also stated the LC Zone is a mixed-use zone that allows commercial and residential uses which are compatible with the HC that will remain on the south end as well as the corridor. Any residential uses would be compatible with the R&H Zone to the immediate east. Mr. Beutler believes the modification would be beneficial to this area and is within the Comprehensive Plan policies. Councilor Radford questioned the pedestrian space. Mr. Beutler stated there would be pedestrian improvements along Lincoln Road and a preliminary plat would identify any potential dedicated public streets, sidewalks, and pedestrian connections as well as other connections. Connections would be required to the east and the west to create a network. Council Radford also questioned the connection requirements from residential to commercial. Mr. Beutler stated by design there is always a pedestrian connection which would be reviewed on the preliminary plat. Per Councilor Francis, Mr. Beutler confirmed the area to the east is not developed and the land to the west is not annexed.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Radford prefers the connection spots. Councilor Francis believes the LC Zone opens the door for residential. He also believes the land to the east would develop as residential.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance rezoning approximately 19.84 acres, in the SW 1/4 of Section 9, Township 2 North, Range 38 East, from HC to LC 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 Hally, Burtenshaw, Dingman, Francis, Radford. Nay - none.

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

ORDINANCE NO. 3407

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 19.84 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM HC ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

6. Announcements.

Mayor Casper announced the Duck Race on August 14, any money raised will be for Heritage Park; Governor Brad Little call with city leaders on August 17; Funland Event on August 21; City Council Work Session and Budget Session on August 23; City Council Meeting on August 26 including final budget approval; and City Council Work Session on September 7.

7. Adjournment.

There being no further business, the meeting adjourned at 9:30 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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