

August 27, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 27, 2020, 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
Council President Michelle Ziel-Dingman
Councilor John Radford (by WebEx)
Councilor Thomas Hally
Councilor Jim Freeman (by WebEx)
Councilor Jim Francis
Councilor Shelly Smede

Also present:

All available Department Directors
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Nikala Liebe, a senior at Skyline High School and a member of the Community Youth in Action (CYA) group, to lead those present in the Pledge of Allegiance.

Presentation:

Mayor Casper stated the Local Highway Technical Assistance Council (LHTAC) is one (1) of the few entities in the State that help maintain Idaho's transportation (road) system. She also stated three (3) City employees have completed the training program from LHTAC. Public Works Director Chris Fredericksen recognized these employees in the Street Division – Buck Nelson, Travis Steele, and Jason Mooney. He stated these employees have completed the Road Scholar Program through the LHTAC Training and Technical Assistance Center (T2 Center) which includes 40 hours of instruction in 11 different classes. These classes must be passed within a four-year timeframe. Director Fredericksen stated Mr. Nelson has been a City employee since 2001 and was promoted to street foreman in May 2020. Director Fredericksen recognized Mr. Nelson as an excellent employee. He then presented Road Scholar items to Mr. Nelson. He noted Mr. Steele and Mr. Mooney were unable to attend the Council Meeting. Director Fredericksen stated these are the first three (3) employees within the Street Division to achieve this certificate. He also recognized Street Superintendent Brian Cardon for encouraging his employees to seek this extra education.

Public Comment:

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter. No one appeared.

Coronavirus (COVID-19) Update (as needed):

Mayor Casper stated there have been 342 new diagnosed cases in the State, 40 of which were in Bonneville County. The Eastern Idaho Public Health (EIPH) Board met on August 27 and heard reports from the various hospitals who indicated the active cases are trending slightly downward. The EIPH Board also reviewed the overall infection rate, which is also trending downward. Therefore, the EIPH Board believes the current orders are having a positive impact. They are committed to the plan. This plan is located on the EIPH website. Mayor Casper briefly explained the phases, Bonneville County is in the yellow phase (Moderate Risk level). She noted other counties have had, or

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may have, their orders lifted in the near future. She is hopeful to keep kids in school with hand washing, mask wearing, and social distancing.

Consent Agenda:

Idaho Falls Power requested approval of the Resolution Appointing Idaho Falls' Idaho Consumer Owned Utilities Association (ICUA) Member Representatives.

RESOLUTION NO. 2020-22

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, APPOINTING CITY REPRESENTATIVES TO THE IDAHO CONSUMER-OWNED UTILITIES ASSOCIATION ("ICUA"); AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Public Works requested approval of the Professional Services Agreement with Precision Engineering, LLC for the design of W 17th Street and Rollandet Avenue Intersection Improvements.

Municipal Services requested approval of Bid IF-20-O, Purchase AT40-G Bucket Truck for Idaho Falls Power; Bid IF-20-P, Purchase Hydraulic Derrick for Idaho Falls Power; Bid IF-20-Q Bituminous Plant Mix (Hot Asphalt) for Public Works; minutes from the August 10, 2020 City Council Work Session and Executive Session; August 13, 2020 City Council Meeting; and August 20, 2020 City Council Meeting; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Municipal Services

Subject: Adoption of 2020/21 Fiscal Year Budget Ordinance

The public hearing for the 2020/21 fiscal year budget took place on Thursday, August 20, 2020 pursuant to Idaho Code §50-1002.

Mayor Casper stated hundreds of hours have gone into the preparation of the budget. Councilor Smede concurred with the numerous hours on the budget. She believes this was the most fulfilling year as a Councilmember being part of the budget. She also believes Idaho Falls is the most complex City in the State without its own police station. She stated the budget was complex and difficult although she feels good about it. Councilor Hally stated he remembers the need for a police station approximately 17 years ago. He does not believe the police perform the job in the manner they would like. He stated the cost of police departments was looked at over the years and the cost has risen due to inflation and technology improvements. He believed the timing of a police station would occur following the closure of a redevelopment district, which generates a lot of funding into new construction. Councilor Hally also stated COVID limited the revenues in a lot of areas, specifically recreation. He noted, prior to COVID, no (General Fund) money had been allocated to the airport due to other funding sources. He also concurred with the number of hours on the budget and the sacrifices made noting some items were let go for several years although these items will cost more later on. He also believes it's important to maintain stability. Council President Dingman reiterated her support for the budget ordinance including improvements at the Aquatic Center, investing in the future with a new Law Enforcement Complex (LEC), and investing operationally in the airport. She believes the budget prioritizes public safety, economic development, and recreation. She concurred with the added expense when items are delayed although there are far more needs than what could be funded. She believes the budget is

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very operational. Council President Dingman noted the City also opted into the governor's tax relief program, which allowed no forgone or any of the 3% levy. She stated she is proud of the budget. She expressed her appreciation to the staff and Councilors for the amount of work that goes into the budget process. Councilor Francis concurred with the previous comments. He noted the dehydration system, as part of the ventilation system, is an investment into the future for the Aquatic Center. Councilor Radford stated he will be voting no on the budget for the first time since he has served on the Council as he cannot fathom not asking the voters to go into debt for the LEC. He does not believe this is how the Idaho constitution nor the country has done this as he believes this takes away freedom that the voters should decide. Councilor Radford agrees the police deserve new space although the process should take place as other City buildings. He believes participation for citizenry should be increased. Councilor Radford also stated he cannot vote for this budget without giving the employees a Cost of Living Adjustment (COLA) when the insurance costs were increased. He believes this was a record setting year for the budget. He also believes there needs to be controlled spending as there was not enough money in the General Fund during the previous year. He noted the cost of running a City becomes difficult with the employee costs as the wages cannot stay whole. He does not believe this is the wisest decision. There were no comments by Councilor Freeman. Mayor Casper noted there has been no commitment of a financing plan at this time for the LEC; the employee insurance costs varies and not all employees saw an increase; and this was not the highest revenue setting year as there was more money in the previous year and there was still difficulty funding items. Councilor Francis believes the needs of the community drove the Council to this budget. He stated a direction and a capacity number (in the contingency fund) for the LEC has been discussed although debt has not been incurred and is not part of this budget.

It was moved by Councilor Smede, seconded by Council President Dingman, to adopt the 2020/21 fiscal year budget in the amount of \$282,544,816 and approve the appropriations ordinance, appropriating the monies to and among the various funds, under a 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 – Councilors Francis, Dingman, Freeman, Hally, Smede. Nay – Councilor Radford. Motion carried.

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

ORDINANCE NO. 3328

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, FOR THE PERIOD COMMENCING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021, APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSE FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

Subject: Public Hearing and Resolution to reserve Forgone for Fiscal Year 2020/21

Idaho Code §63-80(1) requires that the City Council adopt a resolution reserving any unused taxing authority that it may desire to use in subsequent years. The Notice of Public Hearing for the 2020/21 forgone resolution was published on Sunday, August 16, 2020 and Sunday, August 23, 2020.

Mayor Casper stated cities have the authority to levy additional tax each year in the amount of up to 3% which was levied from the previous year. This 3% helps pay for any increases, inflation, and rising costs. However, the City believed the governor's Property Tax Relief Program was beneficial. The program was funded with Coronavirus Aid, Relief, and Economic Security Act (CARES) money and reimburses the City for some of the public safety expenses. In order to participate in the program, the City agreed not to levy the 3% nor take previous years forgone. Therefore, the City is in the position of approving forgone for the future.

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

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Municipal Services Director Pamela Alexander stated legislative changes to forgone require each City conduct a public hearing prior to reserving funds for subsequent future years. Director Alexander presented the following:

Forgone –

- Pursuant to Idaho Code §63-802 (1)(a), (1)(f).
- Requires City Council to adopt an annual resolution to reserve additional forgone amount in order to utilize that amount in subsequent years.
- Public hearing to provide notification of the City’s intent to reserve the allowable forgone amount for fiscal year 2020/21 for potential use in subsequent years in the amount of \$1,123,463.

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

Councilor Francis believes forgone may be a source of funding for building the LEC. He noted the governor’s plan is a temporary relief although this money may need to be used in the future. Councilor Freeman stated he is in favor of the forgone as he believes it may need to be available for future Councils. Council Radford stated he is disappointed in the concept of forgone as he believes the 3% is mainly eaten up by inflation. He also believes forgone is tough and unpredictable for businesses, tough for taxpayers, and odd for cities. He understands setting forgone aside although he disagrees with forgone as a principle. He noted there is currently \$5M in forgone that could be used.

It was moved by Councilor Smede, seconded by Council President Dingman, to reserve the 2020/21 forgone amount and approve the corresponding resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Freeman, Francis. Nay – Councilor Radford. Motion carried.

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, RESERVING THE FORGONE AMOUNT FOR FISCAL YEAR 2020 FOR POTENTIAL USE IN SUBSEQUENT YEARS AS DESCRIBED IN IDAHO CODE §63-802, ET AL, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Subject: Approval of Grand Teton Council Sublease to Community Youth in Action

The Grand Teton Council is currently under a 25-year building lease with the City for the property located at 574 4th Street. Section 5 of the lease agreement permits the Grand Teton Council to sublease the property with the prior consent of the City. Community Youth in Action is a 501(c)(3) non-profit organization that is interested in a sublease for building space beginning November 1, 2020.

Councilor Smede stated this item was discussed at the August 24 Work Session. She reviewed sections of the lease agreement. She stated the CYA has been meeting at the Senior Citizens Center which may not be the safest place for individuals who may be more at risk of COVID. She expressed her appreciation for the positivity of the CYA.

It was moved by Councilor Smede, seconded by Councilor Dingman, to approve the sublease of building space proposed by the Grand Teton Council to the Community Youth in Action located at 574 4th Street. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Legal

Subject: City Bus Stop Bench Program Corrected Ordinance

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On July 30, 2020, the City Council approved Ordinance No. 3321, which rescinded the portions of the City Code that contained the City’s bus stop bench program. When staff attempted to change the City Code, staff discovered that Ordinance No. 3321’s amendments contained a numbering error. The attached ordinance contains the correct numbering reflected by the City Code. Staff continues to recommend rescission of the program because current locations of bus stop benches do not comply with the Code; currently suspended bus routes are being re-evaluated as part of a reorganization of Targhee Regional Public Transportation Authority (TRPTA); and there are concerns regarding regulation of advertising on City right-of-way.

Councilor Hally briefly reviewed issues with the benches.

It was moved by Councilor Hally, seconded by Council President Dingman, to approve the Ordinance rescinding the bus stop bench program to the City Code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Freeman, Radford, 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. 3329

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RESCINDING TITLE 8, CHAPTER 8 TO DISCONTINUE THE CITY BUS BENCH PROGRAM; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Parks and Recreation

Subject: Proposals for Splash Pad

On July 22, 2020, the City published RFP-20-074 - Construction of Splash Pad to seek proposals to construct a splash pad at Reinhart Park. The City closed the Request for Proposals (RFP) on August 12, 2020, and reviewed the proposals submitted. After reviewing, staff determined to reject all submissions and intends to review its needs and issue a new Request for Proposals.

Councilor Francis stated there were several issues with the RFP. Councilor Radford apologized to Parks and Recreation Director PJ Holm and the Council for previous comments he made. He expressed his appreciation for Director Holm for his efforts. He believes this project should be done right. Councilor Francis stated this project will begin in spring of 2021.

It was moved by Councilor Francis, seconded by Councilor Smede, to reject all proposals. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

Idaho Falls Police Department

Subject: Body Worn Camera Purchase/Grant

In 2019, the Idaho Falls Police Department (IFPD) was awarded a three-year, \$135,000 Bureau of Justice Assistance (BJA) grant for the purchase of body worn cameras (BWC) and associated equipment. The grant requires a 50% match from the City. Last year the IFPD spent \$45,000 from the grant and \$45,000 of City funds for BWC equipment. This year the IFPD is again spending \$45,000 from the grant and \$45,000 of City funds for BWC equipment. The purchase this year will equip each officer who responds to calls for service with two BWCs, and each officer who does not regularly respond to calls for service with one BWC. Due to the limited battery life of the BWC, each officer will be equipped with two BWCs so that officers always have a charged BWC and can activate it.

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Councilor Francis recognizes body cameras may not have been provided nationally, IFPD is in the forefront. He expressed his appreciation to Police Chief Bryce Johnson.

It was moved by Councilor Francis, seconded by Councilor Freeman, to approve the purchase of body worn cameras and associated equipment. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Community Development Services

Subject: Termination and Release of Past Development Agreement for Diamond Park Addition Subdivision and approval of a new Development Agreement for Teton Mesa Development

The Development Agreement for Diamond Park Division 1 was approved in 2006. Development of the project never occurred. The Housing Company is now proposing development of a new project, Teton Mesa, on the property. Their financial lender is requiring termination of the old development agreement prior to closing in early September. For consideration is the Termination and Release of the old agreement and a new Development Agreement for Teton Mesa Development.

Councilor Francis stated a new developer wishes to submit a new subdivision plan. In order to submit the new plan the Council must terminate the old subdivision plan. Councilor Francis noted the developer is committed to meet the standards of the corrected improvement plan. He also noted the previous developer had started the infrastructure work.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Termination and Release Agreement for Lot 1 Block 1 Diamond Park Addition Subdivision, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the new Development Agreement for Teton Mesa Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Subject: Request for Reconsideration of the Rezone from LM to LC and Reasoned Statement of Relevant Criteria and Standards for Sayer Business Park Division 1

For consideration is the application for reconsideration of the final decision for the rezone for Sayer Business Park Division 1 from LM to LC. The City Council considered this item at its July 30, 2020, meeting and denied the rezone request from LM to LC. It is recommended that the City Council first determine if they want to reconsider their earlier decision. If a motion for reconsideration is approved, then it would be recommended for the public hearing regarding the rezone be reopened to allow for the applicant's testimony. The City Council could then determine to affirm, reverse or modify its July 30, 2020 decision.

Mayor Casper stated Brandon Lee presented an item at the July 30 Council Meeting. She noted due to the lengthy discussion of items being read into the record, the online testimony, and in-person testimony, Mr. Lee was not given an opportunity to rebut the statements. She then requested Mr. Lee present the necessity of a rebuttal. Mr. Lee believes several of the Councilmembers were on the fence with their decision, he was preparing additional comments/information per the public comments, and per State Statute he should have been given the opportunity for rebuttal.

Following brief comments, it was moved by Councilor Francis, seconded by Councilor Radford, to reopen the hearing regarding the rezoning of the Sayer Business Park Division 1 in order to allow the applicant rebuttal

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statements to be admitted into the record. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Rezone from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 3, Block 2, Sayer Business Park Division 1

This item is placed on the City Council's agenda as part of a request for reconsideration of the City Council's July 30, 2020 decision to deny the rezone. If a motion for reconsideration is approved, then it would be recommended to reopen the public hearing regarding the rezone to allow for the applicant's testimony. Attached is the application for Rezoning from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, for Lot 3, Block 2, Sayer Business Park Division 1. The Planning and Zoning Commission considered this item at its June 2, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation. On July 30, 2020 City Council denied the rezone request from LM to LC.

Following brief discussion by the Councilmembers and Mr. Fife, Mayor Casper reopened the public hearing and ordered any new testimony be entered into the record.

Brandon Lee, Idaho Falls, appeared. Mr. Lee expressed his appreciation to the Council for considering the additional information. He addressed the letters of opposition: 1) the concern of increase in crime – Mr. Lee stated this is not true and the data will show the opposite. He indicated a cap score will provide a level of criminal activity around the site. Those scores would decrease as more eyes are in and around the area. If crimes are currently happening, it's because there are not enough eyes to act as that deterrent to the criminal behavior. 2) concern of traffic generation – Mr. Lee concurred any use would increase traffic, the suggested use would have no more of an incremental increase in traffic than any other allowed use in the current zone or in the proposed zone. The data would show that incremental traffic generation from commercial uses are higher than high-density residential uses. Mr. Lee believes City staff could provide multiple studies of this fact. 3) concern of misinformation – Mr. Lee stated the intended use, although not part of the hearing, was for low-income housing, which is not true. He indicated he would show any renderings, site plan, landscaping plan, and amenities if contacted. 4) Mr. Lee stated Idaho Statute requires a notification area of 300 feet for a reason as this distance can be used to show someone has been or may be materially impacted by a change in the property zone. He also stated he requested every address and hand delivered, or mailed, an introduction letter to every person. He indicated every person he spoke with initially expressed concern, but he gained the support by those who truly might be impacted. Mr. Lee presented a map, pointing out the parcels that were in favor of the rezone and those parcels that were not in favor of the rezone. He reiterated he reached out to all those individuals within the 300-foot radius to address their concerns. Mr. Lee stated one (1) of the concerns raised by staff was there are some uses within the LM zone that are not typically found to be a good neighbor to residential. However, following his review of the zoning code and the current uses, all current operating businesses in the surrounding area would fall under the LM zone and the LC zone. Under each zoning designation, the allowed uses under the LM zone may fit less with the surrounding uses than what the LC zone allows. Mr. Lee reviewed the uses in this area, noting this is a mixed-use zone. He requested due credit be given to the recommendation and professional judgement from staff and P&Z. He reiterated, from staff report, that the LC zone is consistent with policies of the Comprehensive Plan (Comp Plan). This property has been rezoned numerous times since 1979 and has yet to be developed. The Comp Plan provides for higher-density housing to be located closer to service areas and those streets designed to move traffic. If this property were to build for residential purposes, it would be near basic services, employment centers, public facilities, and the adjacent storm ponds would buffer a larger portion of the property from the adjacent commercial uses. Mr. Lee stated the development of Costco is changing the development patterns for this area which is creating more requests for general, commercial and residential development and the LC designation would meet this demand. He indicated staff showed this area as commercial and the requested LC zone is consistent with the commercial designation. He also indicated staff stated uses in traffic generation from LM to LC should be similar and should not require street widening. The transportation network addresses access to multiple arterials. The LC zone would also allow residential development and would not overwhelm the street network. Mr. Lee stated staff also indicated the LC zone will not have an impact on the infrastructure in the area. Referencing nuisances/health and safety hazards, Mr. Lee stated staff is aware of specific nuisances for the rezone if developed commercially although if developed residentially

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there could be the possibility of nuisances from existing adjacent heavy-commercial uses. He indicated these issues would be addressed with the tenants. Referencing changes on land uses on adjoining parcels or in the neighborhood, staff stated approximately 41 acres in the adjacent area was recently annexed and zoned LC. An additional 20 acres has also been requested for annexation and LC zoning. Mr. Lee read excerpts from the P&Z public hearing minutes. He noted the adjoining neighbors were zoned LC until a zoning change was made in 2018. Upon further deliberation, Mr. Lee hopes to see his request fall within and support the overall goals of the Comp Plan. Per Councilor Smede, Mr. Lee stated the map was not part of the original hearing. He indicated the information is the same, the map is in a more concise format. Per Mayor Casper, Mr. Fife believes the map should be allowed. Councilor Francis questioned if the storm drainage land is part of a pathway into this development. Community Development Services Director Brad Cramer stated that decision would be up to the City as part of the canal although there is an opportunity to connect. He also stated it would be common to have a path around the storm drainage area.

Mayor Casper closed the public hearing.

Councilor Francis stated this has been a vacant lot for some time although he realizes the vote can only be based on the rezone, not on the use of the land. He does not believe this is walkable as there is no bridge across the canal to connect at this time. Councilor Francis believes it's important that the applicant contacted all those within 300'; the reduction of crime makes logical sense; this is not spot rezoning; and this zoning has changed several times. He also believes there is little existing infrastructure that would be used daily by residents; this area is not directly connected to the southern neighborhood; the effect on people should be considered with a change of zoning; and traffic demands could be a concern. Councilor Freeman stated he did not have issues regarding the low-income housing concern and the crime concern, however, the zoning complex between residential and manufacturing is an issue. He believes conflicts will occur with residential in the middle of manufacturing. Councilor Radford stated property owners have rights under the Comp Plan, he can see how a property owner could be confused in this transition zone. He also stated P&Z works hard, any overturn by the Council should have a confident/important reason. Council President Dingman stated crime was not an issue, she believes traffic generation will increase, and this particular use has no bearing. She stated the City posts a document, Rezoning Your Property, which is meant to advise individuals interested in a rezone. She read several lines from this document. She also believes this would be an island of residential in industrial uses. She disagrees that residential is close as it does not connect and is not walkable. She does not believe the rezone would be in the best interest considering all uses that fall within the zone, and that housing does not make sense in this zone. Councilor Francis reiterated the difference of LM and LC is the option for housing.

It was then moved by Councilor Francis, seconded by Councilor Smede, to affirm the decision (denial) made on July 30 regarding this rezone. Roll call as follows: Aye – Councilors Smede, Dingman, Freeman, Francis. Nay – Councilors Hally, Radford. Motion carried. It was noted the Reasoned Statement of Relevant Criteria and Standards will continue from July 30.

Subject: Public Hearing – Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Fenway Park Amendment

For consideration is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Fenway Park Amendment. The Planning and Zoning Commission considered this item at its August 4, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested a presentation from Steve Heath, the applicant.

Mr. Heath, representing the owner, appeared. He presented the following:

Slide B1 – Property under consideration in current zoning

Mr. Heath stated a PUD overlay was applied in 2004 and the original PUD had four (4) parts. Part of the property was not under the same ownership when it was developed.

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Slide B2 – Aerial photo of property under consideration

Slide B5 – Approved PUD

Mr. Heath stated the area includes 25 condominiums with four (4) units in each building. The Home Owners' Association (HOA) oversees the property and has received several complaints from owners and tenants that on-site parking is not sufficient. There are two (2) stalls per dwelling unit which was in compliance with City Code although there is no room for guest parking.

Slide B4 – Proposed amendments

Mr. Heath stated there is a proposal to add parking areas spread throughout the site. The PUD is barely in compliance of the standards of 20% landscaping. The proposal is to remove 1½% of the 20% landscaping which would allow one (1) parking stall per building for tenants and guests. Mr. Heath stated they have met with staff and the property owners on several occasions to discuss options. Options include 1) a French drain would be put in the existing storm pond on the northern area, this would make the landscaped space useable for the tenants. 2) a playground would be installed in the upper area, and 3) a picnic area would be added in the green space. Mr. Heath stated they would go through the standard site plan process to ensure compliance with City standards and to make sure everything is built correctly. He believe these changes would be a great addition to the property, would allow more parking, and would make the existing landscape more usable for the property owners and guests.

Mayor Casper requested staff presentation.

Director Cramer stated this is an older PUD which was approved under previous standards and might be different than today. He also stated minor changes and major changes for PUD were added to the code several years ago. Several of these changes could be addressed by staff, however, major changes, including the reduction of green space, would need to be approved by Council. Director Cramer stated PUDs provide some flexibility in exchange for a different amenity or higher quality of development. In this case, staff was comfortable with this PUD request because of the addition of the three (3) amenities and because the center green space was not usable. Director Cramer stated staff believed the proposed amenities were justified and therefore, staff would recommend approval.

Mayor Casper requested any public testimony.

Chandler Daw, property manager of the majority of the buildings in this development as well as manager of the HOA, provided testimony via WebEx. Mr. Daw stated he has been part of this project for approximately 15 years. He reiterated the main issue is the lack of parking for guests. He indicated they have tried to make adjustments over the course of several years to accommodate visitor parking including parking to the east, renting spaces, and parking to the west in the Recreational Vehicle (RV) storage. Nothing has worked well. The HOA hired Harper Leavitt Engineering to look at options. Mr. Daw believes these changes would be a benefit to the tenants.

Per Councilor Francis, Director Cramer stated a French drain would be done to the standards of public works. Mr. Heath stated a French drain is basically underground storage for the volume of water. He is hopeful the water will percolate away from the site with the layers of gravel.

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

Councilor Francis believes the additional parking will benefit the neighborhood and there will be better use of the open space for the residents.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Planned Unit Development for Fenway Park Amendment as presented. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Fenway Park Amendment, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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Subject: Public Hearing – Rezone from R1 to R3A, Zoning Ordinance, Reasoned Statement of Relevant Criteria and Standards, M&B: 13.3 Acres SW Corner of Section 33, Township 2N, Range 38E

For consideration is the application for Rezone from R1to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 13.3 Acres SW Corner of Section 33, Township 2N, Range 38E. The Planning and Zoning Commission considered this item at its August 4, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Mayor Casper requested a presentation from Kurt Rowland, the applicant.

Mr. Rowland appeared via WebEx. He presented the following:

Slide C1 – Property under consideration in current zoning

Mr. Rowland believes R3A is a good transition from the adjacent property which is LC. He indicated this property is approximately 13.3 acres.

Mayor Casper requested staff presentation.

Director Cramer stated a rezone must be consistent with the Comp Plan and the policies, and be consistent with the surrounding area. He presented the following:

Slide C1 – Property under consideration in current zoning

Director Cramer reviewed other adjacent areas. He stated the R3A is predominantly a residential zone for higher-density, professional offices, and small-scale commercial uses.

Slide C2 – Aerial photo of property under consideration

Director Cramer stated there is a gravel pit to the north although the remainder of the site is mostly undeveloped and vacant.

Slide C3 – Additional aerial photo of property under consideration

Director Cramer noted the legal description was modified because the road has not been annexed and is not part of the property. This modification slightly reduced the acreage.

Slide C4 – Comprehensive Plan Future Land Use Map

Director Cramer stated the arterial corners were specifically planned to have a mix of uses. There have been higher-density residential plans in this area since approximately 2013. The R3A is consistent with that designation. The map is based on the principles and policies of the Comp Plan which specifically addresses the appropriate use of higher-density residential as a transition from commercial uses to lower-density residential. The R3A fits well within the particular set of policies as a transition zone.

Mayor Casper requested public testimony.

James Foster, Idaho Falls, appeared. Mr. Foster expressed his concern for the intersection as several accidents occur there on a monthly basis. He stated traffic is horrendous at certain times of the day. He also stated there is an irrigation ditch on the two (2) sides of the road. He believes the road will need to be widened if traffic increases although he questioned the irrigation if the road is widened. Mr. Foster stated the intersection will need to be addressed. He indicated he has visited with the County. He noted there are only stop signs on the east and west of 49th, the roads are open in other directions. Mr. Foster questioned the water right on the property and the possibility of the water right being sold. He indicated he could not get answers from the irrigation company. He believes all individuals in this area are concerned.

Dean Mortimer, representing Comfort Construction as the owner of the property, provided testimony via WebEx. Mr. Mortimer stated he is working on a development plan on the far-east of the property and he wants to make sure the property is transitioned between R1 to R3A. He also stated the property was annexed in 2008-2009. He believes the R3A will be a good transition of zoning. He indicated he has had discussion with Mr. Foster and he shares Mr. Foster's concerns. Mr. Mortimer stated he has pledged to work with Mr. Foster and others to ensure the irrigation

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will continue. He also shares his concerns regarding the traffic and the intersection and he will try to work with the County for sufficient stop signs or traffic lights. He believes the additional development should help as Township is widened which would help with the increased traffic.

Per Councilor Francis, Director Cramer stated the land to the east is currently undeveloped although there are development applications; annexation of roads occur during the time of development; and the development would receive City water.

Per Councilor Freeman, Director Cramer pointed out the annexed property adjacent to this property in Slide C1. Also per Councilor Freeman, Mr. Mortimer stated he is aware that the gravel pit is City owned.

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

Councilor Francis believes the rezone makes sense due to the transition and it also meets the goal of the walkable/bikeable community. He does not believe traffic should be directly related to the zoning although he believes those decisions must be made cooperatively by the City and County.

Councilor Hally believes this area is growing tremendously and has increased the traffic, however, he also believes individuals are using the adjacent neighborhoods and not using 49th South.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning M&B: 12.806 Acres SW Corner of Section 33, Township 2N, Range 38E under a 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 – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3330

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 12.806 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1 ZONE TO R3A ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone of R1 to R3A of M&B: 12.806 Acres SW Corner of Section 33, Township 2N, Range 38E, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Announcements:

Mayor Casper announced an awards ceremony for the Idaho National Laboratory (INL) was held August 27. She briefly reviewed the upcoming meeting schedules.

Adjournment:

There being no further business, the meeting adjourned at 10:03 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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