

September 24, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 24, 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
Councilor John Radford (by WebEx)
Councilor Thomas Hally
Councilor Jim Freeman (by WebEx)
Councilor Jim Francis
Councilor Shelly Smede

Absent:

Council President Michelle Ziel-Dingman

Also present:

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

Pledge of Allegiance:

Mayor Casper led those present in the Pledge of Allegiance.

Public Comment:

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

Coronavirus (COVID-19) Update:

Mayor Casper stated the State numbers are increasing and closing in on 500 cases with 457 deaths, there were no updated numbers for Bonneville County. She also stated these numbers are being attributed to back-to-school and another incubation period, and nationally, Idaho is approximately 13th in the nation for the number of cases. Shortly after keeping national statistics, Bonneville County has been in the red for the majority of days. Mayor Casper stated the order remains in place for Bonneville County. She noted Eastern Idaho Public Health (EIPH) removed Custer County from the order. The EIPH Board members strongly recommended Custer County continue to observe best health practices. The EIPH Board continues to recommend 14 days of isolation with direct exposure. This differs by an individuals' personal situation and any individual should be cleared with their physician prior to returning to the public. Mayor Casper noted a number of doctors made a point of clear/scientific teaching for the 14-day isolation. She stated testing is in somewhat short supply and the turn-around time of testing is less than three (3) days.

Consent Agenda:

Municipal Services requested approval of Bid IF-20-24, Purchase Automatic Side Load Refuse Truck for Parks and Recreation; minutes from the September 8, 2020 City Council Work Session and September 10, 2020 City Council Meeting; and, license applications, all carrying the required approvals.

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

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Regular Agenda:

Idaho Falls Power

Subject: Large Load Power Sales Agreement N9+, LLC

Approval of this agreement will establish N9+, LLC as a new large single load customer in excess of 1 megawatt as required by our rate ordinance for service.

Councilor Radford stated this item was discussed at the September 24 Idaho Falls Power (IFP) Board Meeting. Councilor Hally stated this agreement has a limit of five (5) megawatts and the sale only occurs in the months that the City has excess power. He believes it is good for the ratepayers.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the large load power sales agreement with N9+, LLC for up to five (5) megawatts of total interconnected load service and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Hally. Nay – none. Motion carried.

Subject: Change Order No. 1 - Construction Agreement for Fiber Optic Cable Splicing

The purpose of this change order is to allow the current contractor to perform additional work beyond the original stated scope of \$100,000. Approval of this change order will allow Idaho Falls Power/Fiber (IFP/IFF) to contract for services with the same contractors at the same per-unit price, through the first quarter of the new fiscal year on an as-needed basis for the best pricing for fiber optic cable splicing. IFF will use the lowest cost available contractor for each specific splicing project. IFF plans to conduct a formal bid for splicing work in the second quarter.

Councilor Radford believes fiber is a great service for the ratepayers. Mayor Casper noted the memo included a typo, the correct amount is \$185,000.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve Change Order No. 1 - Construction Agreement for fiber optic cable splicing with Advanced Cable Technology, LLC., Cook Cabling, and Spligitty for a not-to-exceed total amount of \$85,000 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Smede, Freeman, Francis, Radford. Nay – none. Motion carried.

Fire Department

Subject: Jefferson County Ambulance Service Agreement

This Service Agreement allows the City and Jefferson County to work together to provide a proficient and cost-effective method of delivering Emergency Medical Transport Services to Jefferson County residents.

Councilor Hally stated the agreement will include a 10% increase from the previous year, and will be in the amount of \$212,784. The agreement is adjusted to the actual reflected costs. Fire Chief Duane Nelson reiterated the increase is to right-size the contract. He stated the City may continue to see increases in the next few years. He noted there is a very good relationship with Jefferson County.

It was moved by Councilor Hally, seconded by Councilor Smede, to approve the Ambulance Service Agreement between the City and Jefferson County and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

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Municipal Services

Subject: Transfer of Ambulance to Clark County Emergency Medical Services

In 2012, the Idaho Falls Fire department acquired through the Municipal Equipment Replacement Fund (MERF) an ambulance to provide advanced life support services for the residents of the City of Idaho Falls and surrounding counties. This ambulance was scheduled for replacement this fiscal year as recommended. Based on years of service and mileage, it is estimated the ambulance would receive approximately \$5,000 through public surplus.

Councilor Smede stated this item was discussed at the September 21 Council Work Session.

It was moved by Councilor Smede, seconded by Councilor Francis, to approve the transfer of City property pursuant to Idaho Statute §67-2322 one 2012 Ford F450 ambulance to Clark County Emergency Medical Services. Roll call as follows: Aye – Councilors Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Subject: Approval of Professional Services Contract for Outsourcing City Utility Billing

As part of ongoing efforts to improve the cost and efficiency of city utility services, representatives from Municipal Services, Idaho Falls Power and Public Works reviewed and evaluated proposals for outsourcing city utility billing. City staff are estimating saving over \$100,000-\$125,000 per year in staff time, paper, envelopes and postage by outsourcing the utility billing. A total of thirteen proposals were received, reviewed and evaluated by the evaluation team. The top three scored proposals were invited to provide a presentation. Following the presentations, the city evaluation team unanimously selected Information Source.

Councilor Smede stated Municipal Services is looking to save 50% of the current \$250,000 being spent. Municipal Services Director Pamela Alexander stated the current billing system is very antiquated. She estimated 23,000 utility bills will go through this outsourcing; the outsourcing will stuff envelopes, including any inserts, and apply postage; and it will have the ability to gather and consolidate multiple bills into one (1) envelope. She stated this contract will begin December 1. She noted the City will use the current inventory of paper, ink, and envelopes prior to shifting to outsourcing. Councilor Smede noted this outsource will help shift staff to other needs. Per Councilor Francis, Director Alexander stated this item was briefly discussed at a previous IFP Board Meeting as well as a previous Council finance presentation; this will benefit staff; and the savings will come through staff time, inventory items and supplies, equipment/equipment maintenance; and will directly impact Public Works and IFP. She noted this is a pilot project. Director Alexander confirmed this only involves the manual labor of utility billing. Per Councilor Freeman, Director Alexander stated this will not change the collection process. Councilor Radford believes this will save taxpayer dollars. Also per Councilor Radford, Director Alexander stated a field processing group consisting of members of Municipal Services, IFP, and Public Works work as a team to improve customer services. Per Mayor Casper, Director Alexander stated all options for bill paying are discussed with new customers, including auto pay. Councilor Radford believes this should be celebrated through the Public Information Officer (PIO)/media.

It was moved by Councilor Smede, seconded by Councilor Francis, to approve a professional services contract with Information Source, a division of Standard Printing Company for an annual contract not to exceed \$125,000 based on the estimated volume of 23,000 mailed bills per month, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Approval of Workers' Compensation and Employer's Liability Insurance for Fiscal Year 2020/21

The total of \$221,908 is an increase of \$43,754 from last fiscal year's amount of \$178,154. City staff is recommending the purchase of workers' compensation insurance with Safety National (option 1) for an annual cost of \$155,453, plus a workers' compensation bond in the amount of \$7,455. The workers' compensation and employer's liability rate has increased due to an increase in payroll from \$46M to \$53M and industry increases to

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medical costs and property and casualty loss rates. The insurance policy also includes a \$500,000 retention for wildland fire coverage. City staff is also recommending an increase in the Moreton & Company contract by \$20,000 to develop a specialized on-site safety training curriculum focusing on areas with an increase in liability claims.

Councilor Smede stated this is a routine annual agenda item. Director Alexander stated this insurance coverage begins October 1. She stated the increase is due to changes in the interest rate. She also reiterated the on-site training curriculum. This training will occur in a team environment. Per Councilor Francis, Director Alexander stated the annual presentation from Moreton and Company was delayed due to COVID. She also stated workers' compensation is a team effort between the Idaho Counties Risk Management Program (ICRMP) and Moreton and Company. Mayor Casper noted safety culture is important for everyday jobs. She stated this is targeted and designed for injuries and any associated liability.

It was moved by Councilor Smede, seconded by Councilor Francis, to approve the workers' compensation and employer's liability consulting, training and insurance policy contracts for the 2020/21 fiscal year for a total of \$221,908. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

Public Works

Subject: Approval of State/Local Cooperative Agreement with Idaho Transportation Department for the Pedestrian Improvements project

For consideration is a State/Local Cooperative Agreement and Resolution with the Idaho Transportation Department (ITD) for development of the Pedestrian Improvements project. This project will provide a Pedestrian Hybrid Beacon (PHB) signal crossing at the intersection of Dale Drive and Broadway (US20). The agreement allows for the City to design and construct the project and to be reimbursed by the State on or after July 1, 2021. The agreement, if approved, allows this PHB to be installed this fiscal year rather than after July of next year.

Councilor Freeman stated construction has begun and the State reimbursement will be received in the next year. He noted actual costs will be significantly less than \$345,000. Councilor Radford stated a citizens group advocated for this solution. He believes this will keep pedestrians, specifically students, safe in this area. He also believes it is important to make this a priority. Councilor Francis stated this item has been discussed for some time. He noted it really addresses the direct problem for anyone crossing Broadway. He believes it also made good use of surplus equipment.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Agreement and the accompanying Resolution and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

RESOLUTION 2020-24

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS.

Subject: Ordinance Revision Amending Title 8, Chapters 1, 2 and 4 Eliminating Capital Improvement Funds and Fuel Flowage Fees Fund

The proposed revision to City Code is being brought forward for your consideration to comply with General Accounting Standard Board (GASB), Title 33 requirements as identified by recent City audits. Elimination of the City Code Sections in question will resolve both internal and external concerns and will still allow the City to

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manage enterprise monies in a legal and responsible way that complies with applicable and generally accepted governmental accounting principles and practices.

Councilor Freeman stated this item also involved the Airport and Legal Department. He stated it is an ordinance clean-up.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Ordinance amending City Code regarding the creation of capital improvement funds for water, sewer and fuel flowage fees fund 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, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3335

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 1, 2, AND 4 OF TITLE 8 OF THE CITY CODE TO ELIMINATE CAPITAL EXPENSE FUNDS THAT ARE INCONSISTENT WITH THE GENERAL ACCOUNTING STANDARDS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Professional Services Agreement with Murraysmith Incorporated to update the 2015 Water Facility Plan

For consideration is a Professional Services Agreement with Murraysmith, Inc. to update the 2015 Water Facility Plan. Updating the Water Facility Plan will provide necessary planning to ensure that anticipated future needs of the Water Division are met and provide crucial information for water rate analysis.

Councilor Freeman stated this agreement updates the Water Facility Plan for the upcoming five (5) years. He noted Murraysmith is a leader in this field. The cost of the service is \$152,553. Councilor Freeman believes this is money well spent.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Professional Services Agreement with Murraysmith Incorporated and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Legal

Subject: Sidewalk Violation Ordinance

The City requires sidewalk, curb, and gutter construction and maintenance. When there is a violation of the ordinance, City staff needs to contact the person responsible for violation. For this reason, City Code should be clear about the contents of the Notice of Violation, the order to correct it, and whom the Notice should be given to.

Councilor Hally stated a sidewalk must be constructed during development. The maintenance of a sidewalk is the responsibility of the property owner and any violation must be corrected within a certain amount of time.

It was moved by Councilor Hally, seconded by Councilor Freeman, to approve the Ordinance clarifying order and notice requirements 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, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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

ORDINANCE NO. 3336

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 10, SECTION 2 TO CLARIFY ORDER AND NOTICE REQUIREMENTS WHERE THERE IS A VIOLATION OF THE CITY'S SIDEWALK AND CURB CONSTRUCTION AND MAINTENANCE ORDINANCE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: Development Agreement Between the City of Idaho Falls and the Idaho Falls Redevelopment Agency

In the FY2020-2021 budget, \$200,000 was allocated to the Idaho Falls Redevelopment Agency (IFRdA) for establishing potential future redevelopment districts in the 1st Street and Northgate Mile areas. Because there are no current districts in that area, and because IFRdA typically does not have authority to spend funds outside of a district, the attached agreement is intended to grant temporary authority to spend the funds outside of an existing district.

Councilor Francis stated the \$200,000 approved in the budget is seed money to begin another redevelopment agency project within the City. Community Development Services Director Brad Cramer stated \$1.4M will be distributed by the County from the recent closure of an agency project. An estimated \$705,000 will be distributed to the city.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the City of Idaho Falls and the Idaho Falls Redevelopment Agency Development Agreement and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Providence Point Division 1

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Providence Point Division 1. The Planning and Zoning Commission (P&Z) considered this item at its August 4, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated the property is 15.78 acres of land. He noted there are some lots set aside for storm water retention and a walking path is included. He believes the lot sizes and configuration will encourage a variety of home sizes which is an identified need and a best practice.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for Providence Point Division 1 Subdivision, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Providence Point Division 1 Subdivision, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Hally. Nay – none. Motion carried.

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It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Providence Point Division 1 Subdivision, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Subject: Public Hearing – Annexation and initial zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, HC, M&B: 17.46 acres NE1/4 SE1/4 Section 8, Township 2 North, Range 38 East, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 and 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, Block 2 and Lots 6-7, Block 4, Hodson Addition First Amended

For consideration is the application for Annexation/Initial Zoning to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 17.46 acres NE1/4 SE1/4 Section 8, Township 2 North, Range 38 East, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 and 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, Block 2 and Lots 6-7, Block 4, Hodson Addition First Amended. The Planning and Zoning Commission considered this item at its September 1, 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 staff presentation.

Director Cramer stated this is a City-initiated annexation. He then presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated this is the final City-initiated annexation of properties that have City utilities and are contiguous. He noted it was unknown that the properties were receiving City utilities at the time when other adjacent parcels were annexed.

Slide 2 – Comprehensive Plan Future Land Use Map

Slide 3 – Aerial photo of property under consideration

Director Cramer noted for the most part this is developed land. He also noted there is some residential use to the west but for the most part this entire area is commercial in nature.

Slide 4 – Additional aerial photo of property under consideration

Director Cramer stated the undeveloped parcels were included due to the same ownership of the developed parcels.

Slide 5 – Aerial photo of property under consideration with Annexation Principles

Director Cramer noted not all the parcels in the annexation have City utility, however, per the City's statement of annexation principles these parcels are included as they qualified under the document.

Slide 6 – Utility map for this area

Director Cramer stated staff went through the Category B procedures although there was no neighborhood meeting due to COVID. He noted there was no contact or testimony received.

Per Councilor Smede, Director Cramer stated these parcels were identified by the adjacent neighbors and Public Works confirmed by testing/locating the lines. Per Councilor Francis, Director Cramer stated Woodruff Avenue has been annexed into the City. Per Councilor Freeman, Director Cramer stated the outlier parcel was missed in the previous annexation.

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

Councilor Francis stated this property clearly meets the categories in the annexation principles. He also stated the properties benefit from City services including the City road. This area is also within the Area of Impact.

Councilor Francis believes, in order to make the annexation statement accurate, the 'whereas' clause in the ordinance needs amended to reflect consent or no opposition to the annexation.

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It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance annexing: 17.46 acres NE1/4 SE1/4 Section 8, Township 2 North, Range 38 East, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 and 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, Block 2 and Lots 6-7, Block 4, Hodson Addition First Amended under a suspension, and as amended in the recitals, 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, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Mayor Casper noted the ‘whereas’ clauses do not change the effectiveness of the law/ordinance although she appreciates the consistency for the additional actions.

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

ORDINANCE NO. 3337

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 17.46 ACRES DESCRIBED IN EXHIBITS A AND B 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 Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of: 17.46 acres NE1/4 SE1/4 Section 8, Township 2 North, Range 38 East, Lot 5, Block 1, Lots 1-5 and a portion of Lots 7 and 10, Block 2, Lots 1-5, Block 4, Hodson Addition and Lots 12-15, Block 2 and Lots 6-7, Block 4, Hodson Addition First Amended and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to assign a Comprehensive Plan Designation of “Commercial” and approve the Ordinance establishing the initial zoning for HC 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 summary. Roll call as follows: Aye – Councilors Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3338

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 17.46 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC 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 Initial Zoning for HC and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Annexation and initial zoning of R3A, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, R3A, M&B: 2.237 Acres, Section 7, Township 2 North, Range 38 East

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For consideration is the application for Annexation/Initial Zoning to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 2.237 Acres, Section 7, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its September 1, 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 Johnny Arbuckle, the applicant.

Johnny Arbuckle, Scratch Development, appeared via WebEx. Mr. Arbuckle stated Scratch Development is working to bring a tenant to this location that will create 200 jobs. He believes this is an exciting project for Idaho Falls as this project is in competition with other cities. Mr. Arbuckle stated the parcel fronts Energy Drive on the north and DOE Place on the south. It is an orphan piece that is surrounded by current City property. Mr. Arbuckle noted the additional/following application relates to the parcel directly to the west of this piece that relates to the rezone to make both parcels available for development of this project. The requested initial zoning is R3A, the parcels to the north and the east are currently R3, the parcels to the west and the south are R&D. Mr. Arbuckle believes the R3A is a good transition and allows a mix of uses. He stated the primary reason for the zoning designation is for the narrowness of these parcels and for the planned development of the parking needs for the anticipated tenant. He also stated the R3A has a setback that allows the needed layout and allows for professional services for a future office building.

Mayor Casper requested a staff presentation.

Director Cramer presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated prior to 2018, this area was all industrial zoning. Staff identified this area as needing a rezone away from industrial toward R&D or professional office. Staff also believed this area would develop together as the R&D zone is intended for large parcels because it requires a significant amount of landscaping and setbacks. Director Cramer stated these parcels are not going to develop together at this point because the ownerships are different.

Slide 4 – Aerial photo of property under consideration

Director Cramer stated Allied Avenue was not considered, this road is required to be connected to Energy Drive somewhere. If not connected, Energy Place and DOE Place become too long of a roadway to meet the subdivision and fire codes. Director Cramer indicated the applicant is intending to develop as one (1) parcel, however, if this is not the case these are separate parcels and the road cut through would leave a small parcel that has R&D setback requirements. Most of the lot would be eaten up by setbacks and landscaping. The R&D does not make sense on this parcel and would make it almost undevelopable.

Slide 2 – Comprehensive Plan Future Land Use Map

Director Cramer stated Higher Education has been used before and regularly and it allows professional offices and small-scale commercial uses.

Slide 3 – Additional aerial photo of property under consideration

Slide 5 – Photo looking southwest across the property from Energy Drive

Slide 6 – Photo looking northeast across the property from Energy Place

Per Mayor Casper, Director Cramer stated the concern of Allied Avenue will affect the zoning, the road alignment will be addressed in the final plat. Per Councilor Francis, Director Cramer confirmed R3A has a transitional element. Per Councilor Freeman, Director Cramer stated the parking requirements would limit the height on R3A unless the parking becomes structured or goes underground.

Mayor Casper requested any public testimony.

Councilor Freeman questioned the number of parking stalls or parking structure. It was noted concerns of parking are not relevant to the annexation.

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

Councilor Francis noted this is a Category A annexation. He believes this is a walkable concept, it's a transition, there is R3 nearby, and it will be supportive of other adjacent areas. He also believes R3A will give an option for housing and offices. The zoning will also provide support for those individuals working in this area.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance annexing: 2.237 Acres, Section 7, 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. Roll call as follows: Aye – Councilors Hally, Smede, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3339

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.237 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 Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of: 2.237 Acres, Section 7, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to assign a Comprehensive Plan Designation of “Higher Education Center” and approve the Ordinance establishing the initial zoning for R3A 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 summary. Roll call as follows: Aye – Councilors Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3340

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 2.237 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS 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 Initial Zoning for R3A and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Rezone from R&D to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 1.76 Acres, Lot 1, Block 2, Energy Plaza

For consideration is the application for Rezoning from R&D to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 1.76 Acres, Lot 1, Block 2, Energy Plaza. The Planning and Zoning

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Commission considered this item at its September 1, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper noted this property is adjacent to the immediate west of the previous annexation and zoning.

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

Mayor Casper requested a presentation from Johnny Arbuckle, the applicant.

Johnny Arbuckle, Scratch Development, appeared via WebEx. Mr. Arbuckle stated the parcel is currently zoned R&D. He also stated several reasons for the rezone relates to the setback requirements for the landscaping buffer along Energy Drive, Energy Place, and in the future for Allied Avenue that will extend through these parcels. This will create a difficulty to get the parking filled and the required building for development. Mr. Arbuckle stated the rezone will allow for professional services with less of a setback requirement from the street and would be consistent with the overall plan for this area.

Mayor Casper requested a staff presentation.

Director Cramer presented the following:

Slide 2 – Comprehensive Plan Future Land Use Map

Director Cramer stated Higher Education Center promotes a number of different uses to support higher education including housing, commercial, office, and research and development. R3A is consistent with that designation. He noted the remaining slides are the same from the previous hearing.

Mayor Casper requested any public comments. Seeing no one appearing, Mayor Casper closed the public hearing.

Councilor Francis stated there is R3A directly to the east, R3 to the north, and this still fits with the Comprehensive (Comp) Plan. He noted the R&D does not work well with the use of this land.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning M&B: 1.76 Acres, Lot 1, Block 2, Energy Plaza from R&D to R3A 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, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3341

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 1.76 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R&D 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 from R&D to R3A of M&B: 1.76 Acres, Lot 1, Block 2, Energy Plaza, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

Subject: Public Hearing – Rezone from I&M to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Lots 3, 4, and 5, Block 1, McNeil Business Park Division 2, SE ¼, Section 25, T 2N, R37

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For consideration is the application for Rezoning from I&M to R3A, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Lots 3, 4, and 5, Block 1, McNeil Business Park Division 2, SE ¼, Section 25, T 2N, R37. The Planning and Zoning Commission considered this item at its September 1, 2020 meeting and recommended approval by a 5-1 vote with one abstention. Although the motion passed by a fairly wide margin, the discussion was not as unanimous. Staff highly recommends a careful review of the minutes for this item.

Councilor Radford noted he had previous discussion with a citizen regarding this issue not realizing it was quasi-judicial at the time. He also noted the discussion was comments only.

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

Mayor Casper requested a presentation from Victor Sutherland, the applicant.

Mr. Sutherland believes there are several reasons why this area should be developed and rezoned to R3A including the Thayer Bridge fountains and walkability to the zoo; this fits within the Comp Plan as Sunnyside is south of the three (3) lots; and the current zone is Industrial and Manufacturing (I&M) with a variety of adjacent businesses that do not fit this zone. He also believes this is a great opportunity.

Mayor Casper requested a staff presentation. She noted Director Cramer will read written testimonies that arrived prior to the deadline.

Director Cramer reiterated, per the memo submitted, staff recommendation was to carefully review the minutes from the P&Z meeting as there were two (2) members of the P&Z that did not vote. Those two (2) members opposed the rezone. Director Cramer stated this is not an easy decision as there are arguments from the Comp Plan that support the rezone and arguments that support denial of the rezone. He then presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated most of the area to the west, north, and south is zoned I&M. The immediate east area is zoned R3A.

Slide 2 – Future Land Use Map of the Comprehensive Plan

Director Cramer stated this area is shown as an intersection of higher-density residential, employment center, and highway-related industrial. He noted the lines (of the Comp Plan) are not drawn to follow parcel lines. They are meant as an idea of what will happen in the future.

Slide 3 – Aerial photo of property under consideration

Director Cramer stated the parcel is currently undeveloped and there is a significant amount of undeveloped land in the immediate area. He also stated concerns raised are the industrial-type traffic that runs along McNeil in order to access Sunnyside. The nearest access to Yellowstone is north onto 25th. Director Cramer stated the Comp Plan policies that do not support the rezone are in regard to industrial land. Page 52 of Comp Plan states that land served by railroad and Airport facilities and near or adjacent to State highways shall be retained for industrial development with the idea that those industrial uses need easy access to transportation facilities. Director Cramer stated this is an important policy of the Comp Plan. The Comp Plan also states the City needs to assure industrial and heavy-commercial traffic does not move through neighboring residential areas. There is no neighboring residential road this connects to although the proposal is to put a zone that is primarily residential next to a road that is used by industrial and heavy-commercial traffic. There are principles that would suggest the rezone is not appropriate.

Slide 4 – Additional aerial photo of property under consideration

Director Cramer stated a principle that staff used in support of the rezone has to do with the adjacent residential development where the plan addresses buffering industrial uses from residential. The R3A provides a buffer to the existing neighbors to their immediate west. If this were to develop as residential, it is buffered by McNeil Drive and by the setbacks and buffering and landscaping requirements to any development that would happen west of McNeil Drive. Director Cramer stated rezone requests include what is happening in the area. He noted changes are happening in both directions in support of residential in the area. There have also been a number of rezones to Limited Commercial (LC) to the north. LC allows residential at the same standard as an R3A zone. Director Cramer stated staff has recently met with a potential developer in the area to the west although any plans have not been officially submitted. These plans also indicate changes to the area. Director Cramer stated the old code, prior

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to 2018, only required 30' setback from McNeil Drive, a 15' landscaping strip along the road, and no buffering between the residential and the industrial unless it was parking or loading zones. He also stated when the code was re-written in 2018, the City added a requirement of a 30' setback in the rear of the property when industrial is against residential and the 30' must be landscaped unless a masonry wall is installed. On this particular site, because of the narrow lots, the 30' setbacks in the front and the rear ate up roughly 40% of the site in setback requirements. This is a concern for potential developers of this lot. Staff recognized a different zone would make the lot easier to develop.

Slide 5 – Photo looking south along McNeil Drive

Slide 6 – Photos looking north and south along McNeil Drive

Slide 7 – Photo looking at commercial and industrial development to the west of the site

Director Cramer stated staff re-visited the site to observe/watch the area. Staff believes it may not be inappropriate to have residential today although it may not make sense if industrial continues to occur in this area. Director Cramer noted this is a challenging application from the staff perspective.

Councilor Francis questioned the connection to Thayer Bridge. Director Cramer stated these are private roads so there is no requirement from the City to connect. Councilor Francis also questioned the amount of commercial in the industrial area. Director Cramer stated industrial is very broad. He believes this is a market-driven development pattern. Per Councilor Francis, Director Cramer stated there are less setbacks, buffers, and allowed uses; industrial is very intentional on protecting adjacent residential development from the nuisances; and the access would be McNeil Drive. Mayor Casper questioned the traffic concerns. Director Cramer believes the volume of commercial and industrial traffic will increase and will make an unsafe environment. Per Mayor Casper, Mr. Fife stated the negligence issues and the development is not relevant to the zone. He also stated the Council must consider all uses allowed within the zone including safety. Per Councilor Freeman, Director Cramer confirmed the setback comparisons of R3A and LC, and a fair amount of land for setbacks would be lost with either zone because of the adjacent residential.

Director Cramer then read the following emails/letters into the record that were submitted earlier in the day.

The Honorable Rebecca Casper and Members of the City Council,
Old Faithful Beverage Company of Idaho Falls, Inc. has been a valued business member of the community since 1902. We have been located in our current business complex for over 26 years. We wish to express our opposition and submit opposing arguments to the City of Idaho Falls Planning and Zoning Commission in reference to the above referenced rezone application. Commission failed to adequately consider the consequences of approval and evaluate the foreseeable impacts of the rezone on the surrounding landowners and future occupants of the residential development planned on the rezoned property. The requested rezone is nothing more than an accommodation of the developer's plan to construct residential high-density housing in an area completely surrounded by property zoned for industrial and commercial development. Approval of the rezone will create an immediate and increasing traffic safety problem on McNeil Drive with heavy commercial traffic moving through a newly established residential area. In addition, rezoning this property to R3A will extend residential use beyond the existing transition boundary between the Thayer Bridge residential development and the industrial and commercial property of the McNeil Business Park, a development never intended for residential occupation. Additionally, approval of the rezone creates a permanent conflict between dramatically different land uses. The property requested for rezone fronting McNeil Drive, is almost exclusively used by heavy commercial vehicles and local commercial and industrial business travel. The Commission's Staff Report acknowledges that the heavy commercial traffic moving through a residential area "has the potential to create conflicts of nuisances where there is now a mix of traffic types, where before there wasn't". Old Faithful operates from 3 a.m. to 9 p.m. on any day of the year. Our business alone creates semi-truck and delivery truck traffic exceeding 100 trips per day. Heavy commercial vehicular use will create both safety and nuisance issues for residents who will find this constant traffic and noise unacceptable. With business growth and future development, this problem will only compound. More importantly, the heavy commercial vehicles have extended stopping distances, even at low speeds, presenting a danger and risk to pedestrians or children playing in the area. No viable, safe option exists to reroute the existing traffic away from the planned housing development. Further, the rezone of existing IM property in the McNeil business park to R3A is an overreach of the Comprehensive Plan Policies. Planning and Zoning based part of their decision to approve

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the parcel zoning change on the fact that it borders other High-Density Residential property. This is true, but the existing residential property exits onto Rollandet Street. That existing residential development backs to property fronted by McNeil Drive and the McNeil Business Park, which, until now, served to buffer and transition to IM property. The property was last zoned Light Manufacturing, as stated in the Commission's Staff Report "consistent with the heavier commercial uses that have developed in the area" (P&Z Staff Report, 9/1/2020). Rezoning this property to R3A thrusts high density housing past the existing residential buffer into commercial and industrial zoned property, an area never intentioned for residential housing. This in turn will create yet another immediate and unsolvable conflict. Old Faithful Beverage Company of Idaho Falls, Inc. and other existing property owners with parcels fronting McNeil Drive in McNeil Business Park support new development consistent with IM use. Allowing this rezone will promote opposition by new residential owners or tenants against property owners of existing IM property. This proposed high density residential development will be isolated and surrounded by commercial and industrial use, plagued by increasing traffic, noise and safety concerns. This will result in a foreseeable but impossible to resolve constant stream of complaints about the existing business operations' adverse impact on residents' quality of life, peace and safety. Old Faithful Beverage Company of Idaho Falls, Inc. contends that the City Council cannot rationally condone the immediate and increasing conflict, and confrontation, that will arise along with the risk, hazard, and nuisance associated with housing located on McNeil Drive. Accordingly, we request that the Mayor and City Council deny the Planning and Zoning Commission's requested action to rezone from IM to R3A.

Respectfully Submitted, Erik Hutchings General Manager, Old Faithful Beverage Co. Pepsi Cola of Idaho Falls.

Dear Honorable Rebecca Casper and Members of the City Council,

Burns Concrete, Inc. is a professional concrete and aggregates production company serving Eastern Idaho since 1988 from our current location. Burns is a major landowner of industrial property in, and adjacent to, McNeil Business Park, and makes extensive use of McNeil Drive in our operations. We are writing to express our opposition to the Idaho Falls Planning Commission's recommendation to approve the referenced rezone request, and provide the justification for our position. While the Commission's Requested Action is supported by the Staff Report of 9/1/2020, the Commission has not sufficiently evaluated and reported the resultant serious repercussions of approval. The rezone will have adverse impact on the surrounding landowners, newly mint a predictable mixed-use conflict and create safety concerns with any future occupants of the residential development planned on the rezoned property. The requested rezone will allow a developer to construct residential high-density housing in an area previously only zoned for industrial and commercial development. In effect, the housing project will be an isolated, mixed use carve out that will be incompatible with future planned development of the surrounding property. The housing development will create an immediate traffic safety problem on McNeil Drive. McNeil Drive now carries a high volume of heavy commercial vehicles, traffic that will operate immediately in front of the residential property. Over time, the commercial traffic volume will only increase. As pointed out in the Commission's Staff Report, the heavy commercial traffic operating through a residential area "has the potential to create conflicts or nuisances where there is now a mix of traffic types, where before there wasn't". We posit that this outcome is a certainty, not a "potential". As evidence, Burns Concrete regularly operates from 1 a.m. to 9 p.m. on any day of the year. During daily operation, Burns Concrete Mixer Trucks, Aggregate Dump Trucks with attached Pup Trailers and supplier tandem Cement Bulklers combined can exceed 200 trips per day on Mc Neil Drive. Other businesses create additional semi-truck and delivery truck traffic. McNeil Drive is not illuminated with street lights, and traffic operates with headlights outside of daylight hours. This condition will create a nuisance, and result in both a safety and noise issue for uninformed future residential residents who will find this constant traffic and noise over extended hours intolerable. More seriously, the heavy commercial traffic presents a danger and risk to pedestrians or children playing in the area due the extended stopping distances of these vehicles. Reducing the road speed limit will not eliminate this risk, and the options to reroute commercial traffic off of McNeil are neither feasible or safe. To reiterate, this road does not currently carry residential pedestrian or vehicle traffic, and placing a high-density residential building adjacent to McNeil Drive will endanger the future resident families and children. In addition, the rezone of existing IM property in the McNeil Business Park to R3A requires liberal interpretation of the Policies in the City's Comprehensive Plan. Rezoning this property to R3A extends residential use beyond the existing transition boundary and buffer provided by the Thayer Bridge high density residential development and the industrial and commercial property of the McNeil Business Park. Planning and Zoning partially based their decision to approve the parcel zone change on the fact that it borders Thayer Bridge, however traffic from Thayer

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Bridge exits via Rollandet Street, not McNeil. Pushing high density residential property past the existing residential buffer into commercial and industrial property, which was never intended for residential occupation, is also inconsistent with previous zoning for this parcel. Again, referencing the Commission's Staff Report, the property was also previously zoned Light Manufacturing "consistent with the heavier commercial uses that have developed in the area". As surrounding property is developed for commercial and industrial uses, the mixed-use conflict resulting from the proposed zoning will be permanent, and without a solution. Burns Concrete, Inc., acquired property in McNeil Business Park for planned expansion, consolidation of other remote business operations, and development of new, industrial and manufacturing related business. All of Burns planned development is suitable for IM zoned property, and will create significant additional commercial traffic and noise. We are aware that other property owners surrounding the proposed rezone have similar plans to develop their property utilizing the current IM zone designation. One can easily extrapolate from the avoidable situation that will be created by the rezone, that existing property owners will have to contend with the sum of the residential complaints, and objections when any new development proposal will increasingly make the problem worse. Allowing the rezone will establish future IM development opposition from new residential owners or tenants. Recognize that this opposition would be directed toward plans for which the existing IM property was originally acquired, and intentionally separated from residential use. In the future, this housing development may very well be the only residential property in the area, with planned IM development steadily adding to increasing traffic, noise, and safety issues. Residential occupants will have no solution to the problems that will diminish the quiet enjoyment of their property. Burns Concrete asserts that the City Council cannot reasonably approve this rezone request when it will result in predictable, permanent, and incompatible mixed-use interests and needs. Future residential occupants of the planned development, having no prior knowledge of the hazards and nuisance produced by the normal operations of the surrounding businesses, will generate complaints to the adjacent businesses who are not responsible for the situation, and cannot provide relief to their concerns. The City of Idaho Falls will have to contend with the constant stream of complaints. Residential development within McNeil Business Park creates an immediate, permanent conflict of interests between future family residents and both the current, and planned IM development uses of the surrounding property. The liability created by approving the rezone can only rest with the City of Idaho Falls, and not the existing business and property owners. Fortunately, this situation can and should be prevented from occurring. Therefore, we request that the Mayor and City Council deny the Planning and Zoning Commission's requested action to rezone from IM to R3A.

Respectfully Submitted, Kirk Burns, President, Burns Concrete, Inc.

Dear Mayor Casper and Members of City Council,

IE Productions is located at 2975 McNeil Drive in Idaho Falls, directly adjacent to the proposed Rezone plots from IM to R3A in McNeil Business Park. We feel that the requested rezone would have a negative impact to the businesses that currently exist in and around McNeil Business Park. We specifically built our studio facilities in this development because it was zoned commercial use only. We did not want to put our studios in a residential area for fear of constant noise interruptions and or noise complaints while we are recording. We feel that having high density housing located directly next to us may have potential conflict with our daily business operation, and potential residential neighbors. Another conflict we see is that McNeil Business Park already has a very high volume of heavy commercial truck traffic that use McNeil Drive daily including Old Faithful Beverages, Electrical Wholesale, Melaleuca, Burns Concrete and The Idaho National Guard. This type of traffic creates safety and noise conflicts with potential residents and existing and future businesses that will operate in the business park. For these and many more reasons I respectfully request that Mayor and City Council deny the Planning and Zoning Commission's request to rezone this property from IM to R3A.

Chad Hammond/Gary Stewart, Principals, IE Productions

Dear Council Members,

I want to thank you in advance for taking time to read this carefully.

McNeil Development, Rollie and Lorin Walker are the ones who paid for the install of McNeil Dr. We purchased land and worked with Land Owners to get the rights to put in a public City street with utilities etc. Some Landowners would not participate therefore the crook in the road. That was under the advice of Chad Stanger then City Planner I believe. They are the ones on the North end and East side of McNeil Drive. The reason the City was enthusiastic about supporting us with the install of McNeil Drive was all because of the need to get heavy industrial

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traffic off of Rollandet. Mission Accomplished. Now we understand that the planning division of the City is allowing High Density Housing to be built which will clearly and candidly put kids and bicycles mixed with HEAVY DUTY Industrial trucks back in this area and on this street. It clearly defeats the purpose for which it was originally approved. The parcel in question was sold as zoned. MI. It should remain as such. Please deny any changes that will defeat the enthusiastic purpose and need for which McNeil Drive was built.
Kindest Regards, Rollie Walker, McNeil Development

Mayor Casper requested testimony in favor of the proposal. No one appeared. She then requested any additional testimony.

Rick Hoffla, Vice President of Operations for Burns Concrete, appeared. Mr. Hoffla summarized the four (4) elements: 1) this will create an unavoidable traffic safety problem on McNeil Drive, 2) this represents poor planning by pushing the residential development beyond the existing transition boundary and into industrial property, 3) this will distract from future residents' quality of life which results from the nuisance of the existing and growing industrial traffic on McNeil Drive, 4) this will create a new conflict of new residents with existing landowners. Mr. Hoffla stated Burns Concrete believes P&Z may not have and should not have approved the request if they would have adequately considered the application for residential development. He read excerpts of the P&Z minutes from the September 1 P&Z meeting from Commissioners Black, Wimborne, Morrison, and Hicks. Mr. Hoffla believes the rezone request should never have come before the City Council. He respectfully requested to deny the application for the rezone.

Rollie Walker, Idaho Falls, appeared. Mr. Walker stated when he approached Chad Stanger (former Public Works Director) many years ago about putting in the road Mr. Stanger was excited. He stated the challenge was Rollandet Street because the industrial heavy trucks had no options until McNeil Drive. He believes the road was a relief, it was needed, it was the right thing to do, and was done in compatibility and rightfully accepted by the City for the intended purpose. Mr. Walker reiterated the City was excited to have an alternate route to get the heavy traffic off of Rollandet and he does not believe there would have been another alternate route. He stated McNeil Drive was built wide to allow space for tandem trailers. He believes the road has been useful for several reasons. He noted the heavy industrial trucks are very courteous although he also believes residential would bring the families onto Rollandet with the industrial trucks.

Eric Hutchins, General Manager of Pepsi Cola, appeared. Mr. Hutchins believes the letters cover this issue well, and this is a simple issue. He stated the trucks are extremely large and can be scary in traffic. Mr. Hutchins cannot believe there should be a residential area with these trucks. He noted Pepsi Cola plans to make a large donation to the Idaho Falls Event Center, Pepsi Cola is proud of the things they do for the community, and they like doing business in this community.

Kurt Burns, President, owner, and founder of Burns Concrete, appeared. Mr. Burns stated he has spent the last 20 years assembling the acreage of the industrial ground. He identified the land owned by Burns Concrete on Slide 1. He described the prior route and current route to Burns Concrete including the use of McNeil Drive. He stated Burns Concrete purchased the additional acreage adjacent to Pepsi Cola to expand the facility into multiple businesses. Mr. Burns stated he has been approached by an individual, with high-volume traffic, to put in a road for an alternate route to access their acreage. He expressed his concern for this as he has been in other zoning hearings in other counties and nobody wants this type of business in their backyard. Mr. Burns believes industrial would be not approved in residential, and he believes the opposite is being requested with this applicant. He stated the land was purchased with the idea of this being an industrial area. He also stated Burns Concrete is the only concrete company within the City that pays taxes and supports the community. He indicated this is frustrating. Mr. Burns identified the boundary on Slide 4. He believes it would be very difficult to develop and it would have the same type of a building with variance. He described other buildings within the area. He also displayed/supplied photos of trailers parked on McNeil Drive. Mr. Burns stated they have worked with the Child Development Center (in this area) over the course of years but they are very controlled with good crossings and know what to expect. He believes future residents may not fully understand the housing situation. He respectfully requested the application be denied.

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Robert Nobles, resident of Thayer Bridge, appeared. Mr. Nobles agrees that an adequate buffer zone is already there. Any kind of residential area would be a disaster in his opinion.

Linda Simhardt, office manager at Burns Concrete, appeared. Ms. Simhardt stated there are currently two (2) commercial buildings in McNeil Business Park – IE Productions and the Walkers’ building. She stated the code change in 2018 changed the setback configuration which would not allow the current buildings with the original setback configuration. Mr. Simhardt stated at the P&Z hearing, applicant Blake Jolley stated “the parcel is small for I&M and the size makes it difficult to develop with I&M with the required setbacks. Since the ordinance change before the business park was built out, these parcels should be a candidate for a Board of Adjustment hearing to allow for the same setbacks for the original business park that was proposed. This would make the development of the lots more attractive to developers.” Ms. Simhardt stated the Comp Plan shows the area for employment centers and high density on Rollandet, not on McNeil Drive. The high-density residential housing is not compatible with the existing industrial uses and would not be compatible with the goals of the Comp Plan. Mr. Simhardt believes high-density includes tenants that may be leasing/renting online that would have no idea of the current industrial companies. She does not support the rezone and she requested denial of the rezone.

Chad Hammond, via WebEx, believes his (previous) letter expressed his concerns.

Victor Sutherland appeared via WebEx for rebuttal. Mr. Sutherland believes the question that should be asked is what’s best for Idaho Falls, not what’s best for one (1) or two (2) businesses. He reiterated the project is barely off of Sunnyside. He identified the adjacent existing businesses. He believes this is a safe place to park and it is not too busy of a road. Mr. Sutherland stated the rezone does not affect other lots and how they want to develop. He also stated it would be nearly impossible to develop the lot in the current zone. Mr. Sutherland noted there was one (1) resident of Thayer Bridge in favor of the rezone. He reiterated the P&Z voted 5-1 in favor of the rezone and he believes this is a great opportunity for Idaho Falls to develop what is needed.

Mayor Casper reminded the Council the focus is on the rezone and all potential uses allowed in the zone. She indicated an official application has not been received for any stated use. Per Councilor Francis, Director Cramer stated the purpose statements of each zone clarifies R3A is intended to be predominantly residential and LC is intended to be predominantly commercial.

Mayor Casper closed the public hearing.

Councilor Francis believes there is no connection between Thayer Bridge and this development and there is no potential for development. He also believes this unique development makes his transition statement less valid. He indicated there is a potential problem of R3A so close to something different. Councilor Freeman believes this is a spot zone which is possibly putting a residential development in an industrial/manufacturing zone. He sees this as conflict and is not supportive. Councilor Smede understands a business wanting to expand with residential concerns. She does not believe this seems appropriate. Councilor Hally stated he has seen an increase of truck activity over the course of years. He does not believe it is a good idea for residential as he believes this would be an accident waiting to happen. Councilor Radford believes the conversation was professional and well thought-out although he believes this might be in the wrong place if the neighbors can’t be persuaded. He expressed his appreciation for the civil and informed approach. He hopes this doesn’t dissuade high-density housing in other areas. Councilor Francis believes the Councils’ responsibility is to sort out property rights and private property rights. He is not supportive of this change.

It was moved by Councilor Francis, seconded by Councilor Radford, to reject the Ordinance Rezoning M&B: Lots 3, 4, and 5, Block 1, McNeil Business Park Division 2, SE ¼, Section 25, T 2N, R37 from I&M to R3A. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Hally. Nay – none. Motion carried.

Councilor Francis stated, for the Reasoned Statement of Relevant Criteria and Standards, the rezone does not work well as a transition zone between the industrial area and the current adjacent residential zone because of the barrier; it does not work well because of the use of McNeil Drive as Rollandet is more for the residential use and this would

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only come out on McNeil Drive; this is not the right place to put housing in industrial area; and the conflict between residents and businesses.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the rejection of the rezone from I&M to R3A of M&B: Lots 3, 4, and 5, Block 1, McNeil Business Park Division 2, SE ¼, Section 25, T 2N, R37, and give authorization for the Mayor to execute the necessary documents. The basis of the Reasoned Statement of Relevant Criteria and Standards would be based on the previous statements. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Announcements

Mayor Casper stated the Regional Economic Development for Eastern Idaho (REDI) Virtual Conference will be held October 8.

Adjournment:

There being no further business, the meeting adjourned at 10:39 p.m.

s/ Kathy Hampton _____
Kathy Hampton, City Clerk

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