



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, October 28, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Michael Kirkham, Assistant City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Ashley Romero, Mayoral candidate, to lead those present in the Pledge of Allegiance.

3. Public Comment.

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

Kathryn Curl, resident three (3) miles west of Skyline, appeared. Ms. Curl requested that Council reconsider the location of the water tower. She stated 95% of residents are passive and do nothing but object but the 5% represent more than 50,000 people. She indicated she was one (1) of the 95% when tearing down the water tower was announced. She believes it is an icon of Idaho Falls. Ms. Curl stated she did not like the idea, but she did nothing. She also stated she may have noticed one (1) of the sites was on the greenbelt, but she did not believe that location would be considered. Ms. Curl sees the reason to have the water tower close to the well but she questioned why the tower couldn't be placed near the other seven (7) wells in the city. She indicated the soccer fields may be a good location as there are no mature trees and there is plenty of land available. She stated she is unsure where the other wells are located. Ms. Curl stated cheap is not always the best reason to build something new. She thanked the Council for listening. She believes if there was an earthquake large enough to take out the water tower, water pressure would be the least of the worries. She questioned who will protect the greenbelt.

Tim Brockish, also on behalf of his wife Wendy Brockish, appeared. Mr. Brockish stated they are the owners of CompuSmart, an Idaho Falls computer business since 1991, although they live in Rexburg. He also stated he does not know a lot about the deliberation on the water tower, although he indicated he has heard that the Land and Water Conservation Fund (LWCF) has maybe not been followed to the original terms, which causes the most concern. Mr. Brockish believes this is not honoring the trust of the original contract. He stated they have a similar issue with a conservation easement and a grant to improve their property to the benefit of conservation value. This is a 25-year commitment to maintain flood irrigation, which they intend to stick to as agreed. Mr. Brockish expressed his concern for what he believes is a bigger problem across the entire landscape which is normalization in which a shortcut is taken for a cheaper way, or something is built and then checked for permission. He indicated this normalizes after a

while and then it becomes a slippery slope, which he sees as a main danger. Mr. Brockish believes, aside from athletics, the greenbelt is the jewel of Idaho Falls. He also believes a deeper problem is making sure something is not normalized and additional shortcuts are not taken.

Jeff Forbes, Idaho Falls resident, appeared. Mr. Forbes thanked the Council for their countless hours. He believes Idaho Falls is thriving, and he believes the Council is a dream team. He stated he is very impressed with the improvements in the previous 10 years, which is why he expects Council make the best decisions using the best information that is available (referring to the water tower). Mr. Forbes wants to focus on the assumptions and the facts surrounding the water tower siting that Council has been operating under for several years. He believes several assumptions are incorrect and need to be re-visited: 1 - if the water tower was placed in the park new land would not need to be purchased and this would be the cheapest option. Mr. Forbes indicated this is not the case as new land would need to be purchased costing approximately \$200,000 to replace what is being taken from the LWCF property at South Capital Park. 2 - the three (3) sites from the final cut are the only viable options and the choice is the park or the parking lots. Mr. Forbes believes this is a false choice and there are many other options. 3 - the water tower cannot be placed in the Idaho Falls Power (IFP) compound due to the underground utilities, therefore it is not technically feasible. Mr. Forbes believes this is feasible if the costs were known to re-route the underground utilities. 4 - the new water tower must be very close to an existing well which he believes is directly under the existing tower. Mr. Forbes indicated this is not the case, it must be near a main line as long as it's at the proper elevation. 5 - if the water tower was placed in South Capital Park it would generate cash that could be used for Heritage Park. Mr. Forbes stated that is not allowed per the LWCF rules. Money cannot be used to build another existing park or planned park. 6 - the public prefers the water tower in South Capital Park. Mr. Forbes indicated that is not the case. 7 - LWCF conversion process can be accomplished quickly and in time for construction to begin in April 2022. Mr. Forbes indicated this is not the case, the conversion process is not straight forward or rapid. 8 - by placing the tower in South Capital Park that would help get back in compliance with the LWCF. Mr. Forbes indicated one cannot go further out of compliance to get back into compliance. He also indicated the city is currently out of compliance on three (3) other sites. 9 - the tower won't negatively impact South Capital Park and it may actually improve the park. Mr. Forbes indicated those individuals must not have stood in the park to see how big the water tower would be. He also referenced an email from December 2021 from the Parks Director that the water tower is going to have a negative impact on the usability of the park and on everyone living in the historic neighborhood east of the park. Mr. Forbes believes most of these assumptions are wrong. He indicated this is a \$6M project that will last 100 years. He also believes this Council is smart enough to re-visit the assumptions and change course as necessary. Mr. Forbes distributed photos of blighted parcels (vacant lots, properties for sale) in the same vicinity. He noted he tried to capture the existing water tower in these photos. He believes there are many other sites.

Xavier desforges, Idaho Falls resident, appeared. Mr. desforges shared a personal experience that occurred two (2) years ago while in Paris with his family. He believes Idaho Falls should be proud of the river and the greenbelt. Mr. desforges stated he works downtown and sees many beautiful people although he believes the water tower is hideous. He indicated he became aware of the issue last summer and he was surprised to not have been exposed earlier. He believes many individuals do not know what is going on. Mr. desforges understands water is needed, however, he believes the water tower does not belong in a beautiful park as the park belongs to the people. Mr. desforges does not believe there are issues of parking downtown as individuals don't want to walk two (2) blocks. He indicated these are the same people who park at the mall which is the same distance to get inside the mall. He believes individuals need to learn how to walk again. Mr. desforges believes the water tower would be horrible in

South Capital Park, it would be a giant eyesore, and it does not belong there. He also believes this is the opinion of a lot of people. Mr. desforges believes the citizenry should be asked, not the 80 comments of 65,000 people, as the people do not know, the city needs to be brave and hold on to this project, and present the project in the spring. He also believes the answer will be anywhere but by the river, or anywhere but in that park. Mr. desforges shared a family story of his grandfathers being captured. He stated he loves America and the bravery of men and women in uniform. He questioned if that courage still exists. He stated the merchants don't own downtown, all of Idaho Falls owns downtown. He reiterated parking is not issue, the park is issue.

4. Consent Agenda.

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

A. Airport:

- 1) Consent Agenda - Approval of Work Order 21-05 with T-O Engineers for Terminal Concept Budget Report

The Airport would like to conduct a Terminal Expansion Concept Study including analysis of existing capacity and likely demand for various areas (Ticket Lobby, Bag Screening, Outbound Bag Makeup, Airline Ticket Offices, GSE Storage, Vehicle Parking, landside restrooms and bag screening capacity). Analysis shall include assessment and recommendations for the various systems within these areas.

B. Municipal Services

- 1) Bid IF-22-03, Purchase of Road Salt for Public Works

This purchase will provide approximately 3,000 tons of road salt for \$41.49 per ton for the Street division.

- 2) Bid IF-22-C, Purchase of Hot Mix Asphalt for Public Works

This purchase request is to piggyback off the Idaho State Contract to purchase approximately 3,000 tons of hot asphalt mix at \$51.00 per ton for the Streets Division.

- 3) Bid IF-22-01, Purchase of Chlorine and Sodium Bisulfite for Public Works

The total purchase request is to award the extended cost totals for sections I, II and III. The chlorine and sodium bisulfite chemicals are used for the water and wastewater treatment operations.

- 4) Quote IF-22-B, Purchase of Replacement Wheel Loader for Public Works

This purchase is to purchase a new 2022 John Deere 624 P Wheel Loader to replace unit #1519, a 2009 Leeboy 300 Force Feed Loader that has reached its useful life and scheduled for replacement.

- 5) Treasurer's Report for August 2021

A monthly Treasurer's report is required pursuant to Resolution 2018-06 for City Council

review and approval. For the month-ending August 2021, cash, and investments total \$146.9M. Total receipts received and reconciled to the general ledger were reported at \$17.1M, which includes revenues of \$15.1M and inter-departmental transfers of \$2M. Total distributions reconciled to the general ledger were reported at \$20.7M, which includes salary and benefits of \$5.9M, operating costs of \$12.8M and interdepartmental transfers of \$2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$134M.

- 6) Minutes from Council Meetings
October 12, 2021 City Council Work Session and Executive Session, and October 14, 2021 City Council Meeting.
- 7) License Applications, all carrying the required approvals

Recommended Action:

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

5. **Regular Agenda.**

A. **Municipal Services**

- 1) Approval of Sublease Between Senior Citizens' Community Center and Serenity Hall
The Senior Citizens' Community Center is currently under a long-term lease with the city. The property is located at 535 W. 21st Street. The lease agreement provides the Senior Citizens' Community Center the ability to sublease the property with prior consent of the city. During the City Council work session held on Monday, September 20, 2021, the Municipal Services Department presented a proposal for Serenity Hall to be relocated to the basement of the Senior Center. The City's Attorney's Office has prepared a sublease agreement for Serenity Hall membership to access the basement of the facility for a 3-year term beginning December 1, 2021, for \$275.00 per month. Both organizations agree that sharing this space will be beneficial to both organizations.

Municipal Services Director Pamela Alexander appeared. She stated the Senior Citizens Community Center agreement with the city was signed in 1980 and expires in 2029. She also stated the Serenity Hall agreement was signed in 2006. She noted the program was known prior to the agreement and there is no expiration date to this agreement although the city can terminate with a 30-day notice. Director Alexander indicated the \$275 per month lease will be paid to the Senior Center. Councilor Freeman stated the city has, for years, tried to accommodate the program at Serenity Hall although it is becoming difficult to maintain the facility. He believes tax dollars can be used wisely by combining the two (2) programs into one (1) location. He also believes it is a win-win for both operations.

It was moved by Councilor Freeman, seconded by Council President Ziel-Dingman, to approve a sublease between the Senior Citizens' Community Center and Serenity Hall. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

B. Idaho Falls Power

1) Kleinschmidt Phase I Relicensing Professional Services Contract - Pre-Application

Approval of this contract for FY2022 continues the consulting process that will aid in the Federal Energy Regulatory Commission's (FERC) relicensing of the city's hydroelectric projects. Kleinschmidt was selected in 2019 following a search of qualifications (SOQ) to provide professional services on a year-over-year basis as is allowed by State Statute 67-2320.

IFP Assistant Director Stephen Boorman appeared. He noted the current license expires in 2029, and IFP is hoping to get the licensing approved before the expiration date. He noted the current license is for 50 years, most licenses are for 30 years. Per Councilor Freeman, Mr. Boorman confirmed the city has previously worked with Kleinschmidt.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Phase I Relicensing Pre-Application work for FY2022 with Kleinschmidt Associates for \$132,100.00. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

C. Community Development Services

1) Resolution adopting the Fiscal Years 2018-2022 ADA Transition Plan.

Attached for consideration is a resolution adopting the Fiscal Years 2018-2022 ADA Transition Plan. The city is required to have a plan per various sections of the Americans with Disabilities Act, Department of Justice, and other federal requirements. The plan addresses needed improvements to infrastructure and programs throughout the city and helps guide priorities and funding to address such priorities. The plan has been presented to the City Council and ADA Advisory Board for comment. Staff respectfully requests approval of the resolution.

Grants Administrator Lisa Farris appeared. She stated the Americans with Disabilities Act of 1990 (ADA) funds and some Community Development Block Grant (CDBG) funds were used for this plan. She noted there was a brief presentation at the August 23, 2021 Council Work Session requesting review of the plan. Councilor Radford expressed his appreciation for work on this issue, including accessibility on the website. Councilor Francis noted these items/issues were addressed by citizens. Per Mayor Casper, Ms. Farris stated issues were brought to attention in late 2018. She indicated the previous plan was missing three (3) components. Ms. Farris explained the process which included creating and updating resources for the webpage, prioritizing ADA projects, putting a plan together, creating an ADA board, providing regular updates to the Council, and the draft review process. She indicated Coronavirus (COVID-19) shut down operations for some time, noting the assessment took almost a year to gather data.

She stated annual reports will be updated going forward.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Resolution adopting the Fiscal Years 2018-2022 ADA Transition Plan and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

RESOLUTION NO. 2021-32 - A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, ADOPTING FISCAL YEARS 2018-2022 ADA TRANSITION PLAN.

2) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing Division 3, 2nd Amended.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Snake River Landing Division 3, 2nd Amended. The Planning and Zoning Commission considered this item at its June 1, 2021, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilor Freeman stated this is separating one (1) large lot into two (2) lots.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Snake River Landing Division 3, 2nd Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Snake River Landing Division 3, 2nd Amended and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

3) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 37.223 acres, Southwest ¼ of the Southeast ¼ of Section 27, Township 2 North, Range 37 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of HC, Highway Commercial and LC, Limited Commercial with Airport Overlay Zone Controlled Development which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 37.223 acres, Southwest ¼ of the Southeast ¼ of Section 27, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its September 7, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Blake Jolley, Connect Engineering, appeared. He stated this property is adjacent to Jackson

Hole Junction on the opposite side of the interstate. He also stated the request for the southern portion to be zoned HC and the northern portion to be zoned LC. He indicated the property to the north is currently LC which would create continuity and would fall in line with the applicant's intention. He believes this property would be beneficial to the residents of the city or residents in the county.

Mayor Casper requested staff presentation.

Community Development Services Assistant Planning Director Kerry Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler stated this is a Category A annexation, requested by the property owners.

Slide 2 - Comprehensive Plan Future Land Use Map

Mr. Beutler stated the area is a mix of comprehensive plan designations including commercial, employment centers, and higher-density residential. He also stated LC allows for a residential component, the area is contiguous, and is near existing utilities which could easily be extended. He noted the alignment of Old Butte Road on the southern end. He believes it will be a nice addition to the city. Per Councilor Francis, Mr. Beutler confirmed the small strip on the south east portion is a city right-of-way, it is not a gap. Per Councilor Freeman, Mr. Beutler stated a highlighted property (on the map) was excluded, it is a separate parcel.

Mayor Casper requested public comment. No one appeared. Mayor Casper questioned if there is sufficient agreement with the alignment of Old Butte Road going north to make it worthwhile for development. Mr. Beutler stated there is sufficient distance between the north and south ends to make the two (2) alignments function. Mr. Kirkham noted this will be identified in the plat. Mayor Casper closed public hearing.

Councilor Francis reiterated this is a Category A annexation. Councilor Freeman believes commercial near the interstate makes sense. He also believes this part of the city is poised for growth due to the event center. Councilor Francis noted LC allows a walkable livable area.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 37.223 acres, Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

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

ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 37.223 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE

CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

- 4) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of LC, Limited Commercial, HC, Highway Commercial with Airport Overlay Zone Controlled Development, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 37.223 acres, Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 37 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LC and HC with Airport Overlay Controlled Development which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 37.223 acres, Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its September 7, 2021, meeting and recommended approval of LC and HC with Airport Overlay by a unanimous vote. Staff concurs with this recommendation and recommends approval.

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Higher Density, Employment Center and Commercial" and approve the ordinance establishing the initial zoning for LC and HC with Airport Overlay Controlled Development as shown in the ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

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

ORDINANCE NO. 3422

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 37.223 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC, HIGHWAY COMMERCIAL WITH AIRPORT OVERLAY CONTROLLED DEVELOPMENT ZONE AND LC, LIMITED COMMERCIAL WITH AIRPORT OVERLAY CONTROLLED DEVELOPMENT ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LC and HC with Airport Overlay Controlled Development and give authorization for the Mayor to execute the

necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

5) Amendment of Title 11 of City Code, Requiring Neighborhood Meetings for Certain Land Use Applications.

This item was tabled at the October 14th meeting for adjustments to the ordinance. The Legal Department has clarified the language regarding petitions for hearings and reinstated the requirement for a public hearing for preliminary plats.

Councilor Radford stated this has been worked on for some time. He believes this will help with communication between developers and neighbors. Councilor Francis believes this is verification for people that can't know. Mayor Casper noted notification may need to be distributed in other ways. Councilor Freeman believes the hearing will no longer be the discovery meeting, citizens will know early in the process which is important.

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

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

ORDINANCE NO. 3423

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 11 OF THE IDAHO FALLS CITY CODE TO INCLUDE A NEIGHBORHOOD MEETING AS A REQUIRED PART OF AN APPLICATION FOR PRELIMINARY PLAT, PLANNED UNIT DEVELOPMENT, REZONING, OR CONDITIONAL USE PERMIT; CHANGING A PRELIMINARY PLAT HEARING TO A MEETING, CORRECTING SMALL ERRORS IN THE SUBDIVISION CODE AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

6. Announcements.

Councilor Hally announced Australia is going to establish an underground cable to provide electricity to Singapore. Councilor Freeman encouraged all individuals to vote. Mayor Casper noted early voting ends October 29. Mayor Casper announced Boo at the Zoo from October 28-30, and Real Heroes' Trunk or Treat on October 30. Councilor Radford noted 2,600 residents have signed up for Idaho Falls Fiber.

7. Adjournment.

There being no further business, the meeting adjourned at 8:36 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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