



# City Council Meeting

## Agenda

680 Park Avenue  
Idaho Falls, ID 83402

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Thursday, May 27, 2021

7:30 PM

City Council Chambers

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Thank you for your interest in City Government. In response to the COVID-19 crisis, and in compliance with the Idaho Rebounds Stage 4, which recommends physical distancing at public gatherings, the City of Idaho Falls hereby provides reasonable means for citizens to participate in the above-noticed meeting. The City believes strongly in public participation and invites the public to view the meeting from the Council Chambers. Please note that social distancing protocols will be observed with respect to seating. If the Council Chambers are full, the meeting may be viewed via livestream at <https://www.idahofallsidaho.gov/429/Live-Stream>. To comply with the Centers for Disease Control and Prevention (CDC) guidelines, those who are unvaccinated are encouraged to wear a face mask.

### **Official Public Hearing Participation.**

Members of the public wishing to participate in a public hearing noticed on this agenda may do so. Public testimony on an agenda item will be taken only for public hearings indicated on this agenda. Please note that not all meeting agenda items include a public hearing or the opportunity for public comment.

1. **Written Public Hearing Testimony.** The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at [IFClerk@idahofallsidaho.gov](mailto:IFClerk@idahofallsidaho.gov). Comments will be distributed to the members of the Council and become a part of the official public hearing record. Written testimony must be received no later than 4:00 p.m. the date of the hearing.
2. **Remote Public Hearing Testimony.** The public may provide live testimony remotely via the WebEx meeting platform with a phone or a computer. This platform will allow citizens to provide hearing testimony at the appropriate time. Those desiring public hearing access **MUST** send a valid and accurate email address to [VirtualAttend@idahofallsidaho.gov](mailto:VirtualAttend@idahofallsidaho.gov) no later than 4:00 p.m. the day of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing you wish to offer testimony.
3. **In-person Testimony.** Live testimony will be received in the Council Chambers at the appropriate time throughout the meeting. To comply with the Centers for Disease Control and Prevention (CDC) social distancing guidelines, appropriate seating will be provided in the Council Chambers. Such seating is available on a first-come, first-served basis. We request that citizens wear face masks for the protection of others.

Please be aware that an amendment to this agenda may be made in the meeting upon passage of a motion that states the reason for the amendment and the good faith reason why the desired change was not included in the original agenda posting. All regularly scheduled City Council Meetings are live-streamed and then archived on the city website (barring electronic failure). If communication aids, services or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or the ADA Coordinator Lisa Farris at 208-612-8323 as soon as possible so they can seek to accommodate your needs.

1. **Call to Order.**
2. **Pledge of Allegiance.**
3. **Public Comment.**

Members of the public are invited to address the City Council regarding matters that are not on this agenda or already noticed for a public hearing. When you address the Council, please state your name and city for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending

before the Planning Commission or Board of Adjustment, which may be the subject of a pending enforcement action or which are relative to a City personnel matter, are not suitable for public comment.

**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. Mayor's Office**

**1) Grant of Easement 21-140**

The building located at 417 W. Broadway Street in Idaho Falls, Idaho is currently undergoing renovations by a developer. To achieve the desired purpose and use the developer envisions for the building, openings need to be made for windows on the south and west sides of the structure. The international fire code requires a 5-foot no build easement, and because the building is built to the limits of the lot, additional space is needed on the south and west side of the building for this purpose. The easement proposal has been brought before the Idaho Falls Library Board, and the Board recommended the developers be granted a 6-foot easement on the south and west sides of the building to allow some adjustment to the façade of the current building, as well as achieve the 5-foot no build zone required by the fire code. Idaho Code allows the Library to control Library occupied facilities and programs; however, some Library functions require City consent. In this situation, the granting of a 6-foot no-build easement requires approval by the Idaho Falls City Council for the Mayor to authorize the easement. Granting the easement will allow the developer to move forward with the renovation project and revitalize a key structure along the Broadway Street corridor and downtown Idaho Falls.

**Attachments:** Deed of Easement  
Building Easement Visual

**B. Idaho Falls Power**

**1) IFP Hatch Substation Upgrade Agreement with JM Concrete, Inc. 21-138**

Idaho Falls Power solicited bids from qualified contractors to provide the concrete foundation work required for the Hatch substation upgrade project, with JM Concrete Inc. being the only responsive, responsible bidder.

**Attachments:** IFP Hatch substation bid sheet and design work

**C. Public Works**

**1) Bid Award - Street Overlays - 2021 21-134**

On Thursday, May 11, 2021, bids were received and opened for the Street Overlays - 2021 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to furnish all tools, labor, equipment, and materials necessary to complete overlays on prioritized city streets.

**Attachments:** Bid Award Street Overlays 2021.pdf

**D. Municipal Services**

- 1) Minutes from Council Meetings **21-141**

May 10, 2021 City Council Work Session and Executive Session; and May 13, 2021 City Council Meeting.

**Attachments:** 20210510 Work Session and Executive Session - Unapproved.pdf  
20210513 Council Meeting - Unapproved.pdf

- 2) License Applications, all carrying the required approvals

***Recommended Action:***

Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

**5. Regular Agenda.****A. Idaho Falls Power**

- 1) Resolution authorizing financing of certain new transmission facilities. **21-132**

Idaho Falls Power will enter into a transmission service agreement with the IERA for payment to construct the Sugarmill-Paine 161 kV line and related facilities. These associated facilities and improvements have a life cycle of 60+ years and enables better rate making to match the beneficiaries of these assets with those paying for them; therefore a transmission service payment over 15 years is fiscally prudent. This resolution and attached exhibits enable Idaho Falls Power to execute the necessary agreements for the transmission service contract with IERA.

***Recommended Action:***

Approve the Resolution authorizing the execution and delivery of an asset purchase agreement, a transmission service agreement and related documents to enable the Idaho Energy Resources Authority (IERA) to finance certain transmission facilities.

**Attachments:** City Council Resolution

**B. Public Works**

- 1) Easement Vacations - Instrument Numbers 827706 and 828967 **21-135**  
within Victorian Village Subdivision.

Public Works recommends vacation of the storm drainage easements previously identified. The easements were originally established to provide temporary storm drainage protection until subdivision improvements were fully completed. Now that those improvements are planned for construction, the easements no longer serve a valid purpose.

***Recommended Action:***

Approve the Easement Vacation Ordinance under a suspension of the rules requiring three

complete and separate readings and request that it be read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

**Attachments:** Ordinance Easement Vacation Victorian Village.pdf

- 2) State Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the Path Connection project. **21-136**

Attached for your consideration is a State Local Agreement for construction with ITD for the Path Connection project. The purpose of the project is to improve pedestrian accommodations within the city pedestrian network. Construction will place sidewalk along the east side of South Capital Avenue from Panchari Drive to Short Street. In addition, street paving, curb, gutter and sidewalk will be placed within Short Street between South Capital Avenue and Chamberlain Avenue.

***Recommended Action:***

Approval of the State Local Agreement and Resolution with ITD for the Path Connection project and authorization for Mayor and City Clerk to sign the documents or take other action deemed appropriate.

**Attachments:** State Local Agreement Path Connection project.pdf

**C. City Attorney**

- 1) Library Board Ordinance **21-128**

The Legislature recently made changes to Idaho Code Sections 33-2604 and 33-2608 to prohibit elected officials and City officers from appointment to library boards and to clarify the relationship between library employees and the City. This Ordinance adopts those changes and, in addition, conforms Title 2, Chapter 1, with recent changes in Title 2 that standardize practices for City boards, committees, and commissions. On May 12, 2021, the Library Board unanimously recommended that the Council pass this Ordinance.

***Recommended Action:***

Approve the Ordinance amending Title 2, Chapter 1 to conform the Library Board with recent Idaho Code changes and to align the Chapter with other Title 2 Chapters relative to Board functions under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, or reject the Ordinance).

**Attachments:** Ordinance

- 2) Animal Ordinance adjustments **21-129**

The Ordinance allows the keeping of a limited number of rabbits or certain types of fowl not currently regulated by the City Code (ducks, turkeys, geese, and quail). Such animals are commonly permitted in urban agricultural areas and are frequently included in farm-related educational programs. Code changes include consolidation, clarification, and adjustment of definitions and regulations.

**Recommended Action:**

Approve the Ordinance adjusting the Code to allow the keeping of a limited number of rabbits or various fowl and making other minor changes under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, or reject the Ordinance).

**Attachments:** Ordinance

**D. Community Development Services**

- 1) Resolution approving the CDBG PY 2020 Consolidated Annual Performance and Evaluation Report (CAPER). **21-133**

Pursuant to HUD requirements, entitlement communities receiving CDBG funds must complete an annual performance and evaluation report (CAPER). As part of the reporting process, information on projects completed and funds spent were presented in a public hearing and posted for public comment. The public hearing was held at the May 13, 2021, City Council regular meeting. The meeting was followed by a 15-day public comment period. The CAPER must be submitted to HUD no later than June 30, 2021. Questions about the CAPER or the projects presented may be directed to the CDBG Administrator, Lisa Farris.

**Recommended Action:**

Approve the Resolution for the 2020 CAPER (or other action as deemed appropriate).

**Attachments:** 17th Annual 2020 CAPER Resolution\_.doc

- 2) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Equinox Townhomes. **21-130**

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Equinox Townhomes. The Planning and Zoning Commission considered this item at its January 5, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

**Recommended Action:**

1. Approve the Planned Unit Development for Equinox Townhomes as presented (or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Equinox Townhomes and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

**Attachments:** Zoning Map.jpg  
Aerial.jpg  
Equinox Townhomes Idaho Falls PUD Signed 5-4-21.pdf  
Staff Report.docx  
PC Minutes.docx  
Reasoned Statement.docx

**3) Public Hearing-Appeal of the Preliminary Plat and Reasoned Statement of Relevant Criteria and Standards for Ivywood West. 21-131**

Attached is the appeal application for the Preliminary Plat of Ivywood West. The following is a chronology of events regarding the preliminary plat and subsequent request for reconsideration and appeal.

- On March 2, 2021 the Planning and Zoning Commission unanimously approved the preliminary plat with the following conditions: Adjust R1 lots that exceed the maximum of 13,500 square feet, show full street right-of-way on S. 12 West, provide connection with S. 8th West, and City staff to review the Connecting Our Community Plan's principles and policies and determine application to the preliminary plat and the applicant would comply with any identified requirements.
- On March 16, 2021, a request for reconsideration of the decision was filed with the Planning Division.
- On April 6, 2021 the Planning and Zoning Commission held the reconsideration hearing and denied the request for reconsideration by affirming their decision to approve the preliminary plat with a vote of 4-1.
- On April 20, 2021 the Planning and Zoning Commission approved the Reasoned Statement of Relevant Criteria and Standards affirming their decision and denying the request for reconsideration.
- On May 4, 2021, a request for appeal to City Council was filed with the Planning Division.

**Requirements for Approving a Preliminary Plat**

The City Subdivision Ordinance 10-1-8(C)(1) When acting on a preliminary plat application, the Planning and Zoning Commission shall review the preliminary plat to determine that the preliminary plat is consistent with the principles contained within the Comprehensive Plan and is in compliance with this Chapter and all applicable Federal, State, or local laws. In conducting such reviews, the Commission may recess such hearing for good cause and may solicit information, data, studies, or comments necessary to determine such compliance. In the event the Commission conditionally approves the preliminary plat, it shall advise the developer in writing of the conditions under which the approval is granted, and upon

developer's compliance with such conditions and the Director's written certification thereof, the preliminary plat shall be deemed approved. If approval of the plat is denied, the Commission shall advise the developer, in writing, of the reasons for denial of the preliminary plat application.

### **Codes Related to Appeals**

The City's Subdivision Ordinance Section 10-1-8(D) provides for any aggrieved person to appeal to the Council the decision of the Planning and Zoning Commission regarding a preliminary plat. Specific concerns identified by the appellant include the existing road and transportation infrastructure is not adequate for the proposed Ivywood Subdivision. The appeal application states that their existing community is being harmed by a governmental approach that allows new development to proceed without requiring the new development to provide adequate infrastructure.

11-6-4 (C) Appeal Procedures for Board of Adjustment and Planning and Zoning Commission Decisions.

(1) Decisions of the Board of Adjustment and Planning and Zoning Commission shall be final unless a written appeal is made to the City Council within fourteen (14) days of the date of the written notice of decision described above in paragraph Section 11-6-4B (4).

(a) The written notice of appeal shall be filed with the Zoning Administrator and shall set forth the objections to the decision made by the Board of Adjustment or Planning and Zoning Commission.

(b) Upon receipt of the appeal, the Zoning Administrator shall forward to the Council the record of the Board of Adjustment or Planning and Zoning Commission, including the Reasoned Statement of Relevant Criteria and Standards, adopted by the Board or the Commission.

(2) The concurring vote of a majority of the members of the City Council shall be required to reverse any requirement, decision, or condition of the Board of Adjustment or Planning and Zoning Commission.

(3) Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code, as amended.

### ***Recommended Action:***

1. To reverse the decision of the Planning and Zoning Commission and deny the preliminary plat (or take other action deemed appropriate).

### **Council Action Recommended by Staff**

1. To affirm the decision of the Planning and Zoning Commission to approve the Preliminary Plat for Ivywood West (or take other action deemed appropriate).

2. To approve the Reasoned Statement of Relevant Criteria and Standards for the Preliminary Plat of Ivywood West (or take other action as deemed appropriate).

**Attachments:** Final Staff Report Council Appeal Ivywood West.pdf  
PC Minutes from 3-2-21.docx  
PC Minutes from 4-6-21.docx  
Signed Reasoned Statement from 3-2-21.pdf  
Signed Reason Statement Request for Reconsideration.pdf  
Council Reasoned Statement.docx

6. **Announcements.**

7. **Adjournment.**