



City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Tuesday, November 23, 2021

7:30 PM

City Council Chambers

While Coronavirus (COVID-19) is still a public health risk, the City will follow Eastern Idaho Public Health (EIPH) recommendations. EIPH currently recommends observance of The Centers for Disease Control and Prevention (CDC) guidelines.

Welcome.

City Council Meetings are open to any member of the public. All are welcome to observe (either in person or via the City's website livestream). Note that not all agenda items include the opportunity for public comment. Also, please be aware that amendments to this agenda may be made by Council during the meeting upon passage of a motion that states a good faith reason why the desired change was not included in the original agenda posting. To participate personally, we ask you to follow these City guidelines.

Opportunity for General Public Comment.

The public is invited to address the City Council but only regarding general matters that are not listed on this agenda or that are already noticed for a public hearing, subject to the Public Hearing Participation Guidelines below. When you address the Council, please state your name and some general contact information (e.g., city, address, neighborhood). Please limit your remarks to approximately three (3) minutes. For legal reasons, topics you may not comment upon include matters currently pending before the City's Planning and Zoning Commission or Board of Adjustment; pending City enforcement actions (including those on appeal); and City personnel actions.

Public Hearing Participation Guidelines.

1. In-person Comment. Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address your comments directly to the Council and try to limit them to three (3) minutes.
2. Written Comment. The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at IFClerk@idahofalls.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 forty-eight (48) hours prior to the date of the hearing to ensure inclusion in the permanent City record.
3. Remote Comment. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to VirtualAttend@idahofalls.gov no later than forty-eight (48) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony. Please note that the remote option will not be available for all meetings.

Regularly scheduled Council meetings are live-streamed and archived on the City website (idahofalls.gov). 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 ADA Coordinator Lisa Farris at 208-612-8323. They can help accommodate special needs.

1. **Call to Order.**
2. **Pledge of Allegiance.**

3. Public Comment.

Please see guidelines above.

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. Municipal Services

- 1)** Canvass of the Vote from the November 2, 2021 City Election **21-325**

The Canvass of the Vote is required per Idaho Statute - Section 34-1217.

Attachments: Canvass of the Vote.pdf

- 2)** Minutes from Council Meetings **21-324**

November 8, 2021 City Council Work Session and Executive Session, and November 10, 2021 City Council Meeting.

Attachments: 20211108 Work Session and Executive Session - Unapproved.pdf
20211110 Council Meeting - Unapproved.pdf

- 3)** 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. Municipal Services**

- 1)** Bid IF-22-02, Tennis Court Remodel at Skyline High School **21-328**

This project will provide materials and labor to rehabilitate and remodel the over 30-year-old tennis court at Skyline High School within current standards pursuant to a mutual agreement between the City of Idaho Falls and Idaho Falls School District 91. Idaho Falls School District 91 has agreed to reimburse the City for 50% of the project costs upon completion.

Recommended Action:

Accept and approve the bid received from the lowest responsive and responsible bidder, Renner Sports Surfaces of Salt Lake City, Utah for a total cost of \$287,443.00 or take other action deemed appropriate.

Attachments: MS_ Bid IF 22-02 Tennis Court Remodel at Skyline High School.pdf

B. Idaho Falls Power

- 1)** Resolution establishing Idaho Falls Auditorium District's Event Center as **21-321**
a commercial energy rate customer of Idaho Falls Power

The Event Center is projected to have a positive economic impact for the next thirty years while promoting social and cultural development and improving opportunities for education and training of the local labor force. They are projected to consume over one megawatt of power on average per hour, which requires a negotiated power service agreement with Idaho Falls Power.

Recommended Action:

Approve the Resolution establishing Idaho Falls Auditorium District's Event Center as a commercial energy rate customer of Idaho Falls Power and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Attachments: 2021-11-15 Events Center Resolution.pdf

- 2) Resolution establishing Intermountain Packing as a commercial energy rate customer of Idaho Falls Power. **21-322**

Intermountain Packing has invested in the most modern and energy efficient technology including energy efficient motors, lighting and cooling in order to consume energy responsibly while creating critical food supplies and local employment, which benefits and improves the City. They have invested over \$3,200,000 in city infrastructure improvements and over \$20,000,000 in building construction. They are projected to create over 200 jobs with an average wage of \$18 dollars per hour. They are projected to consume over three megawatts of power on average per hour, which requires a negotiated power service agreement with Idaho Falls Power.

Recommended Action:

Approve the Resolution establishing Intermountain Packing as a commercial energy rate customer of Idaho Falls Power and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Attachments: 2021-11-4 Intermountain Packing Resolution.pdf

- 3) Property Purchase Sale Agreement with LLKM Properties LLC **21-323**

This 131-acre land parcel as described in Exhibit A has been identified as an ideal location for Idaho Falls Power's electric generation peaking plant. The industrial zoned property already has IFP's 161kv transmission line on the property and is contiguous to an existing 5 acre parcel already owned by the utility. The appraised value is \$6,427,134.00 which is above the negotiated purchase price.

Recommended Action:

Approve the Property Purchase Sale Agreement with LLKM Properties LLC of Ammon, Idaho for \$6,033,636.00, and give authorization to the Mayor and City Clerk to execute the necessary documents, (or take other action deemed appropriate).

Attachments: Iona RD - US-26 Record of Survey-R-O-S.pdf
LLKM Properties^J LLC. Property Appraisal Report.pdf
Purchase Agreement LLKM Properties 11.16.21 (with exhibits).pdf

C. Police Department

- 1) Public Transportation Services **21-320**
Title 4, Chapter 15 of the City of Idaho Falls Code requires that Public Transportation Operator's

licenses be granted to applicants with a valid chauffeur's license. It is proposed that the word chauffeur be replaced with the word: driver's. Requiring a chauffeur's license is overly burdensome to someone working for a cab company, particularly when you consider independent companies like Lyft and Uber have no such requirement. It is also proposed that the Public Transportation Owner's license expire December 31 of each calendar year to coincide with the city issued inspection sticker.

Recommended Action:

Approve the ordinance amending Title 4, Chapter 15 under a suspension of the rules requiring three complete and separate readings and request 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, reject the Ordinance, or take other action deemed appropriate).

Attachments: Ordinance

D. Community Development Services

- 1)** Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Mill Road Townhomes. **21-319**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Mill Road Townhomes. 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.

Recommended Action:

1. Approve the Development Agreement for Mill Road Townhomes, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

1. Accept the Final Plat for Mill Road Townhomes and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Mill Road Townhomes and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.pdf
Aerial.pdf
Final plat.pdf
Staff Report.docx
PC Minutes.docx
Reasoned Statement.docx
Development Agreement.pdf

- 2)** Final Plat and Reasoned Statement of Relevant Criteria and Standards, Idaho Falls Luxury RV Park. **21-318**

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for the Idaho Falls Luxury RV Park. 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.

Recommended Action:

1. Accept the Final Plat for Idaho Falls Luxury RV Park and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Idaho Falls Luxury RV Park and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.pdf
 Aerial.pdf
 Final Plat.pdf
 Staff Report.docx
 PC Minutes.docx
 Reasoned Statement.docx

- 3)** Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 29.876 acres, Northwest ¼ of Section 7, Township 2 North, Range 38 East. **21-314**

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3, Multiple Dwelling Residential with Airport Overlay Controlled Development and Limited Development Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 29.876 acres, Northwest ¼ of Section 7, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its July 20, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Recommended Action:

1. Approve the Ordinance annexing 29.876 acres, Northwest ¼ of 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 (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 29.876 acres, Northwest ¼ of Section 7, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning .jpg
 Aerial.jpg
 Comp Plan.jpg
 Staff Report.docx
 Residential Use Table.pdf
 Airport.jpg
 Airport Overlay Use Table.pdf
 PC Minutes.docx
 Ordinance
 Exhibit A.pdf
 Map Exhibit.pdf
 Reasoned Statement Annexation.docx

- 4)** Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3, **21-315**
Multiple Dwelling Residential with Airport Overlay Controlled
Development and Limited Development Zone, Initial Zoning Ordinance
and Reasoned Statement of Relevant Criteria and Standards, 29.876
acres, Northwest ¼ of Section 7, Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3, Multiple Dwelling Residential with Airport Overlay Controlled Development and Limited Development Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 29.876 acres, Northwest ¼ of Section 7, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its July 20, 2021, meeting and recommended approval of R3, Multiple Residential with Airport Overlay Controlled Development and Limited Development Zones by a unanimous vote. Staff concurs with this recommendation and recommends approval.

Recommended Action:

1. Assign a Comprehensive Plan Designation of “Higher Education Center” and approve the Ordinance establishing the initial zoning for R3, Multiple Dwelling Residential with Airport Overlay Controlled Development and Limited Development Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R3, Multiple Dwelling Residential with Airport Overlay Controlled Development and Limited Development Zone and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning .jpg
 Aerial.jpg
 Comp Plan.jpg
 Ordinance
 Exhibit A.pdf
 Map Exhibit.pdf
 06 Airport LU.jpg
 Reasoned Statement Zoning.docx

- 5) Public Hearing-Rezone from LM, Light Manufacturing to R3, Multiple Dwelling Residential, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 4.997 acres of Lot 1, Block 1, AL-SID Subdivision. **21-301**

Attached is the application for Rezoning from LM to R3, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for 4.997 acres of Lot 1, Block 1, AL-SID Subdivision. The Planning and Zoning Commission considered this item at its October 5, 2021 meeting and recommended denial by a unanimous vote. Staff does not fully concur with this recommendation.

Recommended Action:

1. Approve the Ordinance Rezoning 4.997 acres of Lot 1, Block 1, AL-SID Subdivision from LM to R3, under suspension of the rules requiring three complete and separate readings and request 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, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from LM to R3 and give authorization for the Mayor to execute the necessary documents (or take other action as deemed appropriate).

Attachments: Zoning Map.jpg
 Aerial.jpg
 Comp Plan.jpg
 Staff Report.docx
 Land Use Table Residential.pdf
 Industrial Use Table.pdf
 PC Minutes.docx
 Burns Concrete Letter (1).pdf
 Burns Concrete Letter (2).pdf
 Burns Concrete Letter (3).pdf
 City of Idaho Falls Planning and Zoning Letter.docx
 Rick Hafla - Burns Letter to IF PZ.pdf
 Pepsi Cola Letter RZON21-016.pdf
 Ordinance.docx
 Reasoned Statement.docx

E. City Attorney**1) Ordinance Revising and Standardizing Title 2 of City Code 21-313**

City Code Title 2 establishes and regulates various City boards, commissions, and advisory committees. The proposed Ordinance is intended to standardize the structure and functions of the various boards, commissions, and committees while maintaining particularized language where it serves a practical or legal purpose. The proposed Ordinance also retires several groups no longer essential to City functions.

Recommended Action:

Approve the Ordinance revising Title 2 of the City Code 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

6. Announcements.**7. Adjournment.**