



## CITY COUNCIL MEETING

Thursday, May 9, 2019

7:30 p.m.

### CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

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*Thank you for your interest in City Government. If you wish to express your thoughts on a matter listed below, please contact Councilmembers by email or personally **before** the meeting. Public testimony on agenda items will not be taken unless a hearing is indicated. Be aware that an amendment to this agenda may be made upon passage of a motion that states the reason for the amendment and the good faith reason that the agenda item was not included in the original agenda posting. Regularly-scheduled City Council Meetings are live streamed at [www.idahofallsidaho.gov](http://www.idahofallsidaho.gov), then archived on the city website. If you need communication aids or services or other physical accommodations to participate or access this meeting, please contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will 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. Item Fire Department:**

- 1) Donation of Used Self-contained Breathing Apparatus' (SCBAs)

**B. Item from Idaho Falls Power:**

- 1) Hydro Plant Barrier Line Purchase

**C. Items from the City Clerk:**

- 1) Minutes from the February 28, 2019 Idaho Falls Power Board Meeting; March 28, 2019 Idaho Falls Power Board Meeting; April 25, 2019 Idaho Falls Power Board Meeting; April 22, 2019 Council Work Session; and, April 25, 2019 Council Meeting.
- 2) License Applications, all carrying the required approvals.

RECOMMENDED ACTION: To 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. Public Works**

- 1) **State/Local Agreement with the Idaho Transportation Department for the Idaho Falls City-wide Microsurfacing:** For consideration is a State/Local Agreement with the Idaho Transportation

Department and accompanying Resolution for the Idaho Falls City-wide Microsurfacing project. Project costs associated with engineering and inspection will be considered in-kind services and applied towards the City's match requirement. This agreement requires City financial contribution toward the entire project of \$49,811.00.

RECOMMENDED ACTION: To approve the Agreement with the Idaho Transportation Department and accompanying Resolution for the Idaho Falls City-wide Microsurfacing project and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## **B. Parks and Recreation**

**1) Funland Agreement:** For consideration is the Tautphaus Park Arcade Concession Agreement. This annual renewal agreement between the City of Idaho Falls and LOML, LLC d/b/a Funland, allows for the operation of the arcade and concessions at Tautphaus Park. This renewal agreement will end November 15, 2019.

RECOMMENDED ACTION: To approve the Tautphaus Park Arcade Concession Agreement with Funland and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## **C. Municipal Services**

**1) Approve the Settlement Agreement and Mutual Release of Claims Related to Work and Financial Management Systems:** It is the recommendation of the Municipal Services Department to accept and approve the Settlement Agreement and Mutual Release of Claims Related to Work and Financial Management Systems between the City of Idaho Falls and N. Harris Computer Corporation. The Settlement Agreement and Mutual Release of Claims amends the original software license agreement to remove the work and financial management software.

RECOMMENDED ACTION: To approve the Settlement Agreement and Mutual Release of Claims Related to Work and Financial Management Systems with N. Harris Computer Corporation and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

## **D. Community Development Services**

**1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Carriagegate Division No. 7:** For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, for Carriagegate Division No. 7. The Planning and Zoning Commission considered this item at its February 5, 2019, meeting and recommended approval by unanimous vote.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Development Agreement for Carriagegate Division No. 7, and give authorization for the Mayor and City Clerk to execute the necessary documents.

- b. To accept the Final Plat for Carriagegate Division No. 7, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- c. To approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Carriagegate Division No. 7, and give authorization for the Mayor to execute the necessary documents.

**2) Public Hearing – Ordinance to Vacate First Amended Brodbeck's Addition, Lots 4-22, Block 17 Brodbeck's Addition, plus all of E 21st Street lying east of South Higbee Avenue and West of Holmes Avenue:** For consideration is an ordinance vacating First Amended Brodbeck's Addition, Lots 4-22, Block 17 Brodbeck's Addition, plus all of E 21st Street lying east of South Higbee Avenue and West of Holmes Avenue. The area proposed for vacation does not include existing development or public infrastructure. The majority of the area is a plat that was never developed. The portion of 21st Street is right-of-way that has for many years been landscaped and maintained by an adjacent property owner. There are no utilities within the right-of-way or plat.

RECOMMENDED ACTION: To approve the Vacation of Plat ordinance for First Amended Brodbeck's Addition, Lots 4-22, Block 17 Brodbeck's Addition, plus all of E 21st Street lying east of South Higbee Avenue and West of Holmes Avenue, under the 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, or reject the Ordinance).

**3) Public Hearing – Rezone from LC to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, 47.918 acres in Snake River Landing:** For consideration is a request to rezone M&B 47.918 Acres, Sections 25 and 26 T 2N R 37E, including Lot 1, Block 9 Snake River Landing Division 9 and Lots 4-6, Portion Lot 7, Block 6, Snake River Landing Division 12 from LC to HC. The Planning and Zoning Commission considered this request at its April 2, 2019 meeting and recommended approval by unanimous vote.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Ordinance rezoning M&B 47.918 Acres, Sections 25 and 26 Township 2 North Range 37 East, including Lot 1, Block 9 Snake River Landing Division 9 and Lots 4-6, Portion Lot 7, Block 6, Snake River Landing Division 12, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary.
- b. To approve the Reasoned Statement of Relevant Criteria and Standards for the rezone of M&B 47.918 Acres, Sections 25 and 26 Township 2 North Range 37 East, including Lot 1, Block 9 Snake River Landing Division 9 and Lots 4-6, Portion Lot 7, Block 6, Snake River Landing Division 12, and give authorization for the Mayor to execute the necessary documents.

**4) Public Hearing – Resolution and Reasoned Statement of Relevant Criteria and Standards to Amend the Comprehensive Plan Future Land Use Map:** For consideration is a Resolution amending the Comprehensive Plan Future Land Use Map. The map amendment was considered by the Planning and Zoning Commission at its April 2, 2019 meeting and recommended for approval by unanimous vote. Since that time, based on further meetings with property owners in the affected area, staff has also included a slightly modified version of the map. The modified version amends less area from the

Low Density Residential on the northern end and adjusts the areas for Employment Centers and Greenbelt Mixed Uses to more closely follow the proposed zoning overlay for the area

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Resolution amending the Comprehensive Plan Future Land Use Map for the area south of W 65th South, west and north of U.S. Highway 20, and east of the Snake River, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. To approve the Reasoned Statement of Relevant Criteria and Standards for the amendment of the Comprehensive Plan Future Land Use Map, and give authorization to the Mayor to execute the necessary documents.

**5) Public Hearing – Ordinance and Standards to Amend Title 11, Chapter 5 of the City Code, Adopting an Airport Overlay Zone:** For consideration is an ordinance amending Title 11, Chapter 5 of the City Code which adopts an airport overlay zone. This zone was developed during the moratorium for certain classes of permits and development passed in January. The zone is modeled after the 2010 Airport Master Plan and protects against incompatible land uses with normal airport operations while still allowing development of compatible land uses. The ordinance was considered by the Planning and Zoning Commission at its March 5, 2019 meeting and recommended for approval by a 3-1 vote.

RECOMMENDED ACTION: To approve the Zoning Ordinance amendments under the 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, or reject the Ordinance).

**6) Public Hearing – Ordinance and Reasoned Statement of Relevant Criteria and Standards, Rezoning Certain Properties to Include the Airport Overlay:** For consideration is an ordinance rezoning certain properties in the City to include the Airport Overlay Zone. The ordinance was considered by the Planning and Zoning Commission at its April 2, 2019 meeting and recommended for approval by unanimous vote.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Ordinance rezoning certain properties to include the Airport Overlay Zone under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary.
- b. To approve the Reasoned Statement of Relevant Criteria and Standards for the rezone, and give authorization for the Mayor to execute the necessary documents.

**7) Resolution Removing Moratorium Restrictions on Certain Types of Permits and Development Applications in Certain Areas near the Idaho Falls Regional Airport:** For consideration is a resolution removing the moratorium restrictions on certain types of permits and development applications in areas near the Idaho Falls Regional Airport. The moratorium was passed in January 2019 due to immediate development pressures that presented a risk to the health, safety, and welfare of future residents in the area. All of the actions necessary to protect the areas have been completed or will be completed prior to this item's consideration on May 9th. Statutorily, the City may keep the

moratorium in place for an additional three months if the Council believes work still needs to be done prior to the removal. However, staff is confident the moratorium is ready to be removed.

RECOMMENDED ACTION: To approve the Resolution removing the moratorium on certain types of permits and development applications near the Idaho Falls Regional Airport and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

**8) Property Transfer Agreement between the City and Idaho Falls Redevelopment Agency for The Broadway Plaza, Surface Parking, and Garage:** For consideration is a property transfer agreement between the City and Idaho Falls Redevelopment Agency (IFRdA) for The Broadway Plaza, Surface Parking, and Garage. These portions of The Broadway project were funded by IFRdA through a purchase and sales agreement.

RECOMMENDED ACTION: To approve the Transfer Agreement for The Broadway Project and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

**9) Resolution Adopting a Statement of Annexation Principles:** For consideration is a resolution adopting a Statement of Annexation Principles. The principles have been reviewed at two (2) Work Sessions and represent the City's general approach to annexation of all types. It outlines procedures for each type of annexation and how properties will generally be considered for City-initiated annexations.

RECOMMENDED ACTION: To approve the Resolution approving the Statement of Annexation Principles and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

6. **Announcements and Adjournment.**