



CITY COUNCIL MEETING

Thursday, May 23, 2019

7:30 p.m.

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

*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, 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. **Presentation – American Legion Auxiliary**
4. **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.*
5. **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 from Idaho Falls Power:**
 - 1) Old Lower Plant Powerhouse Structural Analysis
 - B. **Items from Public Works:**
 - 1) Bid Award – Water Line Replacements - 2019
 - 2) Bid Award – Street Overlays - 2019
 - C. **Items from Municipal Services:**
 - 1) Approval of Moss Adams, LLC Comprehensive Financial Audit Services for Fiscal Year Ending September 30, 2019
 - 2) Approval to Purchase Meter Inventory for Idaho Falls Power
 - 3) Quote 19-023, Approval to Purchase Aluminum Bleacher Parts for Parks and Recreation
 - 4) Quote 19-024, Approval of Arena Lighting for Parks and Recreation
 - 5) Bid IF-19-25, Approval to Purchase New 30-Yard Refuse Containers for Public Works
 - 6) Approval of Donation of Community Park Playground Equipment
 - D. **Items from the City Clerk:**
 - 1) Expenditure Summary for the month of April, 2019

- 2) Minutes from the May 6, 2019 Council Work Session and Executive Session; and, May 9, 2019 Council Meeting.
- 3) 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).

6. Regular Agenda.

A. Public Works

1) Cooperative Agreement for Sewage Treatment with Golden Valley Natural, LLC: For consideration is an agreement with Golden Valley Natural, LLC for the City to provide industrial sewage treatment for waste produced from their Shelley processing plant. Base rate monthly revenue was established at \$1,300 per month with charges based upon flow, biochemical oxygen demand, suspended solids, and other reasonable factors that affect the cost of providing treatment services.

RECOMMENDED ACTION: To approve the Agreement with the Golden Valley Natural, LLC and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2) State/Local Construction Agreement with the Idaho Transportation Department for the replacement of the 12th Street Bridge over the Idaho Canal: For consideration is a State/Local Construction Agreement with the Idaho Transportation Department and accompanying Resolution for the replacement of the 12th Street Bridge over the Idaho Canal. The total project cost is anticipated to be \$1,768,868.00. The City's match requirement for this project is \$65,204.00.

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

B. Airport

1) Approval of Work Order 19-02 with T-O Engineers for Design and Bidding Services: It is the recommendation of the airport to approve the work order for design and bidding services to relocate the Runway 17 end and connecting taxiway and to construct taxiway from Taxiway A to Taxiway B. This contract is for a total not to exceed \$305,535.31.

RECOMMENDED ACTION: To approve the Work Order with T-O Engineers and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

C. Legal

1) Public Hearing – Resolution to Adopt Fees: For consideration is the public hearing to create and update certain fiber optic, sanitation, and wastewater fees. The proposed fees were advertised on 9 May, 2019, and on 16 May, 2019, as required by Idaho Code.

RECOMMENDED ACTION: To approve the Resolution to add and update the noticed fees into the City's fee schedule, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

D. Community Development Services

1) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Hotel Tango Estates, Division No. 1: For consideration is the application for Final Plat and Reasoned Statement of Relevant Criteria and Standards, for Hotel Tango Estates Division No. 1. The Planning and Zoning Commission considered this item at its January 8, 2019, meeting and recommended approval by unanimous vote.

RECOMMENDED ACTIONS (in sequential order):

- a. To accept the Final Plat for Hotel Tango Estates Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- b. To approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Hotel Tango Estates Division No. 1, and give authorization for the Mayor to execute the necessary documents.

2) Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Sand Pointe Division No. 3: For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, for Sand Pointe Division No. 3. The Planning and Zoning Commission considered this item at its April 2, 2019, meeting and recommended approval by unanimous vote.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Development Agreement for Sand Pointe Division No. 3, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. To accept the Final Plat for Sand Pointe Division No. 3, 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 Sand Pointe Division No. 3, and give authorization for the Mayor to execute the necessary documents.

3) Resolution Approving the Community Development Block Grant (CDBG) Program Year (PY) 2018 Consolidated Annual Performance and Evaluation Report (CAPER): For consideration is the resolution adopting the CDBG Program Year (PY) 2018 Consolidated Annual Performance and Evaluation Report (CAPER). This report is required by the Department of Housing and Urban Development (HUD) as part of the CDBG program. Following the public hearing on the report, staff did not receive any public comment during the comment period.

RECOMMENDED ACTION: To approve the Resolution adopting the CDBG Program Year 2018 Consolidated Annual Performance and Evaluation Report and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

4) Resolution Approving the CDBG Program Year (PY) 2019 Annual Action Plan and Authorization to Reallocate \$35,000 of PY2018 Funds: For consideration is a resolution adopting the CDBG PY 2019 Annual Action Plan. This plan determines how funding will be allocated and how the projects will meet the goals of the City's CDBG Five Year Consolidated Plan. Following the public hearing on the report, staff did not receive any public comment during the comment period. Also for consideration is authorization for the Grant Administrator to reallocate \$35,000 from PY2018 funds. As discussed in the May 20 Work Session, this \$35,000 was initially awarded to TRPTA. As they are no longer able to use the funds for their intended purpose, the funds need to be reallocated to another PY2018 project. Staff recommends reallocating the full amount to Habitat for Humanity for construction of curb, gutter, and sidewalk adjacent to their two new homes being constructed on Elmore.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Resolution adopting the Community Development block Grant 2019 Annual Action Plan and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. To authorize the Grant Administrator to reallocate \$35,000 of PY2018 funds from TRPTA to Habitat for Humanity.

5) Public Hearing – Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Approximately 67.31 acres, West Side of Idaho Falls: For consideration is the application for Annexation and Initial Zoning of RE, RP, R1, R3, R3A, LC, and HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 67.31 acres in Sections 23, 24, 26, and 27, Township 2 North, Range 37 East on the west side of Idaho Falls. The Planning and Zoning Commission considered this item at its December 4, 2018, meeting and recommended approval by a 4-3 vote. Since that time, three conditions have changed which affect the area. First, during the 2019 legislative session, the annexation law was amended to exclude land of "five acres or greater, actively devoted to agriculture as defined in Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city" from city-initiated annexations. Approximately 14 acres of land comprising various parcels fall under this regulation and have been dropped from the annexation proposal. Second, the City Council adopted a Statement of Annexation Principles. This document establishes general criteria by which it will consider lands to be included in annexations. Staff has reviewed the parcels in the annexation and recommends that one parcel be removed from the annexation request because it does not meet all of the criteria outlined in the Statement of Annexation Principles. Because the Planning and Zoning Commission recommended it be included and because there is no legal reason to remove it, it has been included on all maps and in versions of the ordinances as Exhibit H. However, because staff is recommending it be removed, ordinances and reasoned statements have also been included without Exhibit H. Finally, the City recently adopted an Airport Overlay Zone. Properties in this annexation are subject to the overlay under the Limited Development and Controlled Development zones. These have been included in the ordinance and exhibits.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Ordinance annexing M&B: Approximately 65.5 acres, Sections 23, 24, 26, and 27, Township 2 North, Range 37 East, excluding Exhibit H (or 67.31 acres including Exhibit H), 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 annexation of M&B: Approximately 65.5 acres, Sections 23, 24, 26, and 27, Township 2 North, Range 37 East, excluding Exhibit H (or 67.31 acres including Exhibit H), and give authorization for the Mayor to execute the necessary documents.
- c. To assign a Comprehensive Plan Designation of Low Density Residential, Higher Density Residential, Estate, Commercial, and Greenbelt Mixed Use and to approve the ordinance establishing the initial zoning for M&B: Approximately 65.5 acres, Sections 23, 24, 26, and 27, Township 2 North, Range 37 East, excluding Exhibit H (or 67.31 acres including Exhibit H), under the 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.
- d. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 65.5 acres, Sections 23, 24, 26, and 27, Township 2 North, Range 37 East, excluding Exhibit H (or 67.31 acres including Exhibit H), and give authorization for the Mayor to execute the necessary documents.

7. **Announcements and Adjournment.**