



CITY COUNCIL MEETING

Thursday, July 30, 2020

7:30 p.m.

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

Thank you for your interest in City Government. In compliance with the Idaho Rebounds Stage 4 guidelines, which discourage public gatherings, the City of Idaho Falls hereby provides reasonable means for citizens to participate in the above-noticed meeting. *Citizens are required to wear face masks for the protection of others.* The City believes strongly in public participation and has therefore identified the following ways to participate in this meeting:

General Meeting Participation.

1. Livestream on the Internet. The public may view the meeting at www.idahofallsidaho.gov. Meetings are also archived for later viewing on the City's website.
2. Email. Public comments may be shared with the Mayor and members of the City Council via email at any time. Electronic addresses for elected officials are located at <https://www.idahofallsidaho.gov/398/City-Council>.
3. In-person attendance. The public may view the meeting from the Council Chambers, or, if the Chambers are full, via livestream in a nearby room. To comply with the Centers for Disease Control and Prevention (CDC) social distancing guidelines, appropriate seating will be provided in the Council Chambers and in a nearby overflow room. Such seating is available on a first-come, first-served basis.

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 may 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. **Coronavirus (COVID-19) Update.**
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 Public Works:**
 - 1) Bid Award – Hawk Signals - 2020
 - B. **Item from Idaho Falls Power:**
 - 1) Minutes from the June 25, 2020 and July 21, 2020 Idaho Falls Power Board Meetings
 - C. **Items from Municipal Services:**
 - 1) Minutes from the July 6, 2020 City Council Work Session; July 9, 2020 City Council Meeting; July 13, 2020 City Council Budget Session; July 15, 2020 City Council Budget Session; July 16, 2020 City Council Budget Session; and, July 20, 2020 City Council Budget Session

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).

6. Regular Agenda.

A. Office of the Mayor

1) Economic Development Incentive Program: For consideration is a Resolution for an Economic Development Incentive Agreement between the City of Idaho Falls and Intermountain Packing. The Agreement, pursuant to City Code Title 1, Chapter 16, allows for expedited permit processing and waiver of fees associated with the establishment of a business at the discretion of the City Council. Waiver of fees include those pertaining to road and bridge fees, storm drainage fees, land use application and plan review fees, and building permit fees. City Code Title 1, Chapter 16 sets forth eligibility requirements and criteria, and requires that application procedures, evaluation, and agreement documentation be met. Staff review finds each of these conditions have been met, and respectfully requests approval of the Resolution.

RECOMMENDED ACTION: Approve the Resolution of the Economic Development Incentive Agreement between the City and Intermountain Packing, and to grant the incentives contained therein, and give authorization for the Mayor and City Clerk to execute the necessary documents and the duty to ensure that the obligations of both parties to the Agreement are complied with (or take other action deemed appropriate).

B. Municipal Services

1) Purchase Backup Storage System: As the City continues to grow, it is essential the City have adequate and reliable technology storage. This purchase request is for hardware and professional services to install a backup storage system to provide scalable storage solutions to ensure the reliability of storing city-wide data. City IT was able to receive a very favorable pricing from the vendor through the State of Idaho contract PADD18200544.

RECOMMENDED ACTION: Approve the quote received from Transource Services Corporation to purchase a Cohesity backup storage system for a total of \$164,047.78 (or take other action deemed appropriate).

2) Approval to Participate in Governor Little's Public Safety Program: Governor Little's Office announced a public safety proposal to use a portion of the state's Coronavirus Relief Funds (from the CARES Act) to cover a portion of the city's payroll costs for public health and public safety employees. This will result in passing the resulting budget savings to residents and business owners in the form of one-time property tax relief.

RECOMMENDED ACTION: Approve the City's participation in Governor Little's Public Safety Program citing Coronavirus Relief Funds for the 2020/21 fiscal year budget (or take other action deemed appropriate).

3) Tentative Approval of 2020/21 Fiscal Year Budget: Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2020/21 fiscal year budget

with publication dates set for August 2, 2020 and August 9, 2020. The Public Hearing is scheduled for 7:30 pm, Thursday, August 13, 2020 in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

RECOMMENDED ACTION: Tentative approval of the 2020/21 fiscal year budget for a not to exceed amount and give authorization to publish the Notice of Public Hearing (or take other action deemed appropriate).

C. Public Works

1) Change Orders 1 & 2 – Idaho Falls Microsurfacing: For consideration are change orders 1 & 2 for the Idaho Falls Microsurfacing project. The proposed changes allow additional microsurfacing and pavement markings to be constructed and provide better utilization of Federal funds established for this project.

RECOMMENDED ACTION: Approval of change orders 1 and 2 and authorization for Mayor to sign the necessary documents (or take other action deemed appropriate).

D. Fire Department

1) Service Agreements, Bonneville County Fire Protection District #1: These Service Agreements allow the two agencies to continue to work together to provide efficient and cost-effective methods of firefighting to both the City and County residents as well as deploy resources as necessary during Wildland emergencies. These Service Agreements represent a one-year agreement for the FY 2020/2021 between our two agencies and builds upon the stability of a nearly three-decade relationship that has provided safety and security to our community.

RECOMMENDED ACTION: Approve the Fire Protection Joint Services Agreement and Wildland Deployment Agreement by and between the City and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate).

E. Human Resources

1) Approval of Resolution for a Self-Insurance Trust: In September of 2018, Council directed Municipal Services, Human Resources and Legal Departments to begin the process of creating a medical self-insurance trust. The necessary preparations for the creation of the trust have now been completed. By transferring reserved funds (of approximately \$4.2 million dollars) into the trust, the funds will be segregated from other City funds for the purposes of funding employee health insurance.

RECOMMENDED ACTION: Approve a resolution to create a medical self-insurance trust and transfer designated funds to the trust, and give authorization for the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate).

F. Legal

1) City Bus Stop Bench Program: By City Ordinance (IFCC8-8-11 through 8-8-35), the City currently licenses locations within City right-of-way for the placement of bus stop benches. Staff recommends

rescission of the program because current locations of bus stop benches do not comply with the Code; currently suspended bus routes are being re-evaluated as part of a reorganization of Targhee Regional Public Transportation Authority (TRPTA); and there are concerns regarding regulation of advertising on City right-of-way.

RECOMMENDED ACTION: Approve the Ordinance rescinding the bus stop bench program in the City Code 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) Door to Door Licensing: The First Amendment of the United States Constitution and Article I, Section 9 of the Idaho Constitution guarantee the public's right to free speech. The amendments proposed to the City's door-to-door licensing regulations are designed to balance an individual's right to engage in free speech and to pursue an honest living while protecting the safety and privacy of the City's residents in their homes. The amendments would prohibit individuals convicted of heinous felonies from obtaining a door-to-door license. Serious felonies involving dishonesty or moral turpitude would prohibit an individual from obtaining a license for ten (10) years. Other serious and violent crimes would prohibit an individual from obtaining a license for five (5) years. It would permit some individuals who have been convicted of crimes that did not involve violence or dishonesty to obtain door-to-door licenses, as required by the United States and Idaho constitutions.

RECOMMENDED ACTION: Approve the Ordinance amending the door-to-door licensing regulations to the City Code 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).

G. Community Development Services

1) CV Community Development Block Grant (CDBG) Allocations and Substantial Amendments to CDBG Plan: As part of the 2020 CARES Act, Idaho Falls was allocated additional CDBG funding. This funding was specifically intended to aid in the prevention of and recovery from COVID-19. Specific guidelines and requirements were given for the procedure for utilizing these funds. Following these guidelines and requirements, staff is recommending three actions. First, amend the citizen participation plan to allow for shorter advertising and public comment periods. Second, make a substantial amendment to the CDBG action plan to include CV CDBG funding. Third, approve the requests received so far for CV CDBG funding. At this point, there are still funds remaining in the City's CV CDBG allocation and staff is planning for another round of applications in the fall.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Resolution adopting a substantial amendment to the CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).
- b. Approve the Resolution amending the CDBG Program Year 2020 Citizen Participation Plan applicable to the 2016-2020 Five-Year Consolidated Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

- c. Approve the Resolution approving CV CDBG funding allocations and including said allocations in the amended CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2) Request to extend deadline to record a plat, Rose Nielsen Division No. 101 4th and 5th amended: For consideration is a request to extend the deadline to record a plat by an additional six months. The two plats for Rose Nielsen Division 101, 4th and 5th amended were approved by the Council on January 30, 2020. The Subdivision Ordinance requires plats to be recorded within 180 days of approval, which would be July 31, 2020 for these plats. Due to some ongoing issues between the applicant and City Departments regarding provision of easements and right-of-way, the plats are still not in a satisfactory condition to be recorded and accepted by the City. It is expected these issues will be resolved soon, but not before the deadline to record. The applicant is requesting a 6-month extension to record, putting the new deadline at January 30, 2021.

RECOMMENDED ACTION: Approve the request to extend the deadlines to record the plats for Rose Nielsen Division No. 101 4th and 5th amended to January 30, 2021 (or take other action deemed appropriate).

3) Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Clay Subdivision Division 1: For consideration is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards, M&B: Clay Subdivision Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Development Agreement for Clay Subdivision Division 1, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. Approve the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- c. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor to execute the necessary documents.

4) Public Hearing - Rezone from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 3, Block 2, Sayer Business Park Division 1: For consideration is the application for Rezoning from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, for Lot 3, Block 2, Sayer Business Park Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance Rezoning Lot 3, Block2, Sayer Business Park Division 1 from LM to LC 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).

- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from LM to LC Lot 3, Block 2, Sayer Business Park Division 1, and give authorization for the Mayor to execute the necessary documents.

5) Public Hearing - Annexation and initial zoning of HC and LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, HC & LC, M&B: 44 Acres, Section 9, T2N, R38E: For consideration is the application for Annexation/Initial Zoning to HC and LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 44 Acres, Section 9, T2N, R38E. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing 44 Acres, Section 9, T2N, R38E 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).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 44 Acres, Section 9, T2N, R38E and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of “Commercial and Low Density” and approve the Ordinance establishing the initial zoning for HC and LC 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 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).
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for HC and LC and give authorization for the Mayor to execute the necessary documents.

6) Public Hearing - Annexation and Initial Zoning of RP, Annexation and Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standard Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1: For consideration is the application for Annexation/Initial Zoning to RP, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 2 Block 2 of the Second Amended Plat of Kinsmen Country Estates. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 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).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of “Estate” and approve the Ordinance establishing the initial zoning for RP 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 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).
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for RP and give authorization for the Mayor to execute the necessary documents.

7. **Announcements.**

8. **Adjournment.**