



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, February 11, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Council President Michelle Ziel-Dingman, Councilor Shelly Smede, Councilor Jim Francis, and Councilor Thomas Hally

Absent: Mayor Rebecca L Noah Casper

Via WebEx: Councilor John Radford, and Councilor Jim Freeman

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance:

Mayor Casper requested Brad Cramer, Community Development Services Director, to lead those present in the Pledge of Allegiance.

3. Public Comment.

Public comment has been temporarily suspended.

4. Coronavirus (COVID-19) Update.

Council President Dingman stated there are 27 current cases in Bonneville County with an active rate of 11.6 per 10,000. She noted the numbers continue to stabilize and decrease; the masking mandate was recently removed by Eastern Idaho Public Health (EIPH); and School District 91 will potentially vote on changes related to COVID-19.

5. Consent Agenda.

A. Mayor's Office

1) Appointments to War Bonnet Round Up Advisory Committee

Attached please find communication from Parks & Recreation Director, PJ Holm, regarding the citizen volunteers I am appointing to serve on the War Bonnet Round Up Advisory Committee sponsored by the Parks and Recreation Department:

Name	Term Expires	Status
Krisi Staten	12/31/23	New Appointment
Dennis Marshall	12/31/22	New Appointment
Jeff Newgard	12/31/23	New Appointment
Kyle Searle	12/31/21	New Appointment
Kassi Jones	12/31/23	New Appointment
Robert Skinner	12/31/22	New Appointment

Tribal Member TBA Ongoing

The applicants have been screened and subsequently recommended by Director Holm. I too have reviewed the applications. The Shoshone-Bannock Tribal Member appointee will go through a rigorous vetting process by the Tribal Council. For this reason, I have no concern for the quality and commitment of the appointee. Overall, we are confident that all of these individuals meet the criteria set forth in the city code, and that all will make positive contributions to the War Bonnet Round Up and the City of Idaho Falls. If you have questions or comments, please feel free to contact me.

2) Appointment to the Idaho Falls Redevelopment Agency Board

Attached please find communication from Community Development Services Director, Brad Cramer regarding the volunteer I am appointing to serve on the Board of the Idaho Falls Redevelopment Agency.

Name	Term Expires	Status
Jon Walker	12/31/26	Appointment

The proposed appointee has been recommended by Director Cramer. We are confident Commissioner Walker meets the criteria set forth in the city code. Having a County Commissioner on the Board allows for a high level of intergovernmental coordination and communication. We expect this will make a positive contribution to the good work of the Redevelopment Agency.

B. City Attorney

1) Settlement Agreement in Bovee v. Idaho Falls, Case No. CV10-20-6062

On September 9, 2020, the City was added as a party to Bovee v. Copeland in a quiet title action to resolve a property ownership dispute. The City was added to the suit because the City recorded a *Treasurer's Tax Deed* in November 1977 for delinquent LID payments. The attached Settlement resolves the City's claim on the property by quitclaiming the City's property interest to the last purchaser. In exchange the City will be released from the suit and the purchaser will indemnify the City from any further claims on the property.

C. Idaho Falls Power

1) First Amendment and Credit Support Annex to the Shell Energy Master Confirmation Agreement

The purpose of this amendment and credit support annex is to allow Idaho Falls Power to enter into longer term energy purchases and sales agreements that extend beyond one year in time. These agreements are standard in the energy industry to protect both buyers and sellers of commodity futures from potential counterparty credit risks and market price exposure risks.

D. Municipal Services

1) Treasurer's Report for December 2020

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending December 2020, total cash and investments total \$123.1M. Total receipts received and reconciled to the general ledger were reported at \$25.5M, which includes revenues of \$12.8M and interdepartmental transfers of \$12.7M. Total disbursements reconciled to the general ledger were reported at \$34.1M, which includes salary and benefits of \$5.5M, operating costs of \$15.9M and interdepartmental transfers of \$12.7M. During the month of December there was a \$4M loan transfer from Idaho Falls Power to the Airport for the land acquisition. As reported in the attached investment report, the total investments reconciled to the general ledger were reported at \$114M.

2) Quote, Software and License Renewal for Information Technology

This purchase renews software and licenses for the city's use of Artic Wolf software and professional services to monitor network traffic. The quote also includes access to the Artic Wolf managed risk platform to monitor network vulnerabilities.

3) Minutes from the January 25, 2021 Council Work Session; and January 28, 2021 Council Meeting and Executive Session**4) License Applications, all carrying the required approvals**

Councilor Hally recognized the presence of Bonneville County Commissioner Jon Walker.

It was moved by Councilor Smede, seconded by Councilor Radford, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay - none.

6. Regular Agenda.**A. City Attorney****1) Resolution Related to COVID-19**

Council Resolution 2020-29 and Resolution 2021-03 (recently amending Resolution 2020-29) stated Council's support of the Governor's and Eastern Idaho Public Health District's directives, based upon then-current COVID-19 data and recommended actions designed to prevent or reduce COVID-19 spread. The Council wishes to clarify City policy related to those directives by the passage of a Resolution that supersedes both 2020-29 and Resolution 2021-03 and supports safe hygiene, mask wearing, and social distancing practices.

Mr. Fife stated this item was discussed on February 9 following a decision to amend Resolution 2020-29 to Resolution 2021-03. He also stated, as a result of the discussion, the proposed draft resolution is a hybrid of several interests from the Council. Councilor Francis stated the Council passed resolution 2020-29 on November 24 in support of Governor Little's Rebound Plan Stage 2 and EIPH's Response Plan, however, within the previous two (2) weeks the Governor adjusted the Rebound Plan to Stage 3 and EIPH rescinded its order or restriction for Bonneville

County. He also stated the resolution presented replaces 2020-29 and as amended 2021-03. He believes the resolution is necessary so the Council statement is consistent and supportive of the policies from the Governor and EIPH. Councilor Francis explained the public message included in the resolution. Councilor Hally stated the strong encouragement of wearing masks is related to the progress across the country which is looking more favorable. He noted an additional strain has been identified as being more contagious than the current strain; vaccines are expected to rapidly increase; and there is a good chance of stopping the mutation if mitigation strategies are followed. He continues to encourage mask wearing. Councilor Freeman believes Resolution 2021-03 is very good, although he believes this resolution is even better. Council President Dingman believes it's important to clarify the resolution is a tool to express intent, there is no force of law. She believes there were challenges with Resolution 2020-29 regarding the enforcement mandate. She also believes this resolution has made the Council's intention more clear by utilizing and recommending the mitigation strategies endorsed by EIPH.

It was moved by Councilor Francis, seconded by Councilor Hally, to approve the Resolution related to State and Eastern Idaho Public Health District directives. The motion carried by the following vote: Aye - Hally, Smede, Dingman, Freeman, Francis, Radford. Nay - none.

RESOLUTION 2021-04

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, RELATED TO STATE AND HEALTH DISTRICT COVID-19 POLICIES, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

B. Public Works

1) Professional Services Agreement with Keller Associates, Inc. for the Well 12 Facility Rehabilitation Design project

The purpose of this Agreement is to establish a contract with Keller Associates, Inc., to provide engineering design and construction phase support services for the Well 12 Facility Rehabilitation Design project.

Councilor Freeman stated the total cost of the project is \$151,000. He also stated the funds have been budgeted. Public Works Director Chris Fredericksen stated Well 12 produces approximately 4,000 gallons per minute, was constructed in 1972, and is in need of upgrades. He also stated tasks have been identified for efficiency. He indicated \$25,000 of the cost is for potential additional services that may be identified.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Professional Services Agreement with Keller Associates, Inc. and give the Mayor and Clerk authorization to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

C. Idaho Falls Power:

- 1) IF21-18 Bid Award to Alan Clark Construction, LLC. for Idaho Falls Power Building Remodel
Idaho Falls Power solicited bids from qualified contractors to remodel the IFP Administration Building per NBW Architect's drawings and specifications. We received five bids with Alan Clark Construction, LLC. being the lowest responsive responsible bidder. The architect's estimated cost for this project was \$200,000.

Idaho Falls Power Assistant Director Stephen Boorman stated this item is for the remodel for the main floor of the office. He also stated this is for a future project anticipated in future years.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to Alan Clark Construction, LLC. of Idaho Falls, Idaho for a not-to-exceed amount of \$174,800.00 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay - none.

- 2) IF21-05 Conduit Fiber Phase I Agreement with B. Jackson Construction

Idaho Falls Power solicited bids from qualified contractors to provide conduit for buried electrical conductor replacement and fiber optic cable installation. We received three bids with B. Jackson Construction being the lowest responsive responsible bidder. The base bid with add-on alternatives is \$1,426,060.65, plus a ten percent (10%) contingency of \$142,606.07, plus a ten percent (10%) change order authority of \$142,606.07 for installation of fiber based on this bid price for areas with existing fiber conduit, for a total authorization of \$1,711,272.79.

Mr. Boorman stated this is the third year for installation of conduit. He also stated this is in the area between Rollandet and Boulevard, North of Sunnyside. He indicated there will be approximately three (3) phases this year. Per Councilor Smede, Mr. Boorman stated IFP is on track with the fiber project as anticipated. Councilor Radford believes the use of conduit is improving the system to IFP which is benefiting both power and fiber.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to B. Jackson Construction of West Jordan, Utah for a total not-to-exceed amount of \$1,711,272.79 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

D. Community Development Services

- 1) Public Hearing-Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Providence Point.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Providence Point. The Planning and Zoning Commission considered this item at

its October 20, 2020, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Council President Dingman opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Dean Mortimer appeared. Mr. Mortimer stated the development is for a 55+ community consisting of approximately 103 lots, and is adjacent to Providence Point Phase 1. He believes this is a good addition to the City and is a good opportunity for the community.

Council President Dingman requested staff presentation.

Director Cramer appeared and presented the following:

Slide 1 - Property under consideration in current zoning

Director Cramer stated this area is located at 49th South and 15th East, and is currently zoned R1 with R1 to the east and R3A to the west.

Slide 2 - Aerial photo of the property under consideration

Director Cramer stated the area is currently vacant, although there is single-family housing in the immediate area.

Slide 3 - Additional aerial photo of the property under consideration

Slide 4 - PUD site plan

Director Cramer stated this development will be twin homes that will front a common open space and a club house, which is a unique feature. He also stated there is private alley access on the north and south with proper width for emergency vehicles and easements. He indicated adjustments will include 20' side yards and smaller rear yards in exchange for perimeter landscape. He noted the development exceeds the requirements for common open space and meets all other requirements.

Slides 5-7 - Elevations of buildings

Director Cramer stated this includes a mix of attached and detached homes.

Per Councilor Hally, Director Cramer stated connections will allow individuals to exit the area not just on 49th South, and any improvements to 49th South will be required per the development as the area grows. Per Councilor Radford, Director Cramer confirmed this area is adjacent to the former hatch pit, and the adjacent division has roadway connection. Per Councilor Radford, Mr. Mortimer stated Phase 1 has a direct connection from 49th South and connects to the public right-of-way and the potential City park area/City property. He indicated there will be a dedicated street into the City property from the south; there is current access to east; and plenty of access from potential development from the west and the north. He also indicated they are not anticipating a lot of movement from this project into the City park, although there is a 10' greenspace on the very northern part of the subdivision that will be adjacent to the City property in the future, and it is anticipated there will be a walking path around the entire development. Mr. Fife clarified the age of the community cannot be considered by the Council, the Council must remain neutral and only consider the PUD.

Councilor Francis questioned the slope in the Planning & Zoning hearing. Mr. Mortimer deferred to Kurt Rowland, Eagle Rock Engineering. Mr. Rowland stated he is unsure of the slope although he stated there is a 5-to-1 slope on lands/pond.

Council President Dingman requested any public comment. No one appeared. Council President Dingman closed the public hearing.

Councilor Radford believes walkable communities are fantastic, and he hopes to see more of them. He expressed his gratitude for the perseverance. Councilor Francis believes this PUD is creating more housing options.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Planned Unit Development for Providence Point as presented. The motion carried by the following vote: Aye - Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Providence Point and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay - none.

7. Announcements.

Council President Dingman acknowledged a terrible tragedy that occurred earlier in the week which resulted in a loss of life and has impacted many lives. She believes patience is required for the answers that so many are desperately seeking.

There being no further business, the meeting adjourned at 8:06 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR