



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, June 9, 2022

7:30 PM

City Council Chambers

City Council Agenda:

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Via WebEx: Councilor John Radford

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Parks and Recreation Director PJ Holm to lead those present in the Pledge of Allegiance.

Mayor Casper announced that the ambassador of Mongolia was in the community and visited the zoo. She stated the zoo is internationally significant for conservation, education, and specie survival for species from all over the world. She congratulated Director Holm for this recognition.

3. Public Comment.

Gail Zirtzlaff, Idaho Falls resident, appeared. She displayed an item from Mongolia and believes the visit from the Mongolia ambassador was on par with the eclipse and the airshow. Ms. Zirtzlaff referred to two Post Register articles from March, one article referencing density and one article stating several individuals had been arrested for methamphetamine. She shared a personal experience of a previous neighbor who was a drug lord. She also stated density does not get a voice over who moves in. She believes more law enforcement is needed, and she congratulated the Police Department on their new building, hoping this new facility will help with recruitment.

Monte McCall, Clarence Drive and resident of Idaho Falls for 30 years, appeared. He expressed his disappointment in the condition with the soccer fields. He stated he specifically built his home next to these fields and paid extra money for the plot of land. He recognized this happened prior to the current officials, but he believes this will destroy his property value. Mr. McCall indicated his disappointment is not that this has happened but that the city has known about this issue since 2010 as it was in the Airport Master Plan. He also indicated he would not have known about this if it were not for the neighbors. He believes it's not right to take the value of property and destroy it because someone else made a mistake and especially not to tell anyone that this has been out of compliance for 12 years. Mr. McCall stated no one could have found out about this unless they look through every deed for every plot purchased from the 1990's. He also stated his neighbors are freaking out. He indicated his home was valued at \$450,000 two months ago and now he is unsure if he can sell it, and all that is up in the air. He also indicated he doesn't need to sell his home but other neighbors may be upside down in their homes.

Kim McCall, Clarence Drive, appeared. She stated her and her husband specifically bought this house 22 years ago for their hopes and dreams. She also stated this is the only home her daughter has known, and she is devastated. Ms. McCall stated she was born in Idaho Falls but moved away for a time and she has been back in the area for 22 years. She expressed her disappointed that the airport and the city have not made this topic more public, that the airport grant was not used appropriately, and the soccer fields should not have been built. She also stated after she attended the meeting she believed the soccer community thinks it's all good that the soccer fields are going to get replaced, but that does not replace their home.

4. Consent Agenda.

It was moved by Councilor Burtenshaw, seconded by Councilor Freeman, to move Consent Agenda item C.3) Public Works, the Bid Award for the New Road at Sunken Diamond, to the Regular Agenda under B. Public Works as a new item 3). Brief discussion followed regarding a motion versus a request to remove an item from the Consent Agenda. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

A. Mayor's Office

1) Appointments to City Boards, Commissions, and Committees

Attached please find communication from Parks and Recreation Director PJ Holm regarding the citizen volunteer the Mayor's Office is appointing to serve on the following City of Idaho Falls Committee:

Name	Board, Commission, Committee	Term Expires	Status
Brent Robertson	War Bonnet Round Up Advisory Committee	12/31/2025	New Member

The applicant, Brent Robertson, has been screened and subsequently recommended by Director Holm. This office reviewed the appointment recommendation and met with Mr. Robertson. We are confident he meets the criteria set forth in City Code and anticipate that he will make positive contributions to the good work of the city.

Your vote is requested giving consent to this appointment at the regular City Council Meeting on Thursday, June 9, 2022. If you have questions, please feel free to contact Bud Cranor or Director Holm.

B. Airport

1) Minutes from Idaho Falls Airport (IDA) Board Meeting

March 15, 2022, Airport Board Meeting Minutes

C. Public Works

1) Bid Award - 25th Street/Gallatin Avenue Lift Station Improvements

On Tuesday, May 31, 2022, bids were received and opened for the 25th Street/Gallatin Avenue Lift Station Improvements project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to upgrade the storm lift station near this intersection.

2) Bid Award - Sunnyside Road and Crestwood Lane Intersection Improvements

On Wednesday, June 1, 2022, bids were received and opened for the Sunnyside Road and Crestwood Lane Intersection Improvements project. A tabulation of the bid results is attached. The purpose of the

proposed bid award is to enter into contract with the lowest bidder to make improvements to this intersection. Improvements include adding an additional northbound lane to Crestwood Lane and adjusting one of the existing traffic signal poles to accommodate the road widening.

D. Municipal Services

1) Treasurer's Report for April 2022

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending April 2022, total cash, and investments total \$143.8M. Total receipts received and reconciled to the general ledger were reported at \$16.2M, which includes revenues of \$14M and interdepartmental transfers of \$2.2M. Total distributions reconciled to the general ledger were reported at \$18.8M, which includes salary and benefits of \$7.8M, operating costs of \$8.8M and interdepartmental transfers of \$2.2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$134M.

2) Minutes from Council Meetings

May 26, 2022 City Council Meeting

3) License Applications, all carrying the required approvals

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, 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 Francis, Freeman, Dingman, Radford, Hally, Burtenshaw. Nay - none.

5. Regular Agenda.

A. Fire Department

1) 2022-2023 Local 1565 Labor Agreement

Labor agreement with Idaho Falls Firefighters Local 1565 and the CITY. The overall agreement reflects 2022 collective bargaining negotiations and includes a negotiated inflation adjustment, paramedic selection, bilingual pay, and incorporation of special provisions from the City Personnel Policy into the Labor agreement.

Fire Chief Duane Nelson appeared. He stated negotiations have occurred over the previous months. He applauded the Local 1565 labor group for their hard work, cooperation, and understanding of where the city stands, noting these negotiations occurred rapidly. He also appreciates the support from the Mayor and Council. Chief Nelson briefly explained the changes in the agreement. Councilor Freeman stated, as a former firefighter, previous negotiations have been more contentious. He commended Chief Nelson and the city negotiations team. Council President Dingman agreed. She believes this is a fair agreement that works for both parties.

It was moved by Council President Ziel-Dingman, seconded by Councilor Freeman, to approve the 2022-2023 Labor Agreement with Idaho Falls Firefighters Local No. 1565 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

B. Public Works**1) Professional Services Agreement with Forsgren Associates, Inc., for Pancheri Bridge Design Work and Construction Support**

The purpose of this Agreement is to establish a contract with Forsgren Associates, Inc., to provide engineering design and construction assistance to replace a select number of girders, jack the structure to replace beam seat bearings, completion of minor deck repairs including an epoxy overlay of the entire deck and replacement of joint seals for the Pancheri Bridge over the Snake River.

Councilor Burtenshaw stated this item was approved by council through the ARPA (American Rescue Plan Act) funds to begin work on the bridge. Councilor Francis questioned this project versus the project for the safety of the pathways across the bridge. Public Works Director Chris Fredericksen appeared. He confirmed there are two projects. He stated the north side of the bridge is the original structure built in the early 1970's, noting the bridge was widened approximately 52' to the south in the late 1990's. He explained this proposed agreement approved with ARPA funding, stating there is a separate project for this bridge which is under federal aid in the amount of just under \$500,000 to widen the north sidewalk and install a bridge rail. Director Fredericksen indicated he would prefer the ARPA project be completed first and then the federal aid project, but the projects could be accommodated either way, noting there is preference to start ASAP. He also indicated the federal aid funding is available in 2023. Per Councilor Francis, Director Fredericksen explained the reimbursement payment to P&R. Per Mayor Casper, Director Fredericksen stated Public Works has applied for all programs available for the Pancheri Bridge, although staff has been unsuccessful with other funding across the State as Pancheri Bridge is considered remedial-type work rather than full replacement.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve of a Professional Services Agreement and authorization for Mayor and City Clerk to execute the document. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

2) Professional Services Agreement with Civil Science, Inc., For Construction Engineering and Inspection for the Higbee Bridge over the Idaho Canal

The purpose of this Agreement is to establish a contract with Civil Science, Inc., to provide construction engineering and inspection for the Higbee Bridge over the Idaho Canal project. This bridge replacement project is federally funded and expected for construction the fall/winter of 2022/2023.

Councilor Burtenshaw stated this bridge is a federal program with LHTAC (Local Highway Technical Assistance Council). She also stated the total cost is approximately \$2M, with the city cost at 7.34%. Councilor Freeman noted school buses could not cross the bridge due to restrictions. He believes this is in the city's best interest to get this project completed.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve of a Professional Services Agreement with Civic Science Inc. and authorization for Mayor and City Clerk to execute the document. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

3) Bid Award - New Road at Sunken Diamond (Tautphaus Park)

On Wednesday, June 1, 2022, bids were received and opened for the New Road at Sunken Diamond

project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to build a new road in Tautphaus Park connecting Sunken Diamond Drive and North Park Drive.

Director Holm appeared. He stated on December 8, 2016, the city council voted to adopt the Tautphaus Park Master Plan following multiple public meetings regarding Tautphaus Park and the future planning of the park. He also stated the first key recommendation was the park road network. He read from the Master Plan, which suggested a two-way road network. Director Holm stated this proposed road at Sunken Diamond was not part of the Master Plan, although Sunken Diamond Drive was. However, Sunken Diamond Drive infrastructure is not wide enough for a two-way road, therefore, the proposal is to put in a new road. Director Holm distributed a map of the road network system, stating the zoo entrance will move, and Softball Drive will close. He explained this road network will allow access into the west section of the park without having to drive through the entire park. He believes this road will be great for Tautphaus Park in general. He also explained the road will be slightly realigned by 30' to save a large tree which will be a benefit in the future. Councilor Freeman believes this tree may have been planted by his grandfather. Councilor Burtenshaw expressed her appreciation to Director Holm for this discussion regarding big changes in the Master Plan.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to award the bid for the new road at Sunken Diamond in Tautphaus Park as originally presented on the Consent Agenda. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

C. Community Development Services

1) Resolution approving the CDBG PY 2021 Consolidated Annual Performance and Evaluation Report (CAPER).

Pursuant to HUD (United States Department of Housing and Urban Development) requirements, entitlement communities receiving CDBG funds must complete an annual performance and evaluation report (CAPER). As part of the reporting process, information on projects completed and funds spent were presented in a public hearing and posted for public comment. The public hearing was held at the April 28, 2022, City Council regular meeting. The meeting was followed by a 15-day public comment period. No comments were received. The CAPER must be submitted to HUD no later than June 30, 2022.

Grants Administrator Lisa Farris appeared. She reiterated no comments were received during the public comment phase, and the report is due to HUD no later than June 30.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Resolution for the 2021 CAPER. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

RESOLUTION NO. 2022-17

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE PY2021 CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

- 2) Public Hearing-Rezone from Planned Transition Zone (PT) with no underlying zone district to LC, Limited Commercial and R2, Mixed Residential Zones, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 16.692 acres, Lot 41, Block 9, Martin's Amended #1 known as 535 E 17th ST, Lot 42, Block 9, Martin's Amended #1 known as 587 E 17th ST, Lot 1 Block 1, Willard-Warr known as 925 E 17th ST, Lot 1, Block 1, Turnbull known as 985 E 17th ST, Lots 1-2, Block 1, Desborough Place known as 1354 E 16th St.

Attached is the application for Rezoning from PT with no underlying zone to LC and R2, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 16.692 ACRES, Lot 41, Block 9, Martin's Amended #1 known as 535 E 17th ST, Lot 42, Block 9, Martin's Amended #1 known as 587 E 17th ST, Lot 1 Block 1, Willard-Warr known as 925 E 17th ST, Lot 1, Block 1, Turnbull known as 985 E 17th ST, Lots 1-2, Block 1, Desborough Place known as 1354 E 16th St. This is a city-initiated rezoning application that will assign these parcels a zoning designation. The properties are in a Planned Transition Zone, which is an overlay zone that will be removed, but have no underlying zones. The rezoning is occurring because no underlying zone was ever assigned to the property. The zones being assigned match the current use. Staff held a neighborhood meeting to discuss the rezone with property owners, but no one attended. The Planning and Zoning Commission considered this item at its May 3, 2022, meeting and recommended to the Mayor and City Council approval of the zone changes with a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested staff presentation as the city is the requestor.

Community Development Services Director Brad Cramer appeared. He presented the following:

Slide 1 - Properties under consideration

Director Cramer stated these five properties do not have an underlying zone for unknown reasons. He identified the properties on the corner of Holmes and 17th Street, the Lowes property further to the east, the Subway property next to Lowes, and the apartments across the street from Theresa Bunker Elementary School. Director Cramer stated the proposed zones are consistent with what's already there and developed, they do not affect the uses, and they are consistent with the Comprehensive Plan.

Mayor Casper requested any public comment. No one appeared. Mayor Casper noted there were also no public comments during the Planning and Zoning hearing. She closed the public hearing.

Councilor Francis believes PT zones are less necessary and less important as the zoning code has been adjusted. He stated the council does not take zones lightly as it's a property impact, however, in this case there are no changes to the use of the current properties. He believes this is a clean-up process.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance rezoning approximately 16.692 acres, Lot 41, Block 9, Martin's Amended #1 known as 535 E 17th ST, Lot 42, Block 9, Martin's Amended #1 known as 587 E 17th ST, Lot 1 Block 1, Willard-Warr known as 925 E 17th ST, Lot 1, Block 1, Turnbull known as 985 E 17th ST, Lots 1-2, Block 1, Desborough Place known as 1354 E 16th St from PT with no underlying zones to LC and R2, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3469

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF LOT 41, BLOCK 9, MARTIN'S AMENDED #1 KNOWN AS 535 E 17TH ST, LOT 42, BLOCK 9, MARTIN'S AMENDED #1 KNOWN AS 587 E 17TH ST, LOT 1 BLOCK 1, WILLARD-WARR KNOWN AS 925 E 17TH ST, LOT 1, BLOCK 1, TURNBULL KNOWN AS 985 E 17TH ST, DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM PT, PLANNED TRANSITION OVERLAY TO LC, LIMITED COMMERCIAL AND LOTS 1-2, BLOCK 1, DESBOROUGH PLACE KNOWN AS 1354 E 16TH ST DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM PT, PLANNED TRANSITION OVERLAY TO R2, MIXED RESIDENTIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from PT with no underlying zone to LC and R2 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

6. Executive Session

It was then moved by Council President Dingman, seconded by Councilor Francis, to move into Executive Session (at 8:20 p.m) pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will reconvene into regular Council Meeting. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

The City Council of the City of Idaho Falls met in Executive Session, Thursday, June 9, 2022 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:24 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Lisa Burtenshaw
Councilor Jim Francis
Councilor Jim Freeman
Councilor Thomas Hally

Also present:

Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Bud Cranor, Mayor's Office Chief of Staff
Bryce Johnson, Police Chief

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session concluded at 8:56 p.m.

The Council then reconvened into regular Council Meeting.

7. Regular Agenda.

A. City Attorney

1) Settlement Agreement: Christopher Tapp v. City of Idaho Falls, Case No. 4:20 CV-476-CWD

This Settlement Agreement formalizes the terms on which the parties are settling Mr. Tapp's 42 U.S.C. § 1983 claims against the City and its employees surrounding Mr. Tapp's wrongful conviction and incarceration.

Mr. Fife appeared. He explained Mr. Tapp was arrested, convicted, spent several years in prison, and was later exonerated. He stated Mr. Tapp filed a claim against the city, and following discussions of this claim, both parties have reached a settlement which includes three elements that would release all the parties from any further litigation or possible litigation. Mr. Fife explained the elements to be a monetary settlement of \$11.7M paid to Mr. Tapp by Idaho Counties Risk Management Program (ICRMP), Traveler's Insurance, and the City of Idaho Falls; and two non-monetary elements which includes a full discussion regarding interrogation techniques that involve deception with those who are under custodial interrogation, this discussion will occur in the future, and the city will issue a letter of apology to Mr. Tapp. Per Councilor Hally, Mr. Fife stated the city and any of its employees are permanently released and no further claims can be brought against the city or any of those individuals. Brief discussion followed the dissemination of the document.

It was moved by Council President Ziel-Dingman, seconded by Councilor Radford, to approve the negotiated settlement agreement including the apology letter as presented in Executive Session and authorize the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

Mayor Casper stated this agreement achieves closure which has been a long time coming.

8. Announcements.

Mayor Casper announced the grand re-opening of the Aquatic Center on June 10, the celebration for the Idaho Falls to Boise flight will be forthcoming, and there is a Ukraine fundraiser on June 10. Councilor Francis announced the recognition of Juneteenth, noting city offices will be closed on June 20.

9. Adjournment.

There being no further business, the meeting adjourned at 9:05 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor