

**June 27, 2019**

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 27, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

**Call to Order:**

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Thomas Hally  
Councilmember John Radford  
Councilmember Shelly Smede  
Councilmember Jim Francis  
Councilmember Jim Freeman

Absent:

Councilmember Michelle Ziel-Dingman

Also present:

All available department directors  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

**Pledge of Allegiance:**

Mayor Casper requested Councilmember Jim Freeman to lead those present in the Pledge of Allegiance.

**Public Comment:**

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Don Whitaker, Idaho Falls, appeared. Mr. Whitaker resides on 1st Street near Hitt Road. He expressed concern that individuals do not yield to emergency vehicles. He suggested bus cameras be placed on emergency vehicles to report to the Idaho Falls Police Department. He stated he has witnessed several times that people did not yield. Mr. Whitaker requested to see something done for the safety of the Idaho Falls Fire Department. He believes bus cameras would be an easy solution to find those who do not obey the law.

Christopher Deile appeared. Mr. Deile stated he submitted a letter and commentary to the Post Register but neither were ever published. He stated it was in regard to bear spray for bear attacks in Yellowstone National Park. He stated Federal Law allows to legally possess firearms but the permits stated firearms should not be considered for wildlife protection. He stated bear spray is not a proven method. Mr. Deile stated he was attacked by a bear and used bear spray and it did not stop the bear. A friend watched the attack and an article was later written about the attack where the friend stated the spray saved Mr. Deile's life. Mr. Deile stated his experience is in complete contradiction with public advice provided by several agencies. He stated these agencies distribute "Be Bear Aware" pamphlets but when they react to bear attacks they use firearms rather than their own recommendation of bear spray. He stated since the attack he has attempted to speak but has been smeared and his story has been discredited to minimize what he is attempting to share. Mr. Deile stated the media won't publish anything and no one is hearing the facts, they are only hearing what the government wants them to hear.

**Consent Agenda:**

Municipal Services requested approval of Online Service Agreement Renewal with The Energy Authority for Idaho Falls Power.

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Idaho Falls Power requested approval of Power Trade Confirmation Agreement with Shell Energy North America (US), LP; and, Quote 33435, Approval of Contract Services Agreement with KM Service Company, LLC.

Public Works requested approval of Bid Award – W Anderson Water Line Jefferson to N Boulevard; Bid Award – Sewer Line Rehabilitation - 2019; Bid Award – Sewer Spot Repairs - 2019; Bid Award – Bel Aire Concrete Improvements - 2018; and, Bid Rejection – Mound Sanitary Sewer Lift Station Upgrade.

The City Clerk requested approval of minutes from the June 10, 2019 Council Work Session; and, June 13, 2019 Council Meeting; and, license applications, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

**Regular Agenda:**

**Community Development Services**

**Subject: Annexation and Initial Zoning of TN, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 6.287 acres, SW1/4, Section 6, T 1N, R 38E**

For consideration is an application for Annexation and Initial Zoning of TN, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 6.287 acres, South West 1/4, Section 6, Township 1 North, Range 38 East. The Planning and Zoning commission considered this item at its June 4, 2019 meeting and recommended denial by a 5-2 vote. The Commission did not believe this was an appropriate use of the TN Zone. The applicant has reviewed the zone and has notified staff they would prefer to recognize the Commission’s recommendation and request R3 as an alternative. This is more consistent with the original preliminary plat which showed the area as R3A. Staff recommends approval of this request.

Councilmember Smede stated this is a Category A annexation and was requested by the owner. The property is currently vacant farmland. She stated this is a unique area although it falls within guidelines of the Comprehensive Plan. She recommended the Council follow staff’s recommendation. She indicated the area has not been platted. Director Cramer clarified the ordinance includes the initial zoning.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance annexing M&B: Approximately 6.287 acres, South West 1/4, Section 6, Township 1 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Hally. Nay – none. Motion carried.

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

**ORDINANCE NO. 3258**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 6.28 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 6.287 acres, South West 1/4, Section 6, Township 1 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to assign a Comprehensive Plan Designation of Higher Density and to approve the ordinance establishing the initial zoning for M&B: Approximately 6.287 acres, South West 1/4, Section 6, Township 1 North, Range 38 East, 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. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3259

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 6.28 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 6.287 acres, South West 1/4, Section 6, Township 1 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

**Subject: Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 6.149 acres, NE1/4, NE1/4, Section 33, T 2N, R 38E**

For consideration is an application for Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 6.149 acres, North East 1/4, North East 1/4, Section 33, Township 2 North, Range 38 East. The Planning and Zoning commission considered this item at its May 7, 2019 meeting and recommended approval by unanimous vote.

Councilmember Smede stated the property is adjacent to and has frontage to Sunnyside Road and is currently vacant. She also stated this is a Category A annexation and was requested by the owner. The area is consistent with the Comprehensive Plan. It is unknown what will be built in the area. It was noted the area does not receive city services.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Ordinance annexing M&B: Approximately 6.149 acres, North East 1/4, North East 1/4, Section 33, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Mayor Casper noted the discrepancy of the acreage with the memo and the ordinances.

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

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ORDINANCE NO. 3260

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 6.147 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Councilmember Smede indicated she would amend the motions to match the acreage in the ordinances.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 6.147 acres, North East 1/4, North East 1/4, Section 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to assign a Comprehensive Plan Designation of Medical Services Center and to approve the ordinance establishing the initial zoning for M&B: Approximately 6.147 acres, North East 1/4, North East 1/4, Section 33, Township 2 North, Range 38 East, 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. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3261

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 6.147 ACRES DESCRIBED IN SECTION 1 AND EXHIBIT A OF THIS ORDINANCE AS LC ZONE AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 6.147 acres, North East 1/4, North East 1/4, Section 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Hally. Nay – none. Motion carried.

**Public Works:**

**Subject: Professional Services Agreement with iWorQ Software Solutions to Provide a Pavement Management System**

For consideration is a Professional Services Agreement with iWorQ Software Solutions for a Pavement Management System. The agreement is to establish a pavement management system encompassing all city streets. This system will help to ensure that we are strategically investing our pavement management funds in the right areas allowing us to maximize the life of our existing streets.

Councilmember Freeman stated this software will help to provide improved communications, well-managed inventory, and, assist in tracking labor hours, material and equipment. The services included in the agreement include configuration of the hardware, staff training, and professional support for the duration of being a customer.

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The cost of the services is \$67,250.00 and will be paid largely by federal funds. The City will be required to pay 7.34% of the cost. Annual maintenance will cost up to \$24,500.00 dependent on the chosen modules used. Councilmember Smede questioned experience with this company. Mayor Casper questioned federal government endorsement. Director Fredericksen stated the project runs through the Federal Aid Program. He stated there is an initiative in utilizing the funds to optimize how the City spends the federal funds. This software will allow better decisions to be made. He noted a number of Idaho communities currently use this software.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Professional Services Agreement with iWorQ Software Solutions for a Pavement Management System, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Freeman, Francis, Radford, Smede. Nay – none. Motion carried.

**Subject: State/Local Agreement with the Idaho Transportation Department for the N Boulevard Railroad Crossing**

For consideration is a State/Local Agreement with Idaho Transportation Department and accompanying Resolution for railroad crossing upgrades at N Boulevard. This project is to replace the railroad planking at this crossing ensuring a smoother transition between the concrete planking and the pavement.

Councilmember Freeman stated this project is paid in full by federal funds. The City is responsible to repair the roadway once the planking work is complete.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Agreement, and the accompanying resolution, for the N Boulevard railroad crossing, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

RESOLUTION NO. 2019-13

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF N. BOULEVARD UPRR RRX.

**Subject: State/Local Agreement with the Idaho Transportation Department for the Idaho Canal Trail, Phase I**

For consideration is a State/Local Agreement with Idaho Transportation Department and accompanying Resolution for Idaho Canal Trail, Phase I. This project is to construct a multiuse pathway along the Idaho Canal from Community Park along Holmes Avenue to 14<sup>th</sup> Street and along 14<sup>th</sup> Street to SW Bonneville Drive and along SW Bonneville Drive to 9th Street.

Councilmember Freeman stated the anticipated cost of this project is \$532,400.00 with the City contributing 7.34%, estimated to be \$39,078.00. He noted this project will not take place for another two (2) years. Councilmember Radford noted the City struggled for several years to reach an agreement with the Idaho Canal company for this project to happen. He believes this will enhance safety and he expressed his appreciation to the Parks and Recreation Department for their safety campaign. He also expressed his appreciation for the planning of these funds and to all those involved. Mayor Casper stated as a consequence to the agreement the City has agreed to take on a great deal of maintenance on the canal trails. She noted the competition for pathway funds is strong and the City has applied for these funds a number of times. Councilmember Francis expressed his appreciation for the bridge across the canal.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the agreement, and the accompanying resolution, for the Idaho Canal Trail, Phase I, and give authorization for the Mayor and City

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Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2019-14

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF IDAHO CANAL TRAIL, PHASE I.

**Subject: State/Local Agreement with the Idaho Transportation Department for the Idaho Canal Trail, Phase II**

For consideration is a State/Local Agreement with Idaho Transportation Department and accompanying Resolution for Idaho Canal Trail, Phase II. This project is to construct a multiuse pathway along the Idaho Canal from 9<sup>th</sup> Street along SW Bonneville Drive and NW Bonneville Drive to the Meppen Canal near Lovejoy Street.

Councilmember Freeman stated the anticipated cost of this project is \$497,500.00 with the City responsible for 7.34% or estimated amount of \$36,517.00. Councilmember Francis stated this was well earned by Public Works. Councilmember Radford noted the partnership with Public Works and the Parks and Recreation Departments. Councilmember Smede commended “One City One Team” including Idaho Falls Power and Municipal Services. Councilmember Hally stated the canal trails is part of the Parks and Recreation Strategic Plan.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Agreement, and the accompanying resolution, for the Idaho Canal Trail, Phase II, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2019-15

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF IDAHO CANAL TRAIL, PHASE II.

**Parks and Recreation:**

**Subject: 2019 Waiver for Certain Fourth of July Celebration Fees**

For consideration is a resolution waiving certain City fees and an indemnification agreement between the City of Idaho Falls and Melaleuca, Inc. This annual resolution and indemnification agreement allows for support of the 2019 Community Fourth of July Celebration.

Councilmember Freeman indicated this is another example of the partnership between several departments. He stated the labor and equipment are provided by the Public Works and Parks and Recreation Departments with estimated cost of \$29,546.00 to the City. In addition, public safety services (provided by the Idaho Falls Police Department and the Idaho Falls Fire Department) fees are not calculated as no fees are charged for overall public safety. Mayor Casper clarified the employees are paid but support comes from the general fund. Councilmember Radford expressed his appreciation to Melaleuca, Ball Ventures, and, Snake River Landing. Mayor Casper noted this is the third year at this location but changes may occur as property changes. Councilmember Francis believes the City is being proactive with waiving fees.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the resolution waiving certain City fees and the indemnification agreement with Melaleuca, Inc. for the support of the 2019 Community Fourth of July Celebration, and give authorization for the Mayor and City Clerk to execute the

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necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

**RESOLUTION NO. 2019-16**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, WAIVING CERTAIN CITY FEES FOR SERVICES IN SUPPORT OF THE 2019 COMMUNITY FOURTH OF JULY CELEBRATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**Announcements:**

Mayor Casper acknowledged the City holiday on July 4<sup>th</sup> and noted City offices will be closed. She stated the Idaho Falls Pride Celebration will be occurring June 27<sup>th</sup>-29<sup>th</sup>.

**Executive Session:**

It was moved by Councilmember Radford, seconded by Councilmember Francis, to move into the Executive Session. The Executive Session has been called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into Regular Council Meeting as no further actions are anticipated. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Hally. Nay – none. Motion carried.

There being no further business, the Council Meeting adjourned at 8:16 p.m.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Thursday, June 27, 2019, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:22 p.m.

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Thomas Hally  
Councilmember Jim Francis  
Councilmember John Radford  
Councilmember Shelly Smede  
Councilmember Jim Freeman

Also present:

Brad Cramer, Community Development Services Director  
Dana Briggs, Economic Development Coordinator  
Pamela Alexander, Municipal Services Director  
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the Executive Session concluded at 9:00 p.m.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR