

September 26, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 26, 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 Jim Francis
Councilmember John Radford
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Councilmember Thomas Hally

Also present:

All available Department Directors
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Paige Prairie, an 8th grade student at Taylorview Middle School and daughter of Idaho Falls Power (IFP) Director Bear Prairie, 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.

Carolyn Abbott appeared. Ms. Abbott stated she has three (3) issues. 1-Recycling, Ms. Abbott indicated it is really bad that there is nowhere to put plastics or paper. She believes the plastic companies should be contacted because if these companies are going to make plastic, then they should figure out how to recycle it. Ms. Abbott noted she has been arguing this cause for radioactive waste and hazardous waste for approximately 30 years. 2-Idaho Falls Power solar power, Ms. Abbott questioned the changes and possible credit. She indicated she was told by a solar company that she did not qualify for solar power due to the location of her residence. 3-Homeless, Ms. Abbott stated for the previous year she has been trying to help individuals who have been living in their vehicle or a small recreational vehicle (RV) and there is no place to park for an extended period of time. Ms. Abbott questioned the empty parking lots. She believes the City should address this issue as rules could be followed to allow parking. She believes most individuals are very responsive.

Consent Agenda:

Public Works requested approval of minutes from the August 28, 2019 Annual Public Works Department Utility Meeting.

Municipal Services requested approval of purchase of Technology Storage Systems for Municipal Services Department.

Idaho Falls Power requested approval of Contract with First Call Jewel for Heating System Upgrade.

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The City Clerk requested approval of minutes from the September 9, 2019 Council Work Session and Executive Session; and, September 12, 2019 Council Meeting; License Applications, including Beer Licenses to 1 Fine Café; Albertsons, 17th Street; Albertson's, Broadway; Black Bear Diner; Blue Hashi; Blue Wave; Boozer Quick Stop; Bowlero; Buck's; Copper Rill Restaurant; El Rinconcito Authentic Mexican Food; Ford's Bar; Golden Crown Lounge; Hampton Inn; Hitt the Road; Holiday Oil; Jaker's of Idaho Falls; Krung Thep; Los Panchos; Maverik Country Store, Sunnyside; Maverik Country Store, Broadway; Maverik Country Store, Woodruff; Midget Market; Muddys Place; Outback Steakhouse; Plum Loco; Puerto Escondido; Roadrunner Pit Stop; Rogelio La Yesca; Sam's Club; Sandpiper East; Seventeenth Street Gas & Wash; Short Stop Market; Sizzler Family Steak House; Smith's Food & Drug; Smokin Fins; Sneekers Bar & Grill; Snow Eagle Brewing & Grill; Tap-N-Fill; That One Place Lounge; The DEC – Downtown Event Center; Tobacco Connection, Broadway; Tobacco Connection, S. Utah; Walmart; Walmart Fuel Station; and, Winco Foods, 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 Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Ordinance Amending Certain Street Names for Consistency and Correct Spellings

For consideration is an ordinance amending the names of certain streets throughout the City. These changes correct spellings and unify streets with the same name that previously had different spellings. This assists in more consistent addressing, provides overall consistency, and promotes consistent emergency response.

Councilmember Smede clarified Yukatan will be changed to Yucatan with a 'c'. Councilmember Freeman stated, as a former firefighter, these street names were confusing and difficult to respond to. He believes there may be additional changes.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending certain street names throughout the City under a 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 Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3272

AN ORDINANCE CHANGING THE SPELLING OF LA PALOMA DRIVE TO LAPOLOMA DRIVE; YUCATAN WAY TO YUKATAN WAY; FOX RUN DRIVE TO FOXRUN DRIVE; EAST VIEW DRIVE TO EASTVIEW DRIVE; CAPITOL AVENUE AND CAPOTIL AVENUE TO CAPITAL AVENUE; TELLEDEGA STREET TO TALLADEGA STREET; CASSIOPEA STREET TO CASSEOPEIA STREET; CHANGING THE NAME OF PIONEER LANE TO PIONEER ROAD; BRENTWOOD STREET AND TERRACE DRIVE BETWEEN BRENTWOOD DRIVE AND S SKYLINE DRIVE TO BRENTWOOD DRIVE; MILLIGAN AVENUE TO MILLIGAN ROAD; WEST BROADWAY FROM THE WESTERN CITY BOUNDARY TO N EASTERN AVENUE, BROADWAY STREET, WEST BROADWAY AVENUE, AND WEST BROADWAY AVENUE TO BROADWAY; HEMMERT DRIVE TO HEMMERT AVENUE; S 21ST WEST AND STODDARD ROAD TO GRIZZLY AVENUE; AND GLASS MTN BOULEVARD TO GLASS MOUNTAIN BOULEVARD; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Southpoint Division No. 9

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Southpoint Division No. 9. The Planning and Zoning Commission considered the plat at its June 4, 2019, meeting and recommended approval by unanimous vote.

Councilmember Smede stated there are 23 total lots, 22 of which are buildable. The subdivision includes a park storm pond with a sheltered facility.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Southpoint Division No. 9, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Southpoint Division No. 9, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Southpoint Division No. 9, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Ivywood Subdivision Division No. 2

For consideration is a Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Ivywood Subdivision Division No. 2. The Planning and Zoning Commission considered the plat at its January 8, 2019 meeting and recommended approval by unanimous vote.

Councilmember Smede stated this area was annexed in November 2015 and Division 1 was approved in February 2016. This second division will tie into the existing development street network. Councilmember Smede also stated Division 2 has 46 lots with two (2) of the lots unbuildable. The unbuildable lots include the canal lot and the storm pond.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Ivywood Subdivision Division No. 2, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Ivywood Subdivision Division No. 2, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Ivywood Subdivision Division No. 2, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Municipal Services

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Subject: Approval of Professional Services Agreement with Zions Public Finance, Inc

It is the recommendation of the Municipal Services Department to approve a professional services agreement with Zions Public Finance, Inc. for municipal advisory services. The purpose of this professional services agreement is to enlist an expert in the municipal bonding environment to assist the City in identifying viable financial alternatives to build a new Police Station.

Councilmember Radford stated the Council previously met with Zions Public Finance. To the response of Councilmember Francis, Municipal Services Director Pamela Alexander clarified the particular section of the agreement that would apply to the City. Councilmember Francis noted the 'out-clause' which provides options moving forward. Mayor Casper noted this agreement will engage Zions Bank to act as the City's fiduciary.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Professional Services Agreement with Zions Public Finance, Inc, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Parks and Recreation

Subject: Veterinary Services Independent Contractor Agreement

For your review is the Independent Contractor Agreement renewal between the City of Idaho Falls and Dr. Rhonda Aliah for the purpose of providing veterinary services at the Idaho Falls Zoo at Tautphaus Park from October 1, 2019 through September 30, 2020.

Councilmember Freeman stated Dr. Aliah has been the zoo veterinary for more than 20 years. He believes her experience is very important and the City is lucky to have her. Councilmember Radford expressed his appreciation to Dr. Aliah for her care for the animals. To the response of Councilmember Dingman, Councilmember Freeman stated there is a slight increase of cost in the agreement.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Veterinary Services Independent Contractor Agreement, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Public Works

Subject: Change Order No. 4 – Wastewater Primary Treatment Plant Upgrades Project

For consideration is Change Order No. 4 for the Primary Treatment Plant Upgrades project. This change order addresses numerous items encountered on the project with associated work change directives.

Public Works Director Chris Fredericksen stated in April 2017 there was a bid for major improvements to the Wastewater Treatment Facilities. The original contract was for \$10,354,000 which is a substantial investment to ensure the river remains clean with the water discharge. Director Fredericksen stated this change order will serve as the final accounting for the project. He noted in the change order there is a credit back to the City for delays the contractor experienced. He stated the credit is approximately \$80,000 and of that the total change order is \$68,528.00. He also noted an additional 134 days was added to the contract. In all, the total change order increases in costs on this contract is \$195,069 which is 1.9% of the actual original contract price. Director Fredericksen commended the consultant and staff members.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve Change Order 4 to reflect the total cost of the changes of \$68,528 for the Primary Treatment Upgrades project, and give authorization

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

Airport

Subject: Ratification of Signatures on AIP 45 and AIP 46 Grant Acceptance

The Idaho Falls Regional Airport recommends City Council approval of the acceptance of the federal aviation grants for Airport Improvement Program (AIP) 45 and AIP 46 for the total of \$4,125,000, and ratification of the Mayor's signature on the grant paperwork. Grant acceptance paperwork was received by the Airport on Monday, September 23, 2019 and had to be returned with signatures to the Federal Aviation Administration (FAA) by Wednesday, September 25, 2019, or else forfeit funding. In order to secure these Grants, the Mayor and City Attorney signed the grant acceptance documents to ensure that the Airport is able to proceed with capital improvements to the Airport facility.

Councilmember Dingman stated this is the Council's formal consent to make the agreement officially valid as the Council is well aware of the grants details which were presented in August. She stated the first grant is for Snow Removal Equipment and Terminal Building Phase 1. The second grant deals with the reconstruction of the runway and taxiways which is to be completed in summer of 2020. Mayor Casper noted there was no objection to the Council vote and ratification during the August discussion. Councilmember Dingman stated this is a 93.75% project grant with the remaining 6.25% to be covered by the City. She noted this expense was included in the Airport's budget and is part of the Airport 5-year Capital Improvement Plan.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to ratify the signatures of the Mayor and City Attorney on the required FAA grant acceptance documents and thus approve AIP 45 & 46 for a total of \$4,125,000. Roll call as follows: Aye – Councilmembers Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

Idaho Falls Power

Subject: Approval of Carbon Free Resolution

It is the recommendation of Idaho Falls Power (IFP) to accept and approve a resolution establishing a formal commitment to maintain our City's clean and carbon-free electricity generation resources and to work to integrate community-wide, where economically viable, the use of clean energy.

Councilmember Radford stated IFP is a fundamental link to the City. He recognized the vision of City leaders who started the electrical process through hydro generation and, the benefit that the City sees 100 years later. He noted the power generation is already 100% carbon-free. Councilmember Radford read the Whereas Statements in the resolution. He stated the City can be proud of this opportunity. Councilmember Smede noted this resolution is on the heels of the no rate increase announcement. She believes the energy is high quality and economically frugal. Mayor Casper stated the few local residents using electric vehicles are maintaining their carbon-free footprint. Councilmember Francis believes the 100% carbon-free generation opens the door for use for additional electric use. He recognized the commitment by the City. Mayor Casper believes low rates and clean energy are economically attractive.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the Carbon-Free Resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2019-22

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A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A FORMAL COMMITMENT TO MAINTAIN CLEAN, CARBON-FREE ELECTRICITY GENERATION AND ESTABLISHING THAT, WHERE ECONOMICALLY VIABLE, THE CITY WILL WORK TO INTEGRATE CLEAN ENERGY USE ACROSS ALL CITY OPERATIONS TO ENSURE A STRONG AND RESILIENT ECONOMY AND CITY.

Subject: Approval of Amended Ordinance Title 8, Chapter 5

It is the recommendation of Idaho Falls Power (IFP) to accept and approve the City Ordinance amending Title 8, Chapter 5 by adjusting and clarifying definitions, billing, and, business practices; adding access to City facilities as a condition of customer Electric and Fiber Optic Services; and, setting conditions for current opt-out residential customers.

Councilmember Radford stated this item was discussed in detail at the September 26, 2019 IFP Board Meeting. Mayor Casper stated access to meters is important to continue to provide service and make repairs. Councilmember Freeman stated access issues have become more apparent with the fiber project.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the ordinance amending Title 8, Chapter 5, under a suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3273

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 5 BY ADJUSTING AND CLARIFYING DEFINITIONS AND BILLING AND BUSINESS PRACTICES; ADDING ACCESS TO CITY FACILITIES AS A CONDITION OF CUSTOMER ELECTRIC AND FIBER OPTIC SERVICE; SETTING CONDITIONS FOR CURRENT OPT OUT RESIDENTIAL CUSTOMERS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Approval of Amended Ordinance Title 8, Chapter 13

It is the recommendation of Idaho Falls Power (IFP) to accept and approve the City Ordinance amending Title 8, Chapter 13 by clarifying and adjusting definitions, billing, and, business practices for dark and lit fiber and adding access to City facilities as a condition of Electric and Fiber Services.

Councilmember Radford stated this item was also discussed at the September 26, 2019 IFP Board Meeting.

It was moved by Councilmember Radford, seconded by Councilmember Dingman, to approve the ordinance amending Title 8, Chapter 13, under a suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3274

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 13 BY CLARIFYING AND ADJUSTING DEFINITIONS AND BILLING AND BUSINESS PRACTICES FOR DARK AND LIT FIBER; ADDING ACCESS TO CITY FACILITIES AS A CONDITION OF ELECTRIC AND FIBER

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SERVICES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Announcements:

Mayor Casper stated several renovations at the Civic Center for the Performing Arts have concluded and, two (2) grand opening events will be forthcoming at the Museum of Idaho.

Executive Session:

It was moved by Councilmember Radford, seconded by Councilmember Smede, to move into Executive Session as has been 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 will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will reconvene into Regular Council Meeting. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Thursday, September 26, 2019, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:14 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Jim Francis
Councilmember John Radford
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Michelle Ziel-Dingman

Also present:

Chris Fredericksen, Public Works Director
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 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.

There being no further business, the Executive Session concluded at 8:36 p.m. and the Council reconvened into Regular Council Meeting.

Public Works

Public Works requests City Council to review, provide direction, or make a decision on a proposed settlement between the City and H-K Contractors.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the proposed settlement with H-K Contractors on the bid on S. 15th E. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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For further clarification, it was then moved by Councilmember Freeman, seconded by Councilmember Francis, to authorize the Mayor to sign the agreements. Roll call as follows: Aye – Councilmembers Radford, Francis, Freeman, Dingman, Smede. Nay – none. Motion carried.

Executive Session:

It was moved by Councilmember Radford, seconded by Councilmember Smede, to move into Executive Session which 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 this Executive Session the Council will not reconvene into Regular Council Meeting. Roll call as follows: Aye – Councilmembers Smede, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Thursday, September 26, 2019, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:45 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Jim Francis
Councilmember John Radford
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Michelle Ziel-Dingman

Also present:

Ronnie Campbell, Parks and Recreation Superintendent
Michael Kirkham, Assistant City Attorney
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 adjourned at 8:50 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR