

October 24, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 24, 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 Shelly Smede
Councilmember John Radford
Councilmember Michelle Ziel-Dingman
Councilmember Jim Freeman
Councilmember Jim Francis

Also present:

All available Department Directors
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Aiden Henrie, a senior at Idaho Falls High School, 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. No one appeared.

Consent Agenda:

Municipal Services requested approval of Bid IF-20-B Loader for Public Works; Bid IF-20-C Grader for Public Works; and, Bid IF 20-E Ambulance Purchase for Fire Department.

The City Clerk requested approval of minutes from the October 7, 2019 Council Work Session; and, October 10, 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 Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Regular Agenda:

Office of the Mayor

Subject: Community Partnership Grant Committee Report

For consideration is the summary of funding recommendations from the Community Partnership Grant citizen committee. The report provides a detailed breakdown of the grant funding recommended for each nonprofit organization that applied for public funding during the 2019-2020 fiscal year.

Mayor Casper stated this item was discussed at the October 21, 2019 Council Work Session. Councilmember Radford expressed his appreciation to the committee. He believes in making the City more livable and these grants

October 24, 2019

will help those organizations with the goals, amenities, and, social services to improve livability. Councilmember Francis expressed his appreciation to Economic Development Coordinator Dana Briggs for her research for clarification.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the 2019-2020 Community Partnership Grant awards in the amount of \$130,000. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Idaho Falls Power

Subject: Resolution for BiologiQ as a commercial customer of Idaho Falls Power

For consideration is a resolution to establish BioLogiQ as a commercial energy rate customer of Idaho Falls Power.

Councilmember Radford stated BiologiQ is an innovative plastic company that uses a lot of electric power. He noted the attraction the City receives due to high-power load and the use of carbon-free power. Councilmember Radford expressed his appreciation to Ms. Briggs for her assistance. He stated these power rates are built around large loads and a resolution is a normal procedure when dealing with high-load customers.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the resolution to establish BioLogiQ as a commercial energy rate customer of Idaho Falls Power, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2019-23

A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING BIOLOGIQ AS A COMMERCIAL ENERGY RATE CUSTOMER OF IDAHO FALLS POWER.

Subject: Joint Powers Agreement with Utah Telecommunications Open Infrastructure Agency (UTOPIA) Fiber

For consideration is a Joint Powers Agreement for the design, execution and ongoing operation of a fiber optic network between the City of Idaho Falls and Utah Telecommunications Open Infrastructure Agency (UTOPIA).

Councilmember Radford stated this is the second agreement following a pilot project with UTOPIA. He also stated UTOPIA has been a great partner and has assisted with best practices to attract additional providers. Councilmember Radford stated he is impressed with the pricing and forethought, he believes this matches the public utilities' desire to match the needs and benefits of customers. Councilmember Hally believes the fiber opportunity to the community is important in attracting new entities and people. He stated the plan is to provide fiber as economically as possible for the entire City. Mayor Casper stated this item has been thoroughly discussed in previous meetings. Councilmember Radford noted UTOPIA will allow Idaho Falls Fiber network branding.

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

Community Development Services

Subject: Ordinance Amending Street Name Spellings

October 24, 2019

For consideration is an ordinance amending three street name spellings. These spellings were considered on September 26 as part of a separate ordinance which changed them to an unconventional spelling. The reason the ordinance changed the spellings was to have the least possible impact on existing homes addressed from the odd spellings. However, after concerns were later raised, staff has prepared the ordinance to again change the names to the commonly accepted spellings for the three street names.

Councilmember Smede indicated concerns were raised following an ordinance passage at the September 26 Council Meeting. She stated staff prepared the proposed ordinance to change three (3) street names to commonly accepted spellings. Councilmember Freeman stated the residents are required to correct the spellings with various services and there is an expense for the City to replace street signs.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending street name spellings 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 Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3278.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; CHANGING THE SPELLING OF LAPOLOMA DRIVE TO LA PALOMA DRIVE; YUKATAN WAY TO YUCATAN WAY; AND CASSEOPEIA STREET TO CASSIOPEIA STREET; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Subject: Ordinance Amending Section Title 5, Chapter 8 of City Code

For consideration is an ordinance amending Title 5, Chapter 8 of City Code regarding litter and abatement. The proposed changes modify the definitions to be clearer and easier to enforce. The ordinance also modifies other sections of the code related to litter and its accumulation as well as other general, minor edits throughout the section.

Councilmember Smede stated this ordinance will help code enforcement staff to move forward with clarity.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Title 5, Chapter 8, 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, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3279.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 8 TO CLARIFY DEFINITIONS RELATED TO LITTER; ELIMINATE UNNECESSARY AND INCONSISTENT LANGUAGE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, MK Simpson Center Division No. 1

October 24, 2019

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for MK Simpson Center Division No. 1. This application was considered by the Planning and Zoning Commission at its October 1, 2019 meeting and recommended approval by unanimous vote. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

Councilmember Smede stated this property was annexed in June 2006 and rezoned in 2018. The property has been used as agriculture and has frontage on MK Simpson Boulevard. Councilmember Smede stated cross-access may be required.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for MK Simpson Center Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for MK Simpson Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. 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 MK Simpsons Center Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: Request for Extension to Record a Final Plat, Windsor Addition No. 1, 1st Amended

For consideration is a request for an extension to record the Final Plat for Windsor Addition No. 1, 1st Amended. Section 10-1-9(B)(5)(b) states, “All approved final plats shall be offered for record within one hundred and eighty (180) days following approval by the Council, unless an extension of time for filing is granted by the Council.” The plat was approved by the Council on April 25, 2019. 180 days from the approval date was October 22. The applicant knew the plat would not be recorded by that date, but will be shortly thereafter if the extension is approved. The applicant explained to staff the reason the plat has not recorded is due to difficulties with deed restrictions on the adjacent Shopko property. Staff recommends approval of the extension for up to 180 days.

Councilmember Smede stated this refers to the buildings in front of the Shopko property.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve an extension to record the Final Plat for Windsor Addition Division No. 1, 1st Amended for a maximum of 180 days. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Municipal Services

Subject: Purchase and Sale Agreement between the City of Idaho Falls and Bonneville County

Pursuant to Idaho Code §67-2323 a public hearing was held on Monday, October 7, 2019 to receive testimony regarding the purchase and sale agreement between the City of Idaho Falls and Bonneville County. No testimony was offered.

Councilmember Radford stated the public hearing for this item was held on October 10. He stated this property will allow zoo expansion and office space. Councilmember Freeman expressed his appreciation to Bonneville County Commissioner Bryon Reed for his patience during the project as well as the Tautphaus Park Zoological Society (TPZS) for their \$50,000 donation. He stated this is very valuable property for zoo expansion. Councilmember Francis expressed his appreciation to zoo staff and the Municipal Services staff for the inspection of the building.

October 24, 2019

He also expressed his appreciation knowing the needed adjustments can be budgeted for long-term. Mayor Casper stated this process followed a different path due to the government process. She stated steps have been taken to standardize the method to acquire property. Councilmember Francis noted land will also be acquired. Councilmember Radford stated this is a very mature property to match the current zoo site. He also expressed his appreciation to Commissioner Reed for his efforts to assist the two (2) entities.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the Purchase and Sale Agreement for the 4-H property for a total of \$430,000, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Parks and Recreation

Subject: Acquisition of Funland in Tautphaus Park

For consideration is an agreement to purchase the assets of Funland in Tautphaus Park and the business itself.

Councilmember Freeman stated this discussion for this acquisition began several years ago. He stated Funland has been an attraction for 70+ years and recent feedback has indicated a strong, public desire for improvements, which the City recognizes. He expressed his excitement to improve Funland and make it a great family asset for the City for many years to come. Mayor Casper questioned the older attractions. Councilmember Freeman stated inspections were performed and the majority of the rides are believed to be safe however, there is one (1) ride not being purchased as it could not be insured. Parks and Recreation Director PJ Holm noted the carousel is one (1) of two (2) rides in the country that has never moved from its original location since placed in 1947. He also stated he is anxious to incorporate Funland into Parks and Recreation and possibly into the zoo.

It was moved by Councilmember Freeman, seconded by Councilmember Dingman, to approve the purchase and acquisition of the Funland property for a total amount of \$120,000, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Announcements:

Mayor Casper stated several activities are/will be occurring, including Boo at the Zoo; Trunk or Treat on October 26; Suicide Prevention Forum on October 26; Kelly’s Hollywood Premier at the Colonial Theater on October 26; Homeless Stand Down on November 2; and, Election Day on November 5. She also stated the Idaho State Police and the Idaho Falls Police Departments teamed up for a cross walk enforcement – they issued 33 citations in three (3) hours of enforcement time. Councilmember Freeman stated the Meridian City Council passed a hands-free ordinance on October 22. Councilmember Francis stated Rolandet is open for Boo at the Zoo. Councilmember Radford recognized the passing of Kathy Stanger.

Adjournment:

There being no further business, the meeting adjourned at 8:09 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR