

July 28, 2016

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 28, 2016, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Barbara Ehardt
Councilmember John B. Radford
Councilmember David M. Smith
Councilmember Ed Marohn
Councilmember Michelle Ziel-Dingman
Councilmember Thomas Hally

Also present:

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

Mayor Casper invited Mark McBride, Police Chief, to come forward and lead those present in the Pledge of Allegiance.

It was moved by Councilmember Dingman, seconded by Councilmember Marohn, to amend the Regular Agenda to remove items 5.D.2. and 5.D.4., related to Saturn Park Townhomes. The developer has requested these items be recessed until the August 25, 2016, Regular Council Meeting. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Smith, Marohn, Dingman. Nay – none. Motion carried.

Mayor Casper requested any public comment not related to items on the agenda. No one appeared.

Consent Agenda Item:

The City Clerk requested approval of License Applications, all carrying the required approvals.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to approve the item on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

Regular Agenda Items:

Municipal Services Department submitted the following items for Council consideration:

Subject: Idaho Falls Power Auditing and DSM Management and Auditing Tracking Platform

For consideration is the Request for Proposal #16-023, Auditing Platform and DSM Management and Tracking Platform. The purchase of these software platforms will enable Idaho Falls Power to enhance customer service options through comprehensive home energy audits, customized home energy audit reports, track and store data in energy, net metering, demand response programs and energy technology projects. The City received a total of seven (7) proposals and following the criteria evaluation, the top three (3) vendors were evaluated. It is recommended that the Municipal Services Department and Idaho Falls Power enter into a professional service contract with the Yenter Group for a total contract award of \$35,000. Funding for this contract award and the \$16,000 annual maintenance fee is budgeted in the Idaho Falls Power 2015/2016 budget.

Councilmember Marohn stated this Auditing Platform was presented to the Council during the June 30, 2016, Idaho Falls Power Board Meeting.

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It was moved by Councilmember Marohn, seconded by Councilmember Ehardt, to enter into a professional service contract with the Yenter Group for a total contract award of \$35,000 and \$16,000 annual maintenance fee, for Auditing Platform and DSM Management and Tracking Platform. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

Subject: Resolution to Adopt the Idaho State Plan for Deferred Compensation

For consideration is a Resolution to adopt the Idaho State plan for deferred compensation as per Idaho Code Section 59-513. Members of the 2016/17 compensation evaluation panel were asked to meet with the Program Director of Nationwide to present the Idaho State plan for deferred compensation. Currently, City employees are able to select PERSI (Public Employee Retirement System of Idaho) Choice 401(k) plan or Valic 457 deferred compensation plan. The evaluation panel is recommending this plan for adoption as it will provide City employees another option to participate in a supplemental, pre-tax retirement plan. This is at no cost to the City.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the Resolution to adopt the Idaho State plan for deferred compensation as per Idaho Code Section 59-513. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

RESOLUTION NO. 2016-25

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE IDAHO STATE PLAN FOR DEFERRED COMPENSATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Subject: Professional Services Contract for Downtown Master Plan & Implementation Strategy

For consideration is the Request for Qualifications (RFQ) #16-025, Downtown Master Plan and Implementation Strategy project. The purpose for this submittal was to find a qualified consultant(s) to develop a downtown master plan. The City received a total of three (3) proposals. Following the criteria evaluation, consultant interviews were scheduled with the top two (2) evaluated vendors. Based on the totality of the scored proposals and interviews the RFQ Evaluation panel provided their recommendation. It is recommended that the Municipal Services and Community Development Services Departments enter into a professional service contract with CRSA for a total contract award of \$71,099.00. Funding for this project is budgeted in the Community Development Services 2015/2016 budget.

Community Development Services Director Brad Cramer stated the Comprehensive Plan has general policies and guidelines for the downtown area although not all specifics have been addressed. He indicated the purpose of this master plan is to review the planning work that has occurred over the previous decades and to focus on an implementation strategy, including the form-based code.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to enter into a professional service contract with CRSA for a total contract award of \$71,099.00, for the Downtown Master Plan and Implementation Strategy project. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

Subject: Tentative Approval of 2016/17 Fiscal Year Budget

Municipal Services respectfully requests the Mayor and Council to tentatively approve the 2016/17 fiscal year budget. Upon the final 2016/17 fiscal year budget amount, approval will also be requested to publish the “Notice of Public Hearing” of the 2016/17 fiscal year budget with publication dates set for July 31, 2016, and August 7, 2016.

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The Public Hearing is scheduled for 7:30 pm, Thursday, August 11, 2016, in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Councilmember Marohn stated Council approved a tentative budget with a maximum amount of \$195,194,467 at the July 25, 2016, Council Work Session. The tentative budget includes utilization of cash reserves and a 3% levy increase. The budget amount can be decreased prior to the August 22, 2016, approval but cannot be increased.

It was moved by Councilmember Marohn, seconded by Councilmember Smith to tentatively approve the 2016/17 fiscal year budget, and give approval to publish the "Notice of Public Hearing" of the 2016/17 fiscal year budget in the amount of \$195,194,467, with publication dates set for July 31, 2016, and August 7, 2016, with the Public Hearing scheduled for Thursday, August 11, 2016. Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Marohn. Nay – Councilmember Ehardt. Motion carried.

Public Works submitted the following items for Council consideration:

Subject: Professional Services Agreement for 17th Street and S 25th East (Hitt Road) Intersection Improvements

For consideration is a Professional Services Agreement for engineering services for the intersection improvements at 17th Street and S 25th East (Hitt Road) with Six Mile Engineering. This agreement, if approved, will require a not to exceed amount of \$32,706.00. This agreement has been prepared by the City Attorney.

Public Works Director Chris Fredericksen stated this agreement will finalize plans which have been developed over the previous decade for a constructible project to occur in the upcoming year.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the Professional Services Agreement with Six Mile Engineering in an amount not to exceed \$32,706.00, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

Subject: Water Line Easement Vacation Request – 1080 Elmore Avenue

The property owner has requested the vacation of a water line easement at 1080 Elmore Avenue in order to make better use of the property. The Water Division has reviewed and approves the request.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to authorize the City Attorney to prepare documents needed to accomplish the water line easement vacation. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

Idaho Falls Police Department submitted the following item for Council consideration:

Subject: Dog Control Ordinance

The Dog Control Ordinance has references to kennels as a place; which is in conflict with current zoning ordinances. Zoning ordinance define kennels as a use. The staff recommends replacing the City's current kennel licensing with an additional dog permit. The amendment also provides for procedural due process to appeal a denial of an additional dog permit. The City Attorney has drafted an amendment to City Ordinance Title 5, Chapter 6.

Councilmember Dingman stated the Council has discussed this ordinance on several occasions. She indicated three (3) key components include: the removal of the word kennel, addition of due process for denial of multi-dog permits, and, removal of language that does not currently align with pursuit of making City ordinances constitutionally sound. This updated ordinance would not affect veterinary businesses.

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After general brief comments by Councilmembers, it was moved by Councilmember Dingman, seconded by Councilmember Marohn, to approve amendments to the Dog Control Ordinance, with additional edit to Section 2, 5-6-7 (c)(4) removing the word 'shall' which is a typo, under the 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 Smith, Dingman, Ehardt, Marohn. Nay – Councilmembers Hally, Radford. Motion carried.

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

ORDINANCE NO. 3078

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING SECTION 5-6-1 AND 5-6-7 OF THE IDAHO FALLS CITY CODE; REPLACING THE CITY'S CURRENT LICENSING PROGRAM FOR COMMERCIAL AND NON-COMMERCIAL DOG KENNELS AND WITH AN ANNUAL ADDITIONAL DOG PERMIT PROGRAM FOR UP TO THREE (3) DOGS IN ADDITION TO THE TWO (2) CURRENTLY ALLOWED BY RIGHT WITHIN THE CITY'S LIMITS, WHICH INCLUDES FEES, INSPECTION AND REVIEW BY CITY STAFF, AND APPEALS FOR DENIAL AND REVOCATION OF SUCH PERMIT; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services submitted the following items for Council consideration:

Subject: Request for Waiver of Electric Line Extension Fees, 1222 North Woodruff

Councilmember Radford recused himself from the following item and departed from the dais.

For consideration is a request for waiver of electric line extension fees for the project 1222 North Woodruff. The total fees are \$41,043.34. This request is made pursuant to City Code 8-5-31 which states, "Council reserves the right to waive or adjust fees (other than net metering fees) upon a finding of good cause to do so where such waiver or reduction supports redevelopment or the annexation of property contiguous with or surrounded by the City." The main purpose of the fee waiver was to promote infill and redevelopment projects. This was in recognition that such sites would already have electrical infrastructure on the site or adjacent to the site. Even for those sites which have made the request, if there was no existing infrastructure on the site staff has recommended and Council has approved a waiver of the labor costs only. This site was recently annexed to the City of Idaho Falls. It is contiguous to the City on the west boundary, but the remainder of the area surrounding the site is County land. There was no existing power infrastructure on the site. Power facilities are located adjacent or nearby the property. Community Development Services and Idaho Falls Power staff does not feel this property is infill or redevelopment for the reasons listed above and recommends denial of the waiver request.

Councilmember Dingman reviewed the definition of 'infill' and indicated this site under consideration is not considered infill. She believes by approving the fee waiver request, this could possibly set a precedence for other businesses to find a 'good cause'. Councilmember Marohn concurred and believes the current policy/precedent should be continued. Councilmember Smith stated any waiver of these fees are not allocated to the General Fund coffers as the majority of these particular fees are for parts and services. Mayor Casper indicated the previous waiver of fees for new development did not appear to be an effective incentive, therefore, the Idaho Falls Power Board opted to utilize incentives for infill and redevelopment growth. Idaho Falls Power (IFP) Director Jackie Flowers stated this fee waiver was intended to be a tool for redevelopment of blighted properties or empty parcels. She indicated a decision matrix is being developed between IFP and Community Development Services staff to establish criteria for qualification of fee waivers. Director Cramer reiterated the intent of the fee waiver ordinance as a means to incentivize development within the City. Councilmember Hally believes growth in the proposed area will benefit the surrounding ratepayers. Councilmember Ehardt concurred. It was moved by Councilmember Ehardt to waive 50% of the requested fee. The motion failed for lack of a second.

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It was moved by Councilmember Dingman, seconded by Councilmember Smith, to deny the request for waiver of electric line extension fees in the amount of \$41,043.34 for the project at 1222 North Woodruff. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Smith. Nay – Councilmembers Hally, Ehardt. Abstain – Councilmember Radford. Motion carried.

Councilmember Radford returned to the dais.

Subject: Annexation and Initial Zoning of C-1, Annexation Ordinance, Zoning Ordinance and Reasoned Statements of Relevant Criteria and Standards for a surveying gap and Final Plat and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing Division No. 11

For consideration is the application for Annexation and Initial Zoning of C-1, Annexation Ordinance, Zoning Ordinance and Reasoned Statements of Relevant Criteria and Standards for a surveying gap and Final Plat and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing Division No. 11. The Planning and Zoning Commission reviewed the Final Plat application at its June 7, 2016, meeting and recommended approval by unanimous vote. Prior to presenting the plat to the Mayor and City Council, the City Surveyor discovered a 25-foot-wide gap within the property that had not been annexed and zoned. The plat could not proceed until the property was annexed into the City. The Commission reviewed the Annexation and Initial Zoning Application at its July 19, 2016, meeting and recommend approval by unanimous vote. Staff concurs with these recommendations.

It was moved by Councilmember Dingman, seconded by Smith, to approve the Ordinance annexing Snake River Landing Division No. 11, under the 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 Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

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

ORDINANCE NO. 3079

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SUCH LANDS; AMENDING THE CITY MAP; ASSIGNING A COMPREHENSIVE PLAN MAP DESIGNATION OF HIGH DENSITY RESIDENTIAL; AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Dingman, seconded by Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for Snake River Landing Division No. 11, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Smith, to approve the Ordinance assigning a Comprehensive Plan Designation of High Density Residential and establishing the initial zoning for Snake River Landing Division No. 11 as C-1 (Limited Business Zone), under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary, that the Comprehensive Plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning, and amendment to the Comprehensive Plan on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

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

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ORDINANCE NO. 3080

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 0.416 ACRES DESCRIBED IN EXHIBITS A AND B OF THIS ORDINANCE AS C-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Dingman, seconded by Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of C-1 Zone for Snake River Landing Division No. 11, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Smith, to accept the Final Plat for Snake River Landing Division No. 11, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Snake River Landing Division No. 11, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

Mayor Casper reiterated the tentative approval of the budget which provides a ceiling amount that cannot be increased. She indicated the public hearing for the proposed budget will be held in conjunction with the Regular Council Meeting on August 11, 2016. On August 18, 2016, a special meeting will be held to conduct a public hearing for the fee resolution. On August 22, 2016, at the Council Work Session, the Council will adopt the final budget as well as the fee resolution.

There being no further business, it was moved by Councilmember Marohn, seconded by Councilmember Ehardt, that the meeting adjourn at 8:58 p.m. which motion passed following a unanimous vote.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR