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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 27, 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

Absent:

Councilmember Thomas Hally

Also present:

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

Mayor Casper invited Luke Ruiz, a student at Skyline High School, and Boy Scout Troop #310, to come forward and lead those present in the Pledge of Allegiance.

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

Consent Agenda Items:

Office of the Mayor requested appointment of Gene Hicks to serve on the Planning and Zoning Commission.

Public Works requested Iona Bonneville Sewer District (IBSD) Sewer Service Area Reduction.

The City Clerk requested approval of Treasurer's Report for the month of September, 2016.

The City Clerk requested approval of minutes from the September 22, 2016 Idaho Falls Power Board Meeting; October 11, 2016 Council Work Session; and October 13, 2016 Council Meeting.

The City Clerk requested approval of license applications, all carrying the required approvals.

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

Regular Agenda Items:

Municipal Services

Subject: Bid IF-17-E, Smart Grid Meter Purchase

Idaho Falls Power is requesting authorization to purchase additional meters for the Advanced Metering Infrastructure (AMI) and Smart Grid System from Elster Solutions, LLC in the amount of \$95,950.00.

Councilmember Marohn stated in June 2011, the Council approved a five-year contract, which will expire in December 2016, to purchase smart meters and associated equipment for the Smart Grid System. He indicated

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additional inventory is now required. The funding for the additional meters is included in the 2016/17 Electric Fund Budget.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to authorize the purchase of additional meters from Elster Solutions, LLC in the amount of \$95,950.00. Roll call as follows: Aye – Councilmembers Smith, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

Bid IF-17-A, Replacement Truck for Idaho Falls Power

It is the recommendation of Idaho Falls Power and Municipal Services Departments to piggyback the General Services Contract #GS-30F-1028G with Altec Industries, Inc. to furnish a Telescopic Articulate Aerial Placer on a 2017 Ford F550, extended cab truck for a total unit price of \$133,433.00.

Councilmember Marohn stated this purchase is budgeted in the 2016/2017 Municipal Equipment Replacement Fund. The purchase is to replace Unit #384, a 2002 GMC truck with a single 45' bucket body that has reached its useful life and will be placed for surplus sale.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to piggyback the General Services Contract #GS-30F-1028G with Altec Industries, Inc. to furnish a Telescopic Articulate Aerial Placer on a 2017 Ford F550, extended cab truck for a total unit price of \$133,433.00. Roll call as follows: Aye – Councilmembers Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

Idaho Falls Airport

Revision #1 - Base Contract Jviation Inc. Apron Expansion, Deicing Pad and Employee Parking Lot Project FAA (Federal Aviation Administration) AIP (Airport Improvement Program) Project No. 3-16-0018-040-2015

For consideration is Revision #1 to the Base Contract between the City of Idaho Falls and Jviation Inc. in the amount of \$121,161.00 for additional construction administration and quality assurance testing services during the Apron Expansion, Deicing Pad and Employee Parking Project.

Councilmember Radford stated the contractor exceeded the deadline which incurred additional expenses to Idaho Falls Airport. These additional expenses will be reimbursed through the FAA Grant Program.

It was moved by Councilmember Radford, seconded by Councilmember Ehardt, to give approval for Revision #1 to the Base Contract with Jviation Inc. in the amount of \$121,161.00, and authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman. Nay – none. Motion carried.

Airport Director Craig Davis stated the additional expenses, which have already been approved through the FAA Improvement Grants, will be received within the next several months.

Fire Department

Agreement with Idaho State University (ISU) on Paramedic Instruction

For consideration is an agreement between the City of Idaho Falls and Idaho State University relating to the Fire Department members assisting the University with instruction and clinical experience for the Paramedic Program.

Councilmember Marohn stated through the agreement, the Fire Department will provide fire and EMS (Emergency Medical Services) personnel as training instructors. This agreement reflects a reimbursement mechanism from ISU

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and therefore will not affect the Fire Department overtime budget. He believes this agreement demonstrates the Idaho Falls Fire Department leadership in Eastern Idaho.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the agreement with Idaho State University and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Radford, Smith. Nay – none. Motion carried.

Public Works

Easement Vacation Request – Lot 13, Block 1, Freeway Commercial Plaza

As authorized at the October 13, 2016 Council Meeting, the City Attorney has prepared the documents to vacate the utility easement at Lot 13, Block 1, Freeway Commercial Plaza in order to make better use of the property.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Ordinance vacating Lot 13, Block 1, Freeway Commercial Plaza, 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 Ehardt, Marohn, Radford, Smith, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3097

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF AN EASEMENT LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENT SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Easement Vacation Request – Lot 1, Block 18, St. Clair Estates Division 13

The property owner at 1941 Madison Avenue, which is the northwest corner of Potomac Way and Madison Avenue, also known as St Clair Estates, Division 13, Lot 1, Block 18, has requested the vacation of a utility easement in order to make better use of the property.

Councilmember Ehardt stated there are no concerns with the utility services.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to give authorization for the City Attorney to prepare documents needed to accomplish the vacation of Lot 1, Block 18, St. Clair Estates Division No. 13. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Ehardt. Nay – none. Motion carried.

Request to Negotiate Professional Services with Keller Associates to design the Well House for Well 18

Proposals were solicited, received, and evaluated for design services for the Well House for Well 18. Based upon those evaluations, Public Works recommends selecting Keller Associates to perform design services, and is requesting authorization to negotiate a scope of work and fee structure.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to authorize Public Works to negotiate a scope of work and fee structure with Keller Associates for the Well House for Well 18. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman. Nay – none. Motion carried.

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Request to Negotiate Professional Services with HDR to design the 12th Street Bridge Replacement over the Idaho Canal

Proposals were solicited, received, and evaluated for design services for the replacement structure of the 12th Street Bridge over the Idaho Canal. Based upon those evaluations, Public Works recommends selecting HDR to perform design services, and is requesting authorization to negotiate a scope of work and fee structure.

Public Works Director Chris Fredericksen stated this particular bridge is in the Federal Aid Program. Design funding is currently available with any remaining construction funding to be available in 2019. He stated the design services for the structure needs coordinated when there is no water in the canal. He indicated there is an inspection process for every structure which expands over 20 feet which is then rated and analyzed for a sufficiency rating. According to the sufficiency rating, this bridge has structural needs which requires replacement.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to authorize Public Works to negotiate a scope of work and fee structure with HDR for the 12th Street bridge replacement over the Idaho Canal. Roll call as follows: Aye – Councilmembers Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

Community Development Services

Final Plat and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 3

For consideration is a request for Final Plat and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 3. The Planning and Zoning Commission considered this item at its October 4, 2016 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Dingman stated this Final Plat includes 18 single-family lots on approximately six (6) acres.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to accept the Final Plat for Park Place Division No. 3, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Smith, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Park Place Division No. 3, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Radford. Nay – none. Motion carried.

Public Hearing – Annexation and Initial Zoning of R-1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Prestwich Country Estates Division No. 1

For consideration is a request for Annexation and Initial Zoning of R-1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Prestwich Country Estates Division No. 1. This is a Category A, City-initiated annexation. The Planning and Zoning Commission considered this item at its August 2, 2016 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper briefly reviewed the public hearing guidelines and decorum for any public comments. She opened the public hearing and ordered all staff presentation and materials be entered into the record.

Community Development Services Director Brad Cramer appeared and briefly reviewed the process for Category A Annexations with regard to State statutes, indicating cities ‘may’ hold a public hearing. He believes a public hearing seemed appropriate for this item to allow any concerns and public dialogue.

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Director Cramer presented the following information:

Slide 1- Area under consideration in surrounding zones

Slide 2- Comprehensive Plan Future Land Use Map

Slide 3- Aerial photo of property under consideration

Slide 4- Additional aerial photo of property under consideration

Director Cramer stated this property is a clear-cut example of Category A Annexation. He indicated the property was platted in 1972, which included a development agreement to provide sewer and water services from the City. There was no specific agreement within the development agreement that this property would have to be annexed once it became contiguous. However, within the recitals of the agreement it was very clear the developer intended to annex the property once it was eligible for annexation. Several properties, from the 1970's, had agreements indicating annexation would occur once eligible, although Director Cramer believes those original agreements were signed by previous property owners. In 1978, this property became contiguous to the City and at that time the majority of the property owners approached the City for annexation. He stated there are no further records indicating any annexation action. The property became enclaved by other City development/annexed areas in 2001. In 2003 the City initiated the annexation process but due to a variety of reasons, the annexation was discontinued. He indicated all properties within the subdivision are currently served with City sewer and water although the power source is served by Rocky Mountain Power. Director Cramer once again stated Category A, No. 2, in Idaho Code is very specific to this particular property. He reviewed the Legislative Intent with regard to services such as tax-supported services, which includes the City owned and maintained park adjacent to the property, and fee-supported services, which includes water, sewer, and Rocky Mountain Power.

Slide 5- Final Plat of property under consideration

Slide 6- Preliminary Plat of property under consideration

Slide 7- Photo looking along Merlin Drive

Slide 8- Photo looking south along Merlin Drive

Director Cramer stated there are no sidewalks as with a typical City subdivision and at this time there is no indication or any requirement for sidewalks.

Slide 9- Photo looking along Charla Drive

Slide 10- Photo looking down Nina Drive

Slide 11- Photo looking at Mel Erickson Park

Slide 12- Photo of east side of Prestwich Country Estates adjacent to Mel Erickson Park

Slide 13- Photo looking east along Sunnyside

Slide 14- Photo looking west along Sunnyside

Director Cramer stated any current legal land uses within this zone will be continued as indicated in the Reasoned Statements of Relevant Criteria and Standards. He, on behalf of the staff, expressed his appreciation to the neighbors and residents within the subdivision. He stated by constitutionality, Idaho law allows this type of annexation and indicated there is concern for the fee-supported service of power but reiterated the power source is not part of annexation determination. He indicated the varying types of services within the same location is not usual.

Mayor Casper requested any public comment.

Scott Miller, 3233 Nina Drive, appeared. Mr. Miller indicated from the initial meeting with the Planning and Zoning Commission, this item was more about efficiency versus money although he now believes it is about the money. He stated he should not be taxed unless he is allowed to vote in the City's elections. He believes there is a Constitutional issue and forced annexation would violate principals of equal protection. He stated the input of the residents have been ignored and this annexation only involves the elected representatives of Idaho Falls who are imposing regulations and laws without consent. He adamantly opposes the power to impose higher property taxes and does not want his property de-valued by City taxes piggybacked onto the current costly power source. He does not want to be a resident of Idaho Falls. A forced annexation would not represent his interests.

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Delwin Roberts, 3232 Merlin Drive, appeared. Mr. Roberts stated the issue has always been about the power source in the subdivision. He indicated the taxes will increase by approximately 60% with this annexation and believes the tax increase could be absorbed with the resolved power issue. He stated the residents believe the annexation is premature due to no current allocation agreement with Idaho Falls Power which is an issue with the fee-supported service. He requested this item be tabled until the power issue is resolved.

Ken Merrill, 3170 Merlin Drive, appeared. Mr. Merrill stated he has been a 40-year resident on Merlin Drive and expressed his appreciation for the City services. He also expressed his appreciation for the professional discussions with Director Cramer and Mr. Fife. He requested the annexation be set aside until the power issue can be addressed as he is concerned for any fees that may be incurred to the residents. He also prefers the residents be involved in discussions regarding an allocation agreement.

Kim Hoffenbacker, 1762 Charla Drive, appeared. Ms. Hoffenbacker stated she purchased her home 12 years ago due to the property being on the edge of town with minimal development. She also stated she did not sign any annexation agreement. She expressed her concern for her limited military income and any other unknown issues, including the power source.

Shirley Rosen, 3202 Merlin Drive, appeared. Ms. Rosen stated this process have given her a better exposure to the long-term vision of Idaho Falls and appreciates the citizen involvement. She expressed her concern for clarity due to the grandfathering of the existing County zone as there is no real mention of the zoning in the ordinance.

Mr. Fife stated if there is a pre-existing non-confirming use (grandfather), the non-confirming use can continue in perpetuity as long as there is no substantial interruption in use or the use does not change or intensify. Therefore, there is no need for the pre-existing use to be included in Ordinance as the use is already legally protected.

Councilmember Ehardt questioned the reason behind the annexation. Director Cramer reiterated the tax equity/inequity, and the efficiency of allocation of tax dollars, including Police and Sheriff services. He stated this item would also fulfill development agreements which have occurred over the course of the previous 44 years but were not recorded on a County level. Brief discussion followed regarding the method for enclaving parcels in other cities.

Councilmember Dingman confirmed with Director Cramer the only entrance/exit to the subdivision is Sunnyside Road, which is maintained by the City.

Mr. Fife reiterated the purposes of annexation. He stated the incumbent service provider retains customers although there is allowance for a City to make side agreements with such providers. He recommended the Councilmembers decision for annexation should not take into account any allocation agreement with Rocky Mountain Power.

At the request of Councilmember Ehardt, Director Cramer stated a delay for annexation may allow comfort for the residents but would not change the legal annexation purpose.

Idaho Falls Power Director Jackie Flowers reviewed documentation from June 2015, which requested an amendment to the existing allocation agreement. She indicated the allocation agreement was put into place in 2005 with a ten (10)-year term. Other conversations with Rocky Mountain Power were simultaneously occurring. She stated there are no restrictions in City Code or State Law which require property owners to change providers once annexed. The language from Rocky Mountain Power states upon annexation the property owner must submit a request of interest to the City for verification of annexation and capacity to serve.

Mayor Casper closed the public hearing.

After further brief comments, it was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance annexing Prestwich Country Estates Division No. 1, under the suspension of the rules

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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, Radford, Ehardt, Marohn. Nay – none. Motion carried.

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

ORDINANCE NO. 3098

AN ORDINANCE ANNEXING APPROXIMATELY 12.30 ACRES LOCATED NORTH AND ADJACENT TO SUNNYSIDE ROAD, EAST OF WOODRUFF AVENUE AND WEST OF HITT ROAD TO THE CITY OF IDAHO FALLS AS DESCRIBED IN SECTION 1; AMENDING THE CITY MAP; 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 Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for Prestwich Country Estates Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance assigning a Comprehensive Plan Designation of Low Density and establishing the initial zoning for Prestwich Country Estates Division No. 1 as R-1 (Single-Family Residential), 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 Ehardt, Radford, Smith, Marohn, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3099

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 12.30 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS R-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

There being no further business, it was moved by Councilmember Marohn, seconded by Councilmember Ehardt, that the meeting adjourn at 9:05 p.m. which motion passed following a unanimous vote.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR