

January 31, 2019

The City Council of the City of Idaho Falls met in Special Council Meeting, Thursday, January 31, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m. Mayor Casper stated this Special Council Meeting was held due to lack of a quorum for the Regular Council Meeting scheduled for January 24, 2019.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally (by telephone)
Councilmember Michelle Ziel-Dingman
Councilmember John Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Tason Stauffer, a 7th grade student at Sand Creek Middle School and Boy Scout Troop 189, 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.

Shannon Stewart, Idaho Falls, appeared. Ms. Stewart stated a sexually-oriented business is located in the back yard of her neighborhood and is a violation of Idaho Falls City Code Chapter 16. She believes if the Councilmembers are getting paid then they are lining their pockets. Mr. Fife and Mayor Casper reminded Ms. Stewart to address the Council. Ms. Stewart believes the neighborhood will have to police themselves.

Consent Agenda:

Municipal Services requested approval of Quote – Purchase of Relay Panels for Idaho Falls Power; Quote 19-101, City-wide Installation of Uninterruptible Power Supply (UPS) Upgrade for Municipal Services Department; Quote – Purchase of Playground Equipment for Community Park; Bid IF-19-08, Purchase of Power Distribution Transformers for Idaho Falls Power; and, Bid 19-14, Underground Electric and Fiber Optic Line Location for Idaho Falls Power.

Idaho Falls Power requested approval of two (2) Power Transaction Confirmation Agreements with Shell Energy.

The City Clerk requested approval of Treasurer’s Reports for the months of November and December 2018; minutes from the December 13, 2018 Idaho Falls Power Board Meeting; January 10, 2019 City Council Meeting; and January 14, 2019 Council Work Session and Executive Session; and, License Applications, all carrying the required approvals.

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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, Hally, Radford, Smede. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Resolution for Proposed Moratorium on Development Plans and Certain Types of Permits

For consideration is a resolution and exhibits for a moratorium on development plans and certain types of permits in critical areas surrounding the Airport. The moratorium is in response to imminent development in these critical areas that create significant public health, safety, and welfare concerns and which is in direct conflict with the 2010 Airport Master Plan, which is also adopted as part of the City's Comprehensive Plan. The moratorium is proposed to last no longer than 182 days. Notice of the proposed moratorium was sent to all affected property owners. The resolution outlines the details of restricted land uses and permit types for each zone. Staff respectfully requests approval of the resolution.

Councilmember Smede stated the moratorium is for certain areas and per guidelines that will limit the types of development around the Airport. This moratorium is to ensure the City is fair and is flexible as possible although it is extremely important that the City is very thorough and comprehensive. Community Development Services (CDS) Director Brad Cramer believes there are several individuals concerned about the moratorium and CDS staff has received several phone calls regarding this issue. He stated the State allows moratoriums to be put in place when there is imperil to the public health, safety, or welfare. The moratorium is not to exceed six (6) months, is not allowed to be extended, and, another moratorium is not allowed to be instituted for one (1) year following the closure. The goal is to have the moratorium completed by May 9. Director Cramer stated there are two (2) zones covered in the moratorium which are critical for future Airport operations and represent areas that would be of concern for public health, safety or welfare if development of certain land uses occurs within those zones. Zone 1, those areas at the immediate ends of the two (2) runways, would have a more-strict moratorium. No permits or development plans would be approved for land uses that are considered incompatible with the Airport. The largest concern is residential development and where people gather. These areas could harm the greatest number of people if an airplane were to crash. Permits could still be issued for other land uses. Zone 2 covers the greatest number of lots and is less restrictive. Permits could still be issued for residential land use. The moratorium does not include permits issued within a residence, such as water heater, etc. If a lot is vacant within an existing subdivision a permit can still be issued. Zone 2 would not allow approval of new plans, including site plans. The moratorium will give the time needed to develop Code to protect against incompatible land uses. The land uses may have different design and layout requirements which could still be allowed. The draft Code will be discussed with the Planning and Zoning (P&Z) Commission on February 5. The Comprehensive Plan will also be amended during the moratorium as Zone 1 primarily shows residential land uses which is an incompatible land use. This amendment will include outreach with property owners and stakeholders. The Comprehensive Plan amendments will make sense with visions, Federal Aviation Administration (FAA) requirements, and, protection of the Airport. Director Cramer emphasized the moratorium is not forever and, does not mean no to everything. Councilmember Dingman questioned the areas of potential conflict within the Airport Master Plan. Director Cramer stated the map under review has been taken from the Airport Master Plan which showed concern for land uses. Previous concerns dealt with noise and height. Director Cramer also noted the Airport Master Plan is registered with the FAA. Whenever the City receives funding from the FAA, the City signs an assurance to follow the Plan and the FAA guidelines. The City is not currently in compliance with the Plan therefore, the FAA could initially stop further funding, the Airport could possibly re-pay those costs (approximately \$60m), or the FAA could close the Airport. Mayor Casper stated this is about safety as the City would not want to be responsible for a catastrophe in a zone that was not

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allowed or appropriate. She believes the City needs to develop responsibility and be in compliance with federal law. Councilmember Francis reiterated the specific clause in the resolution regarding public safety.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Resolution declaring a moratorium on certain land uses within a defined geographic area for a period of not more than 182 days, 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.

RESOLUTION NO. 2019-01

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, DECLARING A MORATORIUM ON CERTAIN LAND USES AND BUILDING PERMIT APPLICATIONS WITHIN A DEFINED GEOGRAPHIC AREA WITHIN CITY LIMITS FOR A PERIOD OF NOT MORE THAN ONE HUNDRED EIGHTY-TWO DAYS (182) FROM THE DATE OF PASSAGE OF THIS RESOLUTION DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND/OR WELFARE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

Idaho Falls Power

Subject: Approve Updated Master Services Agreement with HDR Engineering

In 2008, the City entered into a master services agreement with HDR Engineering Inc. for engineering services. The master services agreement is the blanket agreement governing all work between Idaho Falls Power and HDR Engineering Inc. HDR Engineering Inc. updates its master services agreements from time to time. The last update to the agreement was in 2014.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the updated Master Services Agreement with HDR Engineering, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Municipal Services

Subject: Amend City Code, Title 4, Chapters 2, 3 and 4, Requirements of Applicants for Retail Sales of Beer, Wine and Liquor

As discussed and presented in the Monday, January 28, 2019 City Council Work Session, the Municipal Services Department is requesting an amendment to City Code, Title 4, Chapters 2, 3 and 4 to require applicants for retail sales of beer, wine and liquor to first obtain current, valid licenses from the County and State prior to applying for a City license. The amendment also aligns the City's licensing calendar to coincide with Bonneville County and State licensing requirement. Finally, the amendment would allow for City Council ratification of license approvals granted by the City Clerk.

Councilmember Radford stated this item was most recently discussed at the January 28 Council Work Session. He believes this will assist with a more stream-lined process while opening a business.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Ordinance amending City Code, Title 4, Chapters 2, 3 and 4, 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 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:

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ORDINANCE NO. 3236

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 2, 3, AND 4 OF TITLE 4 OF THE CITY CODE TO REQUIRE APPLICANTS FOR RETAIL SALES OF BEER, WINE, AND LIQUOR TO FIRST OBTAIN CURRENT, VALID LICENSES FROM THE COUNTY AND STATE PRIOR TO APPLYING FOR A CITY LICENSE; DELEGATING TO THE CLERK AUTHORITY TO ISSUE ALCOHOL LICENSES; CHANGING ALCOHOL LICENSE EXPIRATION DATES; AMENDING CERTAIN DEFINITIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Fire Department

Subject: Healthcare Transportation Service Agreement Extension

For your consideration is an extension to the Healthcare Transportation Service Agreement between the City of Idaho Falls and Eastern Idaho Health Services, Inc. This extension maintains current terms and conditions of the current service agreement while the details of a new contract are negotiated.

Councilmember Francis stated this agreement will allow the extension for six (6) months to allow negotiations for a formal, longer-term contract. Councilmember Dingman questioned the billing process. Fire Chief Dave Hanneman clarified Eastern Idaho Health Services is billed for the service per incident.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the extension to the Healthcare Transportation Service Agreement, 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.

Announcements and Adjournment:

Mayor Casper stated representatives from the U.S. Bureau of Census will present a Census overview on February 7, 2019.

There being no further business, the meeting adjourned at 8:00 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR