

February 8, 2018

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 8, 2018, 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 John Radford
- Councilmember Jim Francis
- Councilmember Michelle Ziel-Dingman
- Councilmember Shelly Smede
- Councilmember Jim Freeman

Also present:

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

Pledge of Allegiance:

Mayor Casper invited Devlin Addison, a seventh-grade student at Taylorview Middle School, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda or noticed for a public hearing.

Joe Stanislaio, downtown Idaho Falls resident, appeared. Mr. Stanislaio questioned why the downtown residents do not have access to fiber optic lines. He indicated per conversation with Idaho Falls Power (IFP) staff, the fiber optic is only reserved for businesses and there are no plans for residents. He stated per City Code, fiber optic is to be open to residents. Mayor Casper noted IFP Director Jackie Flowers was present for any questions. Mr. Stanislaio also indicated the street lights on Broadway and Yellowstone Avenue, between 7:30 a.m. until after 8:00 a.m., take an extended length of time to change in order to cross the street, even when there is no vehicular traffic. He questioned the timing of those particular hours.

Consent Agenda:

Idaho Falls Power requested ratification of Power Transactions with Shell Energy and Battelle Energy Alliance, LLC (BEA).

Municipal Services requested approval of Bid IF-18-10, Motor Fuel and Lubricants for City Equipment Maintenance Facility, and Quote 18-009, Power Tools for Idaho Falls Power.

The City Clerk requested approval of minutes from the January 19, 2018 Council Work Session and January 25, 2018 Council Meeting, and, approval of License Applications, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Regular Agenda:

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Community Development Services

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

For consideration is the application for Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Silverleaf Estates Division No. 2. The Planning and Zoning Commission considered this application at its December 5, 2017 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated the applicant for this plat is Eagle Rock Engineering which includes 11.3 acres and 28 single-dwelling residential lots. She noted this is the second of five phases.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Silverleaf Estates Division No. 2 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.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Final Plat for Silverleaf Estates 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 Smede, Hally, Radford, Dingman, Freeman, Francis. 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 Silverleaf Estates Division No. 2, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Taylor Crossing on the River Division No. 12, 1st Amended

For consideration is the application for Final Plat and Reasoned Statement of Relevant Criteria and Standards, Taylor Crossing on the River Division No. 12, 1st Amended. The Planning and Zoning Commission considered this application at its December 5, 2017 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated the applicant for this plat is Connect Engineering which includes just less than 1.1 acres. This area was replatted in 2016. The developer would like to divide the one (1) lot into two (2) lots to address ownership boundaries.

Councilmember Francis questioned the easement for a pathway within the area. Community Development Services Director Brad Cramer stated there is no commitment for the pathway as any pathway would normally be included in the development agreement. He noted this area is part of an urban renewal district so any available funding could be considered for assistance of a pathway.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Final Plat for Taylor Crossing on the River Division No. 12, 1st Amended 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 Taylor Crossing on the River Division No. 12,

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1st Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Municipal Services

Subject: Amend City Code, Title 1, Chapter 15, Section 7, Public Records Custodian

Municipal Services requests City Council authorization to amend Title 1, Chapter 15, Section 7 to designate the City Clerk as the custodian of City public records for purposes of Idaho Code Title 74, Chapter 1 (Idaho Public Records Act). This designation will provide the assignment of a transparent and organized process for the responsibility and oversight for compliance with the requirements of the Idaho Public Records law.

Mayor Casper stated the City is rather large with a lot of records generated. She indicated a process has been developed to respond to requests in a timely and precise manner. She noted in this process, the City Clerk has been used as the centralized location. In accordance with State law, a public records custodian may be designated, hence the purpose of the proposed ordinance. Councilmember Radford stated if the custodian is not designated, everyone becomes the custodian. He indicated this will ensure compliance with the law and comply with the media’s need for public information. Councilmember Francis believes this is the second step of a two-step process and the first step should be a policy of documents. Mr. Fife stated there is no City policy because the State Code regulates the response to open record requests. The current structure is to process general questions by the City Clerk. A more specific request would be answered pursuant to Idaho Code. Some records can be immediately viewed within individual departments. There is also a process to direct records requests through the City Attorney’s Office per State Code. Mr. Fife believes the current system works functionally very well. He also believes there should be a custodian of records to prevent ad hoc decisions. Mr. Fife stated record maintenance and destruction of records are also handled by State Code through a City resolution which defines and categorizes the type of records. Councilmember Dingman indicated she researched additional cities who have a policy manual which may be duplicate information of State Code. Mr. Fife stated the City removed the policy from City Code to avoid a conflict with State Code. He noted the City Clerk, as a member of Idaho City Clerks, Treasurers and Finance Officer Association (ICCTFOA), receives training related to records. Municipal Services Director Pamela Alexander reiterated the current records request process and noted the proposed ordinance would not change the current process. To the response of Councilmember Francis, Director Alexander stated this process would not require additional staff or budgetary implication. It was noted the Deputy City Clerk or the Municipal Services Director would be utilized if the City Clerk was unavailable. Mr. Fife stated State Code requires a response to records requests within three (3) days, with an additional ten (10) days if needed. Councilmember Francis believes this is the right direction but believes a policy may be needed for the ease of the community relative to public records. Councilmember Radford indicated further discussion could occur if needed. He believes the codification is important as it takes away the risk.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Ordinance amending City Code, Title 1, Chapter 15, Section 7, 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 Hally, Radford, Dingman, Smede, Freeman. Nay – Councilmember Francis. Motion carried.

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

ORDINANCE NO. 3157

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, ADDING TITLE 1, CHAPTER 15, SECTION 7, TO DESIGNATE THE CITY CLERK AS THE CUSTODIAN OF CITY PUBLIC RECORDS FOR PURPOSES OF THE IDAHO PUBLIC RECORDS ACT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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Public Works

Subject: Easement Vacation Request – School District 91

School District 91 has requested the vacation of an easement to accommodate a proposed building remodel to bussing facilities adjacent to Eagle Rock Middle School.

Councilmember Francis noted the easement vacation does not incur cost to the City as those costs would be incurred by the developer. Councilmember Freeman stated the actual easement will be presented in the future.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to authorize the City Attorney to prepare documents needed to accomplish the vacation. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Easement Vacation Request – Mountain View Hospital

The owners of Mountain View Hospital are remodeling the existing building and have requested the vacation of an existing easement to better accommodate the remodel.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to authorize the City Attorney to prepare documents needed to accomplish the vacation. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Radford, to adjourn the meeting at 8:03 p.m. which motion passed following a unanimous vote.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR