



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, February 25, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor Shelly Smede, Councilor Jim Francis, and Councilor Thomas Hally

Via WebEx: Councilor John Radford, and Councilor Jim Freeman

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper lead those present in the Pledge of Allegiance.

3. Public Comment.

Public comment was temporarily suspended.

4. Consent Agenda.

A. Municipal Services:

- 1) Minutes from the February 8, 2021 Legislative Discussion; February 9, 2021 Council Work Session; and February 11, 2021 Council Meeting
- 2) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Smede, seconded by Council President Ziel-Dingman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay - none.

5. Regular Agenda.

A. Idaho Falls Power

- 1) IF21-17 Bid Award to Intermountain Electronics, Inc. for Idaho Falls Power Paine Substation Control Building

Idaho Falls Power solicited bids from qualified contractors to provide a control building for the new Paine Substation. We received four bids and the lowest priced bidder was determined to be non-responsive by the City Attorney because they could not meet time requirements listed in the bid documents. Intermountain Electronics, Inc. was the lowest responsive, responsible bidder. The Engineer's estimated cost was for \$200,000.

Idaho Falls Power Director Bear Prairie stated the control building will control all the functions of the Paine Substation. Per Mayor Casper, Director Prairie stated the control building is approximately the size of a semi-truck, and includes a back-up generator and necessary electronics. He also stated it will be located within the perimeter fence and with security features.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to Intermountain Electronics, Inc. of Price, Utah for a not-to-exceed amount of \$217,575.00 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay - none.

B. Municipal Services

1) Resolution to Approve Inter-Departmental Loan Policy

Resolution 2020-27 approved the Inter-Department Direct Loan Policy for the purposes of providing direct loans for the Idaho Falls Airport and Parks and Recreation Departments. This resolution only included direct loans and did not address the negative cash balance section of the policy. During the Monday, January 25, 2021 work session, the Finance Team reviewed language updates to the negative cash balance section of the policy, with an effective date of October 1, 2021.

Municipal Services Director Pamela Alexander stated there was previous discussion which included the need for a memorialized policy for the inter-departmental loans. She noted previous Resolutions were approved for the Idaho Falls Regional Airport and the Parks and Recreation Department. She stated the policy is a culmination of the direct loans and negative cash balances as was recommended by the external auditors. Director Alexander noted this Resolution will be rescinding Resolution 2020-27. Councilor Francis expressed his appreciation to Director Alexander. Mayor Casper believes this represents another step forward for fiscal responsibility.

It was moved by Councilor Smede, seconded by Council President Ziel-Dingman, to rescind former Resolution 2020-27 and approve the comprehensive resolution to memorialize the Inter-Department Loan Policy for the purpose of assisting City Departments in achieving long-term financial success and planning, and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay - none.

RESOLUTION NO. 2021-05

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A REVISED POLICY RELATED TO CONSIDERATION OF CITY INTER-DEPARTMENTAL LOANS, INCLUDING SCOPE, PROCESS, TERMS, AND LIMITATIONS OF SUCH LOANS AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

- 2) Ordinance, Amend Idaho Falls City Code, Title 1, Chapter 9, Section 2, Bonding Requirements Idaho Code Section 50-204 requires the Clerk and Treasurer to be bonded before performing their duties for the City. A blanket bond is provided by the City's liability provider, Idaho County Risk Management Program (ICRMP) for all officials, officers, and employees required to provide such a bond under Idaho Code 59-408. This ordinance amendment reduces the number of City officers and employees required to be bonded in order to align City Code with current City practice and with current City liability coverage.

Director Alexander stated this ordinance refreshes City Code per Idaho Code. Councilor Smede believes this item will make the ordinance more accurate.

It was moved by Councilor Smede, seconded by Council President Ziel-Dingman, to approve the Ordinance amending Title 1, Chapter 9, Section 2 bonding requirements under a suspension of the rules requiring three complete and separate readings and request that it be read by title. The motion carried by the following vote: Aye - Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3370

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF TITLE 1, CHAPTER 9, SECTION 2 OF THE IDAHO FALLS CITY CODE TO CHANGE BONDING REQUIREMENTS FOR CITY PUBLIC OFFICIALS, OFFICERS, AND EMPLOYEES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

- 3) Resolution to relinquish all Claims and Liens for Treasurer's Tax Deed No. 0584870 Treasurer's Tax Deed No. 0584870 was issued by the City Treasurer on November 18, 1977 and recorded as a local improvement district tax deed in the amount of \$174.64 for property located at 366 Park Avenue, lots 7 and 8, Block 26, Railroad Addition. Mr. Crofts has paid the total outstanding balance of the Local Improvement tax lien filed by the City against the property.

Director Alexander stated this item was discussed at the February 22 Work Session. Per Councilor Smede, Director Alexander indicated the LID was from previous owners.

It was moved by Councilor Smede, seconded by Council President Ziel-Dingman, to approve the resolution to relinquish all claims and liens for Treasurer's Tax Deed No. 0584870 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion

carried by the following vote: Aye - Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay - none.

RESOLUTION NO. 2021-06

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, RELINQUISHING ALL CLAIMS AND LIENS UPON THE LOCAL IMPROVEMENT DISTRICT PROPERTY DESCRIBED IN THIS RESOLUTION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

C. Public Works

- 1) Development Agreement for Southeast Townhomes Division No. 1, within the City of Ammon
Southeast Townhomes, Division No. 1 is a development within the City of Ammon immediately adjacent to Hitt Road (25th East) south of Sunnyside Road. This Development Agreement identifies developer responsibilities including the design and construction of road improvements for Hitt Road (25th East). Specific requirements are covered within the Special Conditions included within Exhibit B of the agreement.

Public Works Director Chris Fredericksen reviewed details of the development. He stated the roadway includes approximately 580 feet, and the developer is required to pay for half of the cost. He noted the improvements are currently anticipated for construction in summer 2021. He also noted the area is across from Watersprings Church and there is an existing agreement for the church to pay for their roadway when the City requests. Per Councilor Hally, Director Fredericksen stated the improvements will include full five-lane improvements, curb, gutter, sidewalk, and landscaping. He noted the City of Ammon has a well site south of the area, and construction may extend to the southern boundary of the church. He indicated there is a proposed traffic signal at this location. Councilor Freeman believes this is a good example of the two (2) cities working together and finding common ground. Mayor Casper stated this is pursuant to the Memorandum of Understanding (MOU) that governs Hitt Road.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve of Southeast Townhomes Division No. 1 Development Agreement and authorization for Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

- 2) Easement Vacation - Lots 8-13, Block 1, Division 2 of Chaffin Addition
Attached for consideration is an ordinance for easement vacations covering Lots 8-13, Block 1, Division 2 of the Chaffin Addition for the purpose of better facilitating development of the property.

Director Fredericksen stated the Division is west of Woodruff, south of Lincoln, and north of the Meppen Canal. He also stated the easement was requested by the property owner, and all utilities have been reviewed and approved. He indicated as plats are reviewed the City comments on easements as development occurs. He stated in this situation an easement is no

longer required. Per Mayor Casper, Director Fredericksen explained the easements with regard to construction/development.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Easement Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title. The motion carried by the following vote: Aye - Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

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

ORDINANCE NO. 3371

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS 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.

3) 17th Street and Woodruff Avenue Intersection Improvement Right-of-Way Agreement.

Please find attached for execution a right-of-way agreement with the Roman Catholic Diocese of Boise for the sale of property to accommodate improvements to the 17th Street and Woodruff Avenue Intersection project. The purchase value was negotiated and involves Parcel 16 for \$279,411.00.

Director Fredericksen stated this agreement is part of a Federal Aid project scheduled for construction in 2022, and costs incurred by the City will be reimbursed at 92.66%. Councilor Francis indicated the City is committed to landscaping to the church standards. Director Fredericksen noted there is a limit to the landscaping, and the City will utilize the church landscape. Councilor Freeman noted staff worked extremely hard on this item.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve of the 17th Street and Woodruff Avenue Intersection Improvement Right-of-Way Agreement and authorization for the Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay - none.

4) Resolution - Condemnation of Properties for the 17th Street and Woodruff Avenue Intersection Improvement Project

The 17th Street and Woodruff Avenue intersection improvement project has been programmed and includes design and construction funds to address capacity and safety issues at this major intersection. Proposed improvements to add turn lanes require that additional right-of-way be purchased to construct the project. With the support of the City Council, Public Works staff have negotiated with the property owner and made fair-market offers to purchase needed right-of-way, but have been unable to reach agreement for the parcels included within the resolution. Therefore, it is recommended that the city exercise its eminent domain authority to acquire necessary right-of-way to complete the proposed intersection

improvements.

Director Fredericksen stated this Resolution includes parcels three (3) and five (5). He also stated this Federal Aid project is similar in nature to the 17th Street/Hitt Road intersection; there will be an addition of left and right turn lanes; and the intersection is in need of safety issues. Councilor Freeman stated the City prefers to avoid an eminent domain issue although this is needed for the project. Mayor Casper stated the Council takes property rights very seriously. She believes the owner will be fairly compensated.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the resolution and authorization for Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay - none.

RESOLUTION NO. 2021-07

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ORDERING THE CONDEMNATION OF PROPERTY FOR A FUNDED AND APPROVED PUBLIC RIGHT OF WAY PROJECT; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

6. Announcements.

Mayor Casper announced Dave Jeppesen will be the featured speaker at the February 26 City Club. She also announced the Coronavirus (COVID-19) rates are slightly increasing above the 10 per 10,000 ratio. She believes the two (2) week time-frame is reflective of the spread of the disease. She encouraged all individuals to be safe and healthy.

7. Adjournment.

There being no further business, the meeting adjourned at 8:08 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR