



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

Thursday, March 11, 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, Councilor Jim Freeman, and Councilor Thomas Hally

**Via WebEx:** Councilor John Radford

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

### 2. Pledge of Allegiance.

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

### 3. Public Comment.

Public comment was temporarily suspended.

### 4. Consent Agenda.

Per the request of Councilor Francis, Mayor Casper removed item B.1. from the Consent Agenda for separate consideration.

#### A. Mayor's Office

##### 1) Appointments to City Boards, Commissions and Committees

Attached please find communication from Idaho Falls Chief of Police Bryce Johnson regarding this citizen volunteer he recently appointed to serve on the Idaho Falls Use of Force Review Board pursuant to [IFPD Policy 301](#)  
<[https://www.idahofallsidaho.gov/DocumentCenter/View/6661/IFPD\\_Manual\\_Policy?bidId=](https://www.idahofallsidaho.gov/DocumentCenter/View/6661/IFPD_Manual_Policy?bidId=)>:

Name	Term Expires	Status
Anna Gruel	03/11/24	Appointment

Ms. Gruel has been screened and interviewed. She has a desire to obtain the training necessary to serve on the Use of Force Review Board. She is an active community volunteer who has a desire to help the IFPD achieve best practices. I have every reason to believe she will make a positive contribution to the good work of the city and the department. Her work on the DVSAC Board has given her unique insights that will aid her service. I fully expect her service will help to bring trust to in the use-of-force review process.

I offer my approval of the Chief's appointment and request your vote of approval at the regular Council Meeting on Thursday, March 11, 2021.

If you have questions or comments, please feel free to contact me or Chief Johnson.

This Approval was approved the Consent Agenda.

### **C. Idaho Falls Power**

1) IF21-24 Bid award to Instrument Control Company for Idaho Falls Power Paine Substation  
Idaho Falls Power solicited bids from qualified contractors to provide relays and racks for the new Paine substation. We received three bids with Instrument Control Company being the lowest responsive, responsible bidder. The Engineer's estimated cost was for \$120,000.00.

2) Resolution Amending the Idaho Falls Power Service Policy

Idaho Falls Power staff and Board members review and discuss the utility's Service Policy annually to make any necessary additions, modifications or updates to ensure the document remains a useful and relevant tool for customers. These amendments are the product of the 2021 review as discussed in the February Board meeting.

RESOLUTION NO. 2021-08

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE REVISED IDAHO FALLS POWER SERVICE POLICY (2021), AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

3) Idaho Falls Power Board Meeting Minutes - January 2021

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all of its meetings.

### **D. Municipal Services**

1) Treasurer's Report for the month of January 2021

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending January 2021, total cash and investments total \$148.1M. Total receipts received and reconciled to the general ledger were reported at \$41.9M, which includes revenues of \$39.6M and interdepartmental transfers of \$2.3M. Total disbursements reconciled to the general ledger were reported at \$16.9M, which includes salary and benefits of \$5.5M, operating costs of \$9.1M and interdepartmental transfers of \$2.3M. As reported in the attached investment report, the total investments reconciled to the general ledger were reported at \$136M.

2) Quote 21-013, Purchase of Inventory for Idaho Falls Power

These purchases will provide inventory for Idaho Falls Power.

3) IF-21-20, Purchase of Electrical Cable for Idaho Falls Power

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This request is to purchase various quantities of electrical cable to replenish the Idaho Falls Power inventory.

- 4) Minutes from meetings with the Council  
February 22, 2021 Council Work Session and Executive Session; and February 25, 2021 Council Meeting.
- 5) 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 - Radford, Freeman, Smede, Francis, Dingman, Hally. Nay - none.

**B. Public Works**

- 1) Bid Award - Idaho Canal Trail Phase I and Phase II  
On Tuesday, February 23, 2021 bids were received and opened for the Idaho Canal Trail Phase I and Phase II project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to install a pedestrian pathway along the Idaho Canal beginning at Community Park and ending at 9th Street.

**Alignment with City & Department Planning Objectives**

Councilor Francis stated, per his request to remove this item from the Consent Agenda, he wanted to make the public aware why the bid grand total was not accepted and what impact it has on the section of canal to be built this summer. Public Works Director Chris Fredericksen stated the City received federal funding for the Connecting our Community projects. He also stated the cost for both projects is approximately \$1M. He indicated the recommendation is to award the Base Bid and Alternate Bid 1. He noted this project was bid with four (4) separate alternatives in order to spend all federal aid money as possible. If awarded, Director Fredericksen described the proposed pathway beginning near Community Park to Garfield Street, including beacons installed along the pathway. Councilor Radford expressed his appreciation for this project and to Director Fredericksen for finding common ground to proceed forward. He also applauded the canal companies. Mayor Casper noted the groundwork began in 2014 with conversations with the canal companies and with interdepartmental cooperation.

It was moved by Councilor Freeman, seconded by Councilor Radford, to award the bid as written for Idaho Canal Trail Phase I and II to Knife River Corporation, Mountain West, and give authorization for the Mayor and Clerk to execute the documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay - none.

**5. Regular Agenda.**

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**A. Police Department****1) Child Care License Ordinance**

These amendments to the Child Care License Ordinances will prevent applicants who have a felony controlled substance offense from being permanently disqualified from holding a Child Care license to only receiving a 10-year disqualification from holding a Child Care license. This amendment would bring the disqualification time in line with other positions of trust, like that of a peace officer, and mirror the City's licensing to the State's licensing.

**Alignment with City & Department Planning Objectives**

Police Chief Bryce Johnson stated other changes were proposed through Municipal Services and the Clerk's Office. Councilor Francis stated the ordinance is designed to protect children and support the child care facilities and workers who are dedicated to high quality service and care of children. He reviewed additional amendments including the addition of bus drivers; the increase of training hours; and the addition of electronic cigarettes and vaping devices. He also noted these adjustments are consistent with Council decisions in support of appeal cases.

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

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

ORDINANCE NO. 3372

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 6, CHAPTER 3 TO CLARIFY THE CONTROLLED SUBSTANCE VIOLATIONS THAT PROHIBIT OR REVOKE A CITY CHILD CARE LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**B. Municipal Services****1) Resolution to relinquish all Claims and Liens for Treasurer's Tax Deed No. 0529618**

Treasurer's Tax Deed No. 0529618 was issued by the City Treasurer on November 18, 1977 and recorded as a local improvement district tax deed in the amount of \$59.97 for property located in Highland Park, lots 28 and 29, block 33. The property owner has paid the total outstanding balance of the local improvement tax lien by the City against the property.

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. 0529618 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

## RESOLUTION NO. 2021-09

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. Parks & Recreation**

Mayor Casper noted the following two (2) items are similar in nature.

**1) Donation Agreement**

Attached for your consideration is a Donation Agreement between the City of Idaho Falls and SRL Development, LLC. This Donation Agreement outlines the terms and conditions of the donor's intent (SRL Development) to donate fill dirt to facilitate City's Planned Improvements on the City's Heritage Park property.

Parks and Recreation Director PJ Holm stated these donations are related to Heritage Park. He also stated Heritage Park has been a challenge although he believes this park will be a gem to the City. Director Holm stated there were several commitments made by partners when the land was donated to the City. The first and second donations are associated with the west side, southern end of the park. Director Holm expressed his appreciation to donors including Snake River Landing, Stafford Smith and family, Woody Smith and family, Ball Ventures, Idaho Falls Rotary Club, Jackson Hole Junction Commercial Center, and various individuals. Councilor Hally indicated this park will be a non-traditional park including educational play.

It was moved by Councilor Francis, seconded by Councilor Smede, that Council approve the Donation Agreement with SRL Development, LLC, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay - none.

**2) Donation Agreement #2**

Attached for your consideration is a Donation Agreement between the City of Idaho Falls and SRL Development, LLC. This Donation Agreement outlines the terms and conditions of the desire of the donor (SRL Development) to donate all work pertaining to the Heritage Park parking lot/drive aisle, parking spaces, and concrete curb with storm drainage on the west side of the City's park property, north and south of Snake River Landing's public access easement to Heritage Park from the west.

Per Councilor Francis, Director Holm stated this donation includes utilities, asphalt, curbing, gutter, and other utilities associated with the parking.

It was moved by Councilor Francis, seconded by Councilor Smede, that Council approve the Donation Agreement #2 with SRL Development, LLC, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

**D. Idaho Falls Power****1) IF21-20 Conduit Fiber Phase II Agreement with Bluelake Utility Services, LLC.**

Idaho Falls Power solicited bids from qualified contractors to provide conduit for buried electrical conductor replacement and fiber optic cable installation. We received three bids with Bluelake Utility Services, LLC. being the lowest responsive, responsible bidder. The base bid with add-on alternatives is \$869,558.00, plus a ten percent (10%) contingency of \$86,955.80 for a total authorization of \$956,513.80.

Idaho Falls Power Director Bear Prairie stated there will be three (3) phases this year. He noted Phase 1 was previously approved, Phase 2 is currently being requested, and Phase 3 will be forthcoming. Per Mayor Casper, Director Prairie stated a press release was issued describing the areas for the phases. Councilor Radford believes one of the benefits of public power allows the push-out of technology throughout the City in an equitable manner.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to Bluelake Utility Services, LLC, of Meridian, Idaho for a not-to-exceed amount of \$956,513.80 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

**E. Community Development Services****1) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Sand Creek Estates Division 1.**

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Sand Creek Estates Division 1. The Planning and Zoning Commission considered this item at its October 20, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Community Development Services Director Brad Cramer stated this includes 28 buildable lots. He noted the Planning and Zoning minutes included lots that were not in compliance, these lots have been adjusted and are now compliant. He also noted this item was removed from a previous Council agenda due to inconsistency with acreage on the Reasoned Statement of Relevant Criteria and Standards, this issue has also been corrected.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Development Agreement for Sand Creek Estates Division 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council accept the Final Plat for Sand Creek Estates Division 1 Subdivision, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote:

Aye - Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the Reasoned Statement of Relevant Criteria and Standards as adjusted for the Final Plat for Sand Creek Estates Division 1, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Freeman, Dingman, Smede. Nay - none.

**2) Public Hearing-Northgate/1st Street Area-Wide Planning Study Acceptance**

Attached is the resolution accepting the Northgate/1st Street Area-Wide Planning Study (AWP). In December 2020 staff presented the Planning and Zoning Commission with the AWP for review and comment. Staff also posted the document to the city website for public review and sent it to the steering committee and stakeholder groups for their review and comment. The City completed the AWP using funding through the Environmental Protection Agency (EPA) Brownfield Community-Wide Assessment Grant. The AWP document includes a technical analysis of the existing conditions, a definition of the community's vision, an exploration of key community improvement projects and implementation plan.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Director Cramer believes this is a big deal for the Community Development Services (CDS) Department and the City. He noted this project is paid for by awarded grant money. He also stated it is exciting to see the project finished, although there is a lot of work to implement. Director Cramer noted this item was discussed at the January 25, 2021 Work Session. Per Councilor Freeman, Director Cramer stated the document is located on the City website. Per Mayor Casper, Director Cramer stated there are two (2) unique things in this study: this is a real market study to find what land uses make sense economically (the project has big ideas but realistic ideas), and this introduces new concepts. He noted with the Law Enforcement Complex (LEC) as a catalyst, it is exciting to see a City investment in an area that is struggling.

Seeing no public testimony, Mayor Casper closed the public hearing.

Councilor Francis believes this presents the Council with a major task, and he realizes this is a work in progress. Council President Dingman believes this provides so much opportunity to the Council, City staff, business leaders, developers, and residents who are impacted by the area to come together and to realize the vision. She noted several concepts were discussed during conversation of the LEC. She believes there is so much potential to grow and develop in this area. Councilor Radford believes this plan is critical to the City as growth. He noted as infrastructure increases, costs increase. He stated when the City can encourage infill and revitalize areas it will lower tax burdens. He is hopeful developers will see this as a promising future. Mayor Casper believes CDS has matured in their ability to transform the community. She noted this took effort and time to write a large grant for this area. She believes this is a higher caliber of work than a community of this size sees.

It was moved by Councilor Francis, seconded by Councilor Radford, that Council approve the resolution accepting the Northgate/1st Street Wide Plan and give authorization for the Mayor and the City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay - none.

RESOLUTION NO. 2021-10

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ACCEPTING A CITY NORTHGATE/1ST STREET AREA WIDE PLAN; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

**6. Announcements.**

Mayor Casper announced a Bonneville Metropolitan Planning Organization (BMPO) meeting as well as Rotary on March 17, and City employees are invited to a Q&A session for Coronavirus (COVID-19) vaccination. Mayor Casper gave a COVID update stating there were 86 cases in Bonneville County, which is an active case rate of 47 per 10,000. She noted if Bonneville County was still under the Eastern Idaho Public Health (EIPH) orders, the County would be in the red zone. She also stated there were four (4) deaths in the previous week and there were 34 State-wide cases. Mayor Casper noted there has been a lot of effort for ease of signing up for vaccines although the information appears to be scattered. The Governor's COVID advisory committee will distribute accurate information. Mayor Casper believes, due to being unsure of the effectiveness of the vaccine and if spreading COVID could still occur, that mask wearing should continue.

Councilor Smede announced she will be resigning from the City Council. She noted since she joined the Council just over three (3) years ago that life has gotten busy and the citizens of Idaho Falls deserve someone who can adequately represent them. She stated she will continue in her role through the end of March. She expressed her appreciation to the directors and employees of the City, the citizens who elected her, and Mayor Casper and the Council. Mayor Casper stated Councilor Smede has been dedicated and thoughtful about the way she has gone about her work, assignments, and tasks, and she believes Councilor Smede represents good things.

**7. Adjournment.**

There being no further business, the meeting adjourned at 8:28 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor