

June 14, 2018

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, June 14, 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:

- Michael Kirkham, Assistant City Attorney
- Kathy Hampton, City Clerk
- All available department directors

Pledge of Allegiance:

Mayor Casper invited Richard Malloy, Idaho Falls Power Engineering and Compliance Manager, 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. No one appeared.

Consent Agenda:

Office of the Mayor requested new appointment of Mark Cole to the Golf Advisory Board.

Public Works requested approval of Bid Award – Northgate Mile Water Line Spot Repairs.

Municipal Services requested approval of the Treasurer’s Report for the month of April, 2018; and, Quote-Purchase of Information Technology (IT) Application Delivery Control (ADC) and Virtual Appliances.

The City Clerk requested approval of minutes from the May 10, 2018 Idaho Falls Power Board Meeting; May 21, 2018 Council Work Session and Executive Sessions; May 24, 2018 Council Meeting; and, May 31, 2018 Special Meeting; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Community Development Services

Subject: Resolution Approving FY2017 CDBG Consolidated Annual Performance and Evaluation Report

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For consideration is a resolution approving the FY2017 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER). A public hearing was held to review the FY2017 projects on May 24, 2018, followed by a 15-day public comment period. The resolution includes a draft of the CAPER for review. The CAPER is due to the U.S. Department of Housing and Urban Development (HUD) office on or before June 30, 2018.

Councilmember Smede stated this item has been discussed several times.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the resolution approving the FY2017 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

RESOLUTION NO. 2018-11

RESOLUTION OF THE CITY OF IDAHO FALLS ADOPTING THE FY2017 CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

Subject: Resolution Approving FY2018 CDBG Annual Action Plan

For consideration is a resolution approving the FY2018 Community Development Block Grant (CDBG) Annual Action Plan (AAP). A public hearing was held to consider the applications for funding on May 10, 2018, followed by a 30-day public comment period. Funding allocations were also discussed at the June 11, 2018 work session. The AAP is due to HUD office on or before June 30, 2018.

Councilmember Smede stated this item has also been discussed several times. She expressed her appreciation to Lisa Farris, Grants Administrator. Councilmember Radford believes this is an opportunity for community improvement and downtown beautification with Federal funding. Councilmember Dingman indicated there is a thorough process for all applicants, including tracking of information. She believes residents can feel confident of the execution of this program.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the resolution approving the FY2018 Community Development Block Grant (CDBG) Annual Action Plan (AAP) 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.

RESOLUTION NO. 2018-12

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, APPROVING THE FISCAL YEAR 2018 CDBG ANNUAL ACTION PLAN.

Idaho Falls Power

Subject: Resolution Amending the Idaho Falls Power Service Policy

For your consideration is a resolution adopting modifications to the Idaho Falls Power Service Policy. The revisions incorporate language related to conduit installation requirements. A complete copy of the service policy can be viewed at Idaho Falls Power or the City Clerk's Office.

Councilmember Hally stated this item was discussed at the June 14, 2018 Idaho Falls Power Board Meeting. He indicated the modifications clarify the tax liability for all parties involved.

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It was moved by Councilmember Hally, seconded by Councilmember Radford, to approve the resolution adopting modifications to the Idaho Falls Power Service Policy and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francie, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2018-13

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 (2018), AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Municipal Services

Subject: Public Hearing – City’s Intent to Sell and Convey City Owned Property

Idaho Falls Power and Municipal Services is recommending the surplus of City owned property located along the east dike of the Gem State Project, approximately $\frac{3}{4}$ of a mile South of 65th South and $\frac{1}{4}$ mile West of Yellowstone Highway. Idaho Falls Power (IFP) requests authorization to dispose of said property with a declared minimum value price of \$2,000.00. The minimum value was based upon the parcel has no public access, is largely encumbered by a return irrigation basin, and not arable.

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

Municipal Services Director Pamela Alexander reviewed the property under consideration.

Councilmember Freeman questioned the permanent irrigation waste return line easement. Mr. Malloy confirmed the easement will remain to ensure the basin does not become impounded with water which would impact the stability of the dike. An overflow return goes into the dike drain which runs parallel to the dike. Future development will require additional measures.

Mayor Casper requested any public comment.

Mike Mulberry, owner of adjacent property, appeared. Mr. Mulberry stated he also owns a portion of property on the dike. He indicated when this particular parcel of property is placed for public bid he wants the additional portion of property reconciled as well. Mayor Casper stated only the specific parcel of property is being considered at this time. Mr. Mulberry stated the pond is the lowest portion of ground and the drain cannot be moved. He believes the intent is to align the boundaries of the Gem State Project to fit the physical boundaries versus those on paper, also he still believes the additional property needs to be addressed. Mr. Kirkham clarified the current action, any separate parcel should be considered at a future time. Mr. Mulberry stated he is not opposed to a public bid for this property.

Councilmember Francis questioned the previous discussion on May 24 which included a Warranty Deed for \$1. Mr. Malloy stated Idaho Falls Power is attempting to acquire a small parcel, approximately 0.79 acres north of this property, which is part of the dike. He indicated a verbal conversation has occurred with Mr. Mulberry although the value is yet to be determined. He stated the \$1 amount is a boiler plate. He reiterated this additional property is a separate issue. Councilmember Radford questioned any concern with the Federal Energy Regulatory Commission (FERC) licensing. Mr. Malloy stated a FERC inspection occurred several years ago and, for unknown reasons, there are easements but no fee title to the property. Even though the dikes are protected with the easement, the lack of a fee title may allow the land owner to farm next to the road. In order to alleviate these issues, FERC suggested acquiring said properties. Mr. Malloy stated Mr. Mulberry is one of several property owners that IFP has been engaged with. Councilmember Smede requested explanation of this property being located on the Mulberry’s

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property. Mr. Malloy indicated he is unsure why this property was not corrected, he believes this may have been a handshake deal.

Mr. Mulberry stated when the home was constructed, the Snake River Valley canal was located where the pond is now located. He indicated the previous water laws included an easement for the canal and the bank easement was whatever was required. Mr. Mulberry also stated when the home was constructed the field was higher than the canal prior to the canal being removed. The canal was the natural drainage, as the low spot. He believed at the time of construction of the home there were no issues.

Director Alexander clarified the Warranty Deed referenced by Councilmember Francis and included in the May 24 Council packet was in error.

Mayor Casper closed the public hearing.

Councilmember Freeman believes this a landlocked piece of property. Mr. Mulberry confirmed the property is landlocked on the north, south, and east sides. Councilmember Freeman stated there could be a risk if someone else purchases the land.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to authorize the surplus of City owned property located along the east dike of the Gem State Project, approximately ¾ of a mile South of 65th South and ¼ mile West of Yellowstone Highway. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

There being no further business, the meeting adjourned at 7:58 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR