

July 30, 2018

The City Council of the City of Idaho Falls met in Special City Council Meeting, Monday, July 30, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember John Radford
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Councilmember Michelle Ziel-Dingman

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Jake Versteeg III, Iraq War Veteran with the Army Rangers and Commander of the Phoenix Quick Reaction Force (QRF), 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.

Donna Martin, Idaho Falls, appeared. Ms. Martin stated she is representing the local non-profit Phoenix QRF group, and is the secretary for the Board of Directors. This is a growing group of veterans in Idaho Falls and the surrounding community which have come together under an umbrella of comradery in defense of this nation and the brotherhood that will forever bind them. Phoenix QRF is proud of their work and hopes to continue and expand as time goes on. Ms. Martin stated the Prisoners of War/Missing in Action (POW/MIA) flag was created for the National League of Families of American prisoners missing in Southeast Asia and was officially recognized by Congress in conjunction with the Vietnam War. 36 U.S. Code, Section 902 states the POW/MIA flag will stand as a symbol of the Nation's concerted commitment to achieving the fullest possible accounting of Americans who have been prisoners of war, missing in action, and still remain unaccounted for and as a symbol of the commitment for future Americans who may become prisoners of war, missing in action, or otherwise unaccounted for as a result of a hostile action. Through history, fathers, sons, and friends have been sent war. In more recent history, there has been a rise of daughters, mothers, and sisters. Some Veterans come back, some come back broken, some return in caskets, and some do not return at all. Ms. Martin stated there are 82,000 Americans who still remain missing from several wars and conflicts. Out of the 82,000, 75% of those losses are located in the Indo Pacific. 359 out of the 82,000 are from Idaho. Ms. Martin recognized several individuals in attendance who are Idaho Veterans that are either POW or MIA. She stated although this sounds like a small number, it's far from small for the people who are wondering what happened, never got to say goodbye, never stood by a graveside, and never shed tears of sorrow. Ms. Martin encouraged, as policy deliberations occur, the POW/MIA flag policy. She also requested the reverence of the well beaten path at Arlington National Cemetery for a soldier who didn't come home to joyful tears. That path is walked not only for the Soldier, Sailor, Airman, or Marine lying in that grave but for the 81,999 others who are sharing their shoes. Mr. Martin requested the understanding that this flag is not just a piece of cloth, for many veterans and their families, she's second only to Old Glory as they both represent the things they were willing to

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give to our Country, up to and including our lives. They also represent the acknowledgement and heart-felt gratitude for those whose sacrifice was much greater than our own. Today's medical community has given the ability to identify remains created during wars that took place over decades ago. This will be a blessing for families when remains are recently returned that will possibly be identified and rightly interred. It is not probable to believe that 41,000 lost at sea will be identified and interred although there are 41,000 somewhere on land and the hunt for them should never cease. The POW flag is a reminder of that. Ms. Martin stated 36 U.S. Code has specific protocols on when and where the flag should be flown. She requested consideration of veterans that are sons, daughters, husbands, wives, friends, neighbors, and family, who fall into every category of life. They recognize the rights of the Council to set policy as they believe will be in the best interest of the community. She requested since the POW/MIA distinction was determined, this significant sacrifice should be an everyday acknowledgement well beyond the requirements of Federal law. By flying the POW/MIA flag every day, the Council will tell the community and the nation that this sacrifice was not in vain, will tell the veteran and their families that they are valued and their sacrifices are acknowledged. Ms. Martin stated this is a great community and we all enjoy what it has to offer. The hope is that City government has the ability to put the fear of any negatives aside and to defend the reason it flies over the City building rather than the reasons it should be removed. 82,000 Americans have given every American citizen the liberties and the rights they often take for granted by never again seeing their loved ones. That indebted gratitude should be so deep, so engrained, that we will never stop looking to bring them home and let them rest in peace.

Frank Smith, President of the Vietnam Veterans of America in Idaho Falls, appeared. Mr. Smith stated he moved to Idaho Falls after serving in the United States Air Force. He believes Idaho Falls has always been a patriot City and has honored veterans. He stated Idaho Falls is the home of the Idaho State Vietnam Memorial in Freeman Park. He believes it would be odd for the City not to fly a flag that represents those people who gave us the first amendment rights. He also believes, as a Vietnam Veteran, the flag should fly.

Consent Agenda:

Public Works requested approval of Bid Award – Community Park Pathway Improvements.

Municipal Services requested approval of the Treasurer's Report for the month of May, 2018.

The City Clerk requested approval of the Expenditure Summary for the month of June, 2018; minutes from the June 28, 2018 Council Meeting; July 9, 2018 Council Work Session; July 10, 2018 Council Budget Session; and, July 12, 2018 Idaho Falls Power Board Meeting; and, license applications, including a Beer License for Cardamom LLC, 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 Freeman, Radford, Smede, Francis, Hally. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Rezoning from R3A, R2, and RP to LC, Reasoned Statement of Relevant Criteria and Standards, Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5

For consideration is the Reasoned Statement of Relevant Criteria and Standards associated with the application for Rezoning from R3A, R2, and RP to LC, Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5. The City Council considered this item at its July 12, 2018 meeting and the motion to approve the rezoning failed. At that time the City Council did not take any subsequent action on the Reasoned Statement of Relevant Criteria and Standards. Yet, even with a failed motion and a decision to deny the rezone request, it is necessary to act on the Reasoned Statement of Relevant Criteria and Standards. This document details the Council's

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decision and outlines the criteria and standards associated with it. The Reasoned Statement of Relevant Criteria and Standards document under consideration has been adjusted to reflect the discussion and decision from the July 12, 2018 hearing.

Councilmember Smede stated the Reasoned Statement of Relevant Criteria and Standards is required in the event the applicant appeals the decision.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve the Reasoned Statement of Relevant Criteria and Standards, Lots 1-2, Block 1, Hatch Division No. 1 and Lots 21-23, Block 1, Hatch Division No. 5. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Jackson Hole Junction

For consideration is an amended Final Plat and Reasoned Statement of Relevant Criteria and Standards, Jackson Hole Junction. The City Council approved this plat at its March 22, 2018 meeting. The plat has not yet been recorded. The applicant desires to make some minor adjustments to internal lot lines and remove some unnecessary easements prior to recording the plat. Because the modifications alter lot lines and change the plat from what was approved by the City Council, staff has brought it back to City Council for approval. Staff recommend approval of the amended plat.

Councilmember Francis questioned the unnecessary easements. Community Development Services Director Brad Cramer stated the new plat was sent through the review process and is reviewed by eleven different City reviewers.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Final Plat for Jackson Hole Junction, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Jackson Hole Junction, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Idaho Falls Power

Subject: Resolution Appointing Idaho Falls' UAMPS Member Representative and Alternate

For consideration is a Resolution appointing the Idaho Falls representative, as well as alternate representative, to the Utah Associated Municipal Power Systems board.

Councilmember Radford welcomed incoming Idaho Falls Power Director Bear Prairie and expressed his appreciation to outgoing director, Jackie Flowers.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Resolution appointing the Idaho Falls representative, as well as alternate representative, to the Utah Associated Municipal Power Systems board, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Hally. Nay – none. Motion carried.

Councilmember Radford identified the representatives as Bear Prairie and Chase Morgan.

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RESOLUTION NO. 2018-17

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO APPOINT A NEW REPRESENTATIVE AND ALTERNATE TO THE UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS.

Subject: Approve a change to scope for work associated with the BEA Utility Upgrade Agreement

Idaho Falls Power (IFP) entered into a negotiated rate agreement with Battelle Energy Alliance (BEA) for the installation of required power interconnection and upgrades to their existing power system in October of 2017. A recent change in the design of one of the new buildings under construction has prompted an increase in the projected scope of work. The total for this change is \$153,072. This added scope of work will be added to the rate recovery mechanism and is allowed in the negotiated rate agreement.

Councilmember Hally stated the upgrades are necessary as the infrastructure is not adequate to meet the needs.

It was moved by Councilmember Hally, seconded by Councilmember Radford, to approve the change in scope to the BEA contract to allow for the additional \$153,072 in work, all of which will be recovered through the terms of the Utility Update Negotiated Rate Agreement from BEA, and authorize the Mayor to execute the documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Approve the Customer Requested Work Agreement with Rocky Mountain Power

Idaho Falls Power is requesting permission to contract with Rocky Mountain Power for line work associated with pole installation on the south side of W 17th S (Mill Road). Rocky Mountain Power currently owns the alignment along the south side of W 17th S. Idaho Falls Power has pursued joint use along this alignment, including necessary right-of-way, to complete a critical west side connection. This joint use will eliminate the need to build a second pole alignment on the north side of the street.

Councilmember Hally stated the agreement will allow power from both utilities on the Rocky Mountain Power poles. Councilmember Radford stated this agreement represents so much effort and is a better visual experience for the residents. He expressed his appreciation to Idaho Falls Power.

It was moved by Councilmember Hally, seconded by Councilmember Radford, to approve the Customer Requested Work Agreement with Rocky Mountain Power in the amount of \$124,129.00, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

Fire Department

Subject: Negotiated Agreement with Union, Local 1565 and the City

For consideration is the negotiated agreement with Union, Local 1565 and the City. The overall agreement reflects the last five (5) months of negotiation and includes a 2% wage increase. This agreement will expire on April 30, 2019. The financial terms of the agreement will go into effect on October 1st at the beginning of the 2018/2019 Budget year.

Councilmember Francis stated the negotiation process has been occurring for approximately five (5) months. He indicated the financial element will be effective October 1 for FY2018/2019. Other elements have already been approved. He noted a key piece was a 2% increase for the Firefighters.

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It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the agreement with Union, Local 1565, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Municipal Services

Subject: Amend Title 4, Chapter 12 of City Code, License Exemption

Municipal Services requests City Council authorization to amend Title 4, Chapter 12 of City Code, to exempt fruit and vegetable stands from the requirement to receive an Itinerant Merchant's license. This amendment request adds the sale of fresh fruits, vegetables and agricultural products to section 4-12-7: Exceptions to the City Code.

Councilmember Radford stated this item was discussed at the July 23 Council Work Session.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Ordinance amending Title 4, Chapter 12, 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 Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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

ORDINANCE NO. 3202

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 4, CHAPTER 12 TO EXEMPT FRUIT AND VEGETABLE STANDS FROM THE REQUIREMENT TO RECEIVE AN ITINERANT MERCHANTS LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Tentative Approval of 2018/19 Fiscal Year Budget

Municipal Services respectfully requests the Mayor and Council tentatively approve the 2018/19 fiscal year budget for a not-to-exceed amount of \$206,598,558 and authorize publication of the "Notice of Public Hearing" of the 2018/19 fiscal year budget with publication dates set for August 5, 2018 and August 12, 2018. The Public Hearing is scheduled for 7:30 p.m., Thursday, August 16, 2018, in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Mayor Casper stated a lot of time, effort, work, thought, decision making, and deliberation has gone into the budget. This budget represents the maximum amount that can be budgeted in the coming year. The final approval will follow a public hearing and additional Council deliberation. The tentative approval also gives authorization for advertisement for the upcoming public hearing. Councilmember Radford reiterated the number of meetings with the Council and Department Directors to make sure the budget is reasonable and cost effective for the citizens. He commended the responsibility of the Directors who look out for tax dollars. Councilmember Radford believes this budget will keep the spending under control and noted that many department budgets were less than the previous year. He also reiterated the cap of the spending authority. He indicated although the budget looks large, the City errors on the side of the ability to spend, particularly in grants. Councilmember Hally stated he has been through many budgets and State law requires a balanced budget. He indicated the State is allowed to budget surplus, the City cannot. The State cap for property tax is 3% for the General Fund, which Councilmember Hally believes, will only cover inflation. He indicated several donations have been received in the current year although these donations have contingencies. The State also issues a Statute indicating a portion of foregone can be taken. Councilmember Hally stated the City has passed on the 3% increase for a number of years which has accrued approximately \$6.5M in foregone. The foregone can only be accessed by increasing the levy. Councilmember Hally identified tremendous needs in the Idaho Falls Police Department (IFPD) as public safety protects citizens and provides services. He indicated due to these IFPD needs, the Council has decided to utilize the foregone. The proposed

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foregone amount, less than \$1M, will not have a catastrophic impact to businesses or individuals. Councilmember Hally stated he feels comfortable in taking care of these items at this time. Councilmember Francis stated part of IFPD funding is due to cooperation from the other Department Directors. He publically expressed his appreciation to those directors. Councilmember Freeman believes the degree of cooperation with the other Department Directors is remarkable. He congratulated the directors and their ability to support the Public Safety Package. Councilmember Radford stated the Public Safety portion of this budget is extremely important as he believes the standard of safety comes first.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to grant tentative approval of the 2018/19 fiscal year budget, and give authority to publish the "Notice of Public Hearing" of the 2018/19 fiscal year budget with publication dates set for August 5, 2018, and August 12, 2018, with the Public Hearing scheduled for Thursday, August 16, 2018. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Authorization to Issue a Purchase Order for a Replacement Fire Pumper

The City's Fire and Municipal Services Departments request authorization to issue a purchase order to accept the quote provided by Hughes Fire Equipment, an authorized Pierce Equipment dealer, dated July 18, 2018. The quote is for one Pierce Enforcer Pumper GG419 for a lump sum amount of \$508,970.00. This quote will ensure purchase at the 2018 price which is expected to result in significant savings. Funds to purchase the replacement vehicle are included in the 2018/19 Municipal Equipment Replacement Fund (MERF).

Councilmember Radford stated this purchase is due to impending steel tariffs and it is unknown what tariffs may become.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to authorize a purchase order to Hughes Fire Equipment for one Pierce Enforcer Pumper GG419 for a lump sum amount of \$508,970.00. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Smede, Freeman. Nay – none. Motion carried.

Announcements and Adjournment:

Mayor Casper stated the public hearing for the budget will be held August 16; the Idaho Falls Fire Department is assisting with many fires currently burning throughout the west; and, the War Bonnet Round Up Rodeo will be occurring August 1-4.

There being no further business, the meeting adjourned at 8:16 p.m.

s/ Kathy Hampton _____
CITY CLERK

s/ Rebecca L. Noah Casper _____
MAYOR