

August 22, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, August 22, 2019, 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 Shelly Smede  
Councilmember Michelle Ziel-Dingman  
Councilmember Jim Freeman  
Councilmember Jim Francis  
Councilmember John Radford

Also present:

All available Department Directors  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

**Pledge of Allegiance:**

Mayor Casper led 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. No one appeared.

**Consent Agenda:**

The Fire Department requested approval of Jefferson County Ambulance Service Agreement.

Municipal Services requested approval of Bid IF-19-O, Purchase of Bituminous Plant Mix (Hot Asphalt) for Public Works.

Idaho Falls Power requested approval of minutes from the June 27, 2019 Idaho Falls Power Board Meeting.

The City Clerk requested approval of the Expenditure Summary for the month of July, 2019; minutes from the July 27, 2019 Airport Leadership Workshop; August 2, 2019 Executive Session; August 5, 2019 Council Work Session; and, August 8, 2019 Council Meeting; and, License Applications, all carrying the required approvals.

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

**Regular Agenda:**

It was moved by Councilmember Radford, seconded by Councilmember Smede, to table Agenda Item 5C (Police Department) in order to allow the Council to receive additional information. Councilmember Radford stated the Council needs to take a further look at the specific issue. He also stated Councilmember Smede had requested information regarding cost and warranty work. Councilmember Hally believes it is appropriate for the Police Department to answer these questions while they are present. Councilmember Francis stated he has another reason

August 22, 2019

for tabling the item and would prefer to discuss this item in a Work Session. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede. Nay – Councilmembers Hally, Freeman. Motion carried.

## **Municipal Services**

### **Subject: Adoption of 2019/20 Fees, Including New Fees and Fee Increases**

Municipal Services respectfully requests the Mayor and Council adopt the 2019/20 fees, including new fees and fee increases.

Mayor Casper invited Municipal Services Director Pamela Alexander to present findings of the budget. Director Alexander reviewed highlights of the 2019/20 budget. She stated the total proposed budget is \$236,193,823 consisting of total estimated property tax revenue of \$36.9M including statutory 3% property tax levy allowable of \$1,032,260, Idaho Falls Power (IFP) capital outlay of \$32.8M, Idaho Falls Airport grants of \$12M, and, General Fund operating and capital-funded priorities discussed at the August 12 Budget Session. She reviewed the funded priorities consisting of the approved 1% wage inflation to City employees, public safety capital and operating requests, one (1) new splash pad with restroom, Idaho Falls Civic Center for the Performing Arts cost share for Phase II and III renovations architectural and design, one (1) new building technician and vehicle for field use, one (1) new equipment maintenance mechanic for the garage, and, one (1) new utility tractor to maintain canal trails. Director Alexander stated these funded priorities fit within the Community Oriented and Good Governance Results of safe and secure community, well-planned growth and development, reliable public infrastructure and transportation, and, livable community.

Director Alexander reviewed the 2019/20 proposed fiscal year budget (revenue) including the \$94.6M for charges for services accounting for approximately 40% of the revenue budget. She noted the charges for services include utility services that residents pay. She reviewed the property tax portion of the budget estimated at \$36.9M and the intergovernmental revenue estimated at \$32.5M. She noted the payment in lieu of taxes consists of IFP and Municipal Services.

Director Alexander reviewed the calculation of the property tax with the 3% levy. She stated this was a record year with new construction and new annexation including the closure of the Snake River District. She noted the overall levy decrease of -8.2%.

Director Alexander reviewed the estimates of a 13% market valuation for residential and business new growth.

Director Alexander reviewed the 2019/20 expenses per budget dollar of total property tax. She noted public safety is \$0.49 expense per budget dollar and Parks and Receptions is \$0.17 expense per budget dollar. She noted the Fire Capital Improvement is still being paid back and \$401,524 is set aside each year as payment for approximately the next 7.5 years.

Director Alexander reviewed the General Fund Budget noting 76% dedicated to Public Safety and Parks and Recreation.

Director Alexander reviewed the ten-year trend of the General Fund allocation to each department.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to adopt the 2019/20 Fee Resolution, which includes new fees and fee increases, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2019-21

August 22, 2019

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

**Subject: Adoption of 2019/20 Fiscal Year Budget**

Municipal Services respectfully requests the Mayor and Council adopt the 2019/20 fiscal year budget. Councilmember Radford stated the budget has been worked on for several months. Councilmember Hally stated the increased valuation from the closure of the Redevelopment District goes into new construction. He also stated all the benefits and increase have not yet been accumulated. He noted additional tax revenue increases will occur in the following year. Mayor Casper stated the budget is the highest she has seen in terms of the ceiling but noted two (2) significant construction projects over the course of several years, the Airport construction and a capital project with IFP. She noted between the amount of increased land and the increase of total valuation the levy rate has decreased. The lower levy rate is being applied to increased valuation.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to adopt the 2019/20 Fiscal Year budget in the amount of \$236,193,823, and the appropriation ordinance, appropriating the monies to and among the various funds, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3264

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, FOR THE PERIOD COMMENCING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSE FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

**Subject: Correction to Bid IF-19-30 Purchase of Medium Voltage Pole Mounted Reclosers for Idaho Falls Power**

For consideration is a correction to Bid IF-19-30, Purchase of Medium Voltage Pole Mounted Reclosers approved for award on July 25, 2019. The amount and the vendor were incorrectly identified. It is the recommendation of Municipal Services and Idaho Falls Power to approve the purchase of four (4) medium voltage pole mounted electrical reclosers from D&S Electrical Supply of Idaho Falls, for a lump sum amount of \$88,520.00.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the lowest, responsive, responsible bid, from D&S Electrical Supply of Idaho Falls, to furnish four (4) medium voltage pole mounted reclosers for a lump sum amount of \$88,520.00. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

**Subject: Sole Source Purchase - Replacement Pump Purchase**

It is the recommendation of Municipal Services and Public Works to authorize the City's notice for a sole sourced procurement at least fourteen (14) calendar days prior to the award of the contract pursuant to Idaho Code§ 67-2808. The authorization will notice the sole source purchase of a replacement pump for the City's lift station located at Anheuser Busch.

August 22, 2019

Councilmember Freeman stated this a sole source as the manufacturer is the only manufacturer that supplies this pump. Councilmember Francis stated by using this sole source the piping does not have to be redone and therefore, is more economical.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to purchase one (1) Flygt NP 3356, replacement pump, through Xylem Water Solutions, USA of Boise, Idaho, in the amount of \$60,713.00. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

**Community Development Services**

**Subject: Amended Development Agreement for the Costco Subdivision**

For consideration is an amended Development Agreement. When the plat and development agreement were approved by the City Council on July 25, 2019 neither included any improvements to Hitt or Lincoln Roads because the rights-of-way were not yet annexed. This development agreement specifically addresses improvements to both roadways as well as fees to be collected for improvements to the round-about at the intersection of Hitt and Iona Roads. All of the improvements and fees were recommended by the traffic study completed for the Costco development.

Councilmember Smede stated the development agreement occurs prior to annexation so there is a commitment to building the public improvements. The agreement has been reviewed by several parties. Councilmember Freeman recognized there was not a unanimous vote by Planning and Zoning as there was concern regarding the annexation of the round-about. He expressed concern as well. Community Development Services Director Brad Cramer stated the round-about will be annexed into the City although he noted east of Hitt Road will not be annexed.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the amended Development Agreement for Costco Subdivision, 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.

**Subject: Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Hitt and Lincoln Road Rights-of-Way**

For consideration is the Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for the Hitt and Lincoln Road Right-of-Way adjacent to the Costco Subdivision. The Planning and Zoning Commission considered the plat at its August 6, 2019, meeting and recommended approval by a 4-1 vote. The request to annex the rights-of-way came from Costco, but it has also been the City's policy to annex Hitt Road once adjacent. Reasons for not annexing the road initially are described more fully in the staff report.

Councilmember Smede stated this property was annexed in 2018 but the road was not annexed due to construction of the round-about. She noted the County Commissioners are amenable to this annexation. The commissioners also shared several recommendations for community safety. The annexation will be at the same point where Ammon and Idaho Falls share the Hitt Road boundary.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B: 5.961 Acres, Section 9, Township 2 North, Range 38, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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

August 22, 2019

ORDINANCE NO. 3265

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.961 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: 5.961 Acres, Section 9, Township 2 North, Range 38, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Commercial and to approve the ordinance establishing the initial zoning for M&B: 5.961 Acres, Section 9, Township 2 North, Range 38, as HC Zone, under the suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3266

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 5.961 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of HC for M&B: 5.961 Acres, Section 9, Township 2 North, Range 38, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

**Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Fairway Estates Division No. 23**

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Division No. 23. The Planning and Zoning Commission considered the plat at its June 4, 2019, meeting and recommended approval by unanimous vote.

Councilmember Smede stated the plat includes 25 buildable single-unit dwelling lots. She previously questioned the appeal that took place approximately one (1) month ago and was told the special conditions section of the agreement limits the number lots to be platted before connection to the Lewisville Highway. She noted this area falls in the Airport Overlay Zone and meets the requirements for the zone. The final plats will be required to have an Airport disclosure note. Councilmember Hally stated the development is quickly occurring. He believes this is a representative of community growth.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Fairway Estates Division No. 23, and give authorization for the Mayor and City Clerk to execute the

August 22, 2019

necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis. Nay – Councilmember Radford. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Fairway Estates Division No. 23, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Freeman, Francis. Nay – Councilmember Radford. 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 Fairway Estates Division No. 23, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally. Nay – Councilmember Radford. Motion carried.

**Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Fairway Estates Division No. 24**

For consideration is a Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Division No. 24. The Planning and Zoning Commission considered the plat at its June 4, 2019 meeting and recommended approval by unanimous vote.

Councilmember Smede stated this area includes seven (7) buildable single-unit dwelling lots. She noted the special conditions applies as similar to the previous item. This area also falls in the Airport Overlay Zone and the final plats will be required to have an Airport disclosure note. Councilmember Francis expressed concern for the wording in the special conditions regarding the number of lots as he believes it is not clear. Councilmember Smede stated it is cumulative lots.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Fairway Estates Division No. 24, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Smede. Nay – Councilmember Radford. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Fairway Estates Division No. 24, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Freeman, Francis. Nay – Councilmember Radford. 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 Fairway Estates Division No. 24, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – Councilmember Radford. Motion carried.

**Police Department**

**Subject: Leasing of Police Department Vehicles**

This item was tabled.

**Announcements:**

Mayor Casper stated a parade was recently held to honor the America’s Legion World Series winners, the Idaho Falls Bandits. She also stated there were proclamations declaring Idaho Falls Bandits Day from various cities and the Governor. She expressed her appreciation to all those who made this event happen/possible.

August 22, 2019

**Executive Session:**

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to adjourn at 8:13 p.m. and move into Executive Session. The Executive Session has been called pursuant to the provisions of Idaho Code Section 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into Regular Council Meeting as no further actions are anticipated. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Council Meeting (Executive Session), Thursday, August 22, 2019, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:21 p.m.

There were present:

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

Also present:

Bryce Johnson, Police Chief  
Royce Clements, Police Captain  
Pamela Alexander, Municipal Services Director  
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

There being no further business, the Executive Session concluded at 9:14 p.m.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR