

September 12, 2019

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, September 12, 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:

Councilmember Thomas Hally
Councilmember John Radford
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Mayor Rebecca L. Noah Casper

Also present:

All available Department Directors
Randy Fife, City Attorney
Jodi Adolfson, Deputy City Clerk

Pledge of Allegiance:

Mayor Pro Tem Hally requested Ronald Jorde to lead those present in the Pledge of Allegiance.

Mayor Pro Tem Hally recognized the presence of Emma Johnson, Field Representative for Governor Brad Little.

Public Comment:

Mayor Pro Tem Hally 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:

Councilmember Francis noted the Bonneville County Ambulance Service Agreement represents \$100,000 more for the City service, this also reflects years of the County's strong support for this service and the Idaho Falls Fire Department. He believes this is a cooperative effort between the City and the County that serves all residents.

The Fire Department requested approval of the Bonneville County Ambulance Service Agreement.

Idaho Falls Power requested approval of the Power Trade Confirmation Agreement.

Municipal Services requested approval of Treasurer's Report for the month of July, 2019; approval of Workers' Compensation Insurance Consulting and Insurance for Fiscal Year 2019/20; Bid IF-19-31, Purchase of Chlorine and Sodium Bisulfite for Public Works; Bid IF-19-32, Purchase of Line Clearance Project Services for Idaho Falls Power; Quote 19-034, Purchase of Power Inventory for Idaho Falls Power; and, Quote 19-037, Purchase of Materials and Labor for the Replacement of the Rip Rap at Gem State Lake for Idaho Falls Power.

The City Clerk requested approval of minutes from the August 12, 2019 Council Budget Session; August 22, 2019 Council Meeting; and, August 23, 2019 Council Work Session; License Applications, including Beer Licenses to Bee's Knees Pub & Catering; Casa Jaliscos Inc.; D'Railed; Elk's Lodge; GR Bar on Easy Street; Gas N' Grub LLC; Holmes Speedi Mart; Idaho Brewing Company; Jacksons #73; KC's Food Mart; Leo's Place; Los Albertos

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Inc.; Morenitas; Olive Garden; Paula's Meat Market; Red Robin America's Gourmet Burgers; Samoa Club; Shari's; Skyline Lanes; Snake Bite; Speedi Corp Inc.; and, Yummy House, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to receive 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:

Municipal Services

Subject: Bid IF-19-P, Purchase of One New Articulating Telescopic Aerial Device for Idaho Falls Power (Addition to Fleet)

It is the recommendation of Municipal Services and the Idaho Falls Power Department to approve the purchase of one new articulating telescopic aerial device from Altec Industries, Inc. for a total of \$122,195.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to purchase one new articulating telescopic aerial device from Altec Industries, Inc. for a total of \$122,195. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Approval to Write-Off Unpaid Utility Service Accounts

It is the recommendation of the Municipal Services Department to approve the write-off of unpaid utility service accounts for calendar year 2014 determined as uncollectible for a total of \$310,983.83 for approximately 770 utility accounts.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the write-off of unpaid utility service accounts for calendar year 2014 for a total of \$310,983.83. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Subject: Approval to Write-off Unallowable and Unpaid Ambulance Service Accounts

It is the recommendation of the Municipal Services Department to approve the write-off of unpaid ambulance service accounts for the 2017 and 2018 calendar years determined as uncollectible following internal and outside collection agency efforts for a total of \$1,927,944.96.

Councilmember Radford clarified this is the amount billed although Medicaid will only pay a portion of each bill. Councilmember Freeman noted this write-off is a reason why the ambulance service is so difficult to fund. He stated it would be helpful if Medicare and Medicaid would assist. He also stated collections is doing better so there is less loss. Councilmember Radford concurred there has been significant improvement in collections.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the write-off of unpaid ambulance service accounts for the 2017 and 2018 calendar years for a total of \$1,927,944.96. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Approval of Contract of Sale to Purchase Land

The Municipal Services Department recommends approval of the contract of sale to purchase the Idaho Livestock Commission Company of Bonneville County, Idaho, titled Idaho Livestock Auction Company. The total purchase price is \$675,000. This contract includes a clause for environmental testing and inspection of the property and the soil or other environmental considerations on the property. Another feature of the agreement includes earnest money paid in the amount of \$10,000, of which 50% is non-refundable.

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Councilmember Freeman noted the total sale includes eight (8) separate parcels. Councilmember Radford clarified this is a budgeted item.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the contract of sale to purchase the Idaho Livestock Auction Company including earnest money paid in the amount of \$10,000 and payment of the total purchase price of \$675,000, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Police Department

Subject: Taxi Cab Inspections

This is a change to the City Ordinance referencing who conducts taxi cab or public conveyance within the City of Idaho Falls.

Councilmember Freeman stated these changes would increase the safety of the passengers in the vehicles being used for public conveyance by moving the inspections from police officers, who have a limited knowledge of car mechanics, to certified technicians who are trained to conduct vehicular inspections. He also stated this change will move the cost of inspections and liability from the City to the business that conducts the conveyance. Councilmember Dingman believes this ordinance is easy to read and follow. She noted this will shift the liability of the tax payer to the user of the service.

It was moved by Councilmember Freeman, seconded by Councilmember Hally, to approve the proposed changes to the Public Conveyance Ordinance 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 Hally, Smede, Dingman, Freeman, Francis. Nay – Radford. Motion carried.

At the request of Mayor Pro Tem Hally, the Deputy City Clerk read the ordinance by title only:

ORDINANCE NO. 3267

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 4, CHAPTER 15 TO REQUIRE THAT MOTOR VEHICLE PUBLIC CONVEYANCES BE INSPECTED BY CERTIFIED MOTOR VEHICLE SERVICE AND REPAIR PROFESSIONALS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: School Resource Officer Agreement

Memorandum of Understanding (MOU) between District 91 and the Idaho Falls Police Department (IFPD) establishing each entity's obligation under the School Resource Officer (SRO) program.

Councilmember Freeman stated Idaho Falls provides sworn officers to work as SROs within the school district. He stated the MOU is the same as the previous year with a change of dates which makes it effective for the current year. He noted there is an addition of a SRO bringing the total of SROs to four (4). Councilmember Smede clarified she works for the school district but will not gain financially or personally from this item. Councilmember Francis noted there will be SROs at the middle schools with this change.

It was moved by Councilmember Freeman, seconded by Councilmember Hally, to approve the Memorandum of Understanding with School District 91 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

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Subject: Police Department Lease Vehicle Program

It is the recommendation of the Police Department to approve the municipal master lease agreement with The Bancorp of Kent, Washington for a not-to-exceed total of 40 law enforcement vehicles for the 2018/19 and 2019/20 fiscal years with two five-year lease terms.

Councilmember Freeman stated this item was discussed at the September 9, 2019 Work Session. He stated the replacement schedule for law enforcement vehicles was previously ten (10) years or longer, however, this has resulted in age of fleet and outdated equipment. The agreement is specifically designed to provide a tax-free lease program to law enforcement agencies. Various other law enforcement agencies are utilizing this agreement as an alternative to purchasing vehicles. Councilmember Freeman noted the funds to pay for the vehicles are within in the IFPD Municipal Equipment Replacement Fund (MERF). Councilmember Radford stated he supports this agreement but only for the two (2) years recommended. He believes the lease program allows the City to catch up to meet the number of vehicles needed however, he also believes the leases will not keep the freedoms open long-term. He indicated this will need to be revisited in the future. Councilmember Hally noted the City can break the lease after a year. Councilmember Freeman noted the number of leased vehicles could be reduced. Councilmember Francis stated he agrees with Councilmember Radford and noted this will be reevaluated in the following year.

It was moved by Councilmember Freeman, seconded by Councilmember Hally, to approve the municipal master lease agreement with The Bancorp of Kent, Washington and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Community Development Services

Subject: FY 2019-2020 Business Improvement District Management Agreement with Idaho Falls Downtown Development Corporation

For consideration is approval of the FY2019- 2020 Business Improvement District (BID) Management Agreement with Idaho Falls Downtown Development Corporation (IFDDC). This agreement is updated annually before the beginning of the next Fiscal Year. It sets forth the responsibilities of IFDDC as the City’s designated manager of the BID and the payment of collected BID funds to cover the costs of management. The agreement also includes a list of goals and projects for the upcoming year.

Councilmember Smede noted the IFDDC will be launching a pilot parking program in the near future. Several Councilmembers expressed their appreciation to Catherine Smith, Executive Director of the IFDDC.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the FY2019-2020 Business Improvement District Management Agreement with Idaho Falls Downtown Development Agreement and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Ordinance Closing the Revenue Allocation Area for the Snake River Project Area

For consideration is an ordinance which closes and terminates the Revenue Allocation Area for the Snake River Project Area. This project area represents 30 years of successful redevelopment and urban renewal projects resulting in nearly \$200,000,000 increase in property valuations in the City’s core. Notable projects have included the construction of Lindsay Boulevard, Utah Avenue, and Memorial Drive, Riverwalk improvements such as the Rock Gardens and west side path widening, assistance to Taylor Crossing, Renaissance Center, Broadway Ford, The Broadway, the Bonneville Hotel, Indian Motorcycle, Deseret book, Spring Hill Suites, Residence Inn, and the recent upgrades to downtown intersections and Broadway Streetscape. The Snake River Project Area has been used as a statewide example of how to properly develop and execute an urban renewal plan. The Idaho Falls

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Redevelopment Agency (IFRdA) has worked to spend funds responsibly and effectively and is proud of the many accomplishments and projects within the project area.

Councilmember Smede stated an article was recently printed in the Post Register noting the base assessed value of this area in 1988, before the area was expanded, was approximately \$57M. In today's dollars, the area now has a net taxable value of approximately \$246M. Councilmember Smede noted the Snake River Project Area has been used as a State-wide example of how to correctly and responsibly develop and execute an urban renewal plan. Councilmember Hally, as a board member of the IFRdA, is proud of the accomplishment to spur development. He noted there are projects that have not fully reached the tax revenue increase. This will continue to permanently add to the on-going tax base. Councilmember Hally also noted there was no bonding, this was tax increases with the developers. He indicated hotels have been constructed in this district and the hotel tax is increasing the funding for the Event Center. This represents a great deal of growth. Councilmember Francis questioned how the unspent revenue is distributed. Community Development Services Director Brad Cramer, as the IFRdA Executive Director, stated a check is written to the County and through the Assessor's Office and the County Treasurer, they apply the same levy rates and redistribute that lump sum to the various taxing entities (the City, the County, and, the School District). Director Cramer believes this would apply to the 2018 levy rate. Councilmember Freeman expressed his appreciation for the foresight from 30 years ago. Councilmember Radford recognized his brother, Lee Radford, as a member of the IFRdA. He expressed his appreciation to Director Cramer and former Planning and Zoning Director Renee Magee. He also noted there is approximately \$2M in perpetuity and benefited tax revenue for the City every year indefinitely that those businesses exist and succeed. Councilmember Hally stated due to legislative changes there will no longer be 30-year redevelopment districts.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance terminating the Revenue Allocation Area for the Snake River Project Area, 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 Pro Tem Hally, the Deputy City Clerk read the ordinance by title only:

ORDINANCE NO. 3268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, IMMEDIATELY TERMINATING THE REVENUE ALLOCATION AREA FOR THE SNAKE RIVER PROJECT AREA; REQUIRING DISTRIBUTION OF ANY SURPLUS DETERMINED TO EXIST PURSUANT TO SECTION 50-2909, IDAHO CODE; AUTHORIZING THE CITY CLERK OR THE URBAN RENEWAL AGENCY OF IDAHO FALLS, IDAHO, ALSO KNOWN AS IDAHO FALLS REDEVELOPMENT AGENCY, TO FILE THE ORDINANCE, TOGETHER WITH THE BOUNDARY MAP, WITH THE OFFICE OF THE COUNTY RECORDER, THE COUNTY ASSESSOR, AND THE IDAHO STATE TAX COMMISSION AS PROVIDED IN SECTION 63-215, IDAHO CODE; PROVIDING THAT A COPY OF THIS ORDINANCE SHALL BE GIVEN TO EACH OF THE TAXING ENTITIES AFFECTED BY SAID REVENUE ALLOCATION AREA; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Subject: Final Plat and Reasoned Statement of Relevant Criterial and Standards, Lorin C. Anderson Addition Division No. 1, 4th Amended

For consideration is the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Lorin C. Anderson Addition Division No. 1, 4th Amended. The Planning and Zoning Commission considered the plat at its June 4, 2019, meeting and recommended approval by unanimous vote.

Councilmember Smede stated access to this development will be via Woodruff Avenue. The plat includes a shared access easement. The property is zoned R3A. Replotting of the property into two (2) lots will allow for potential of separate ownership.

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It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Lorin C. Anderson Addition Division No. 1, 4th Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. 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 Lorin C. Anderson Addition Division No. 1, 4th Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Kirkendall Subdivision

For consideration is a Final Plat and Reasoned Statement of Relevant Criteria and Standards for Kirkendall Subdivision. The Planning and Zoning Commission considered the plat at its June 4, 2019 meeting and recommended approval by unanimous vote.

Councilmember Smede stated this property was originally platted in 1902. The property is zoned Central Commercial. The revised plat is necessary to correct plat boundaries that have been generated without going through the subdivision process. The plat includes three (3) lots. Access will be via East 1st Street and South Freeman Avenue.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Kirkendall Subdivision, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. 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 Kirkendall Subdivision, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, St. Clair Estates Division No. 13, 5th Amended

For consideration is a Final Plat and Reasoned Statement of Relevant Criteria and Standards for St. Clair Estates Division No. 13, 5th Amended. The Planning and Zoning Commission considered the plat at its July 11, 2019 meeting and recommended approval by unanimous vote.

Councilmember Smede stated this block was originally platted as a large parcel and over time has been broken into smaller medical and dental office parcels. She stated this is the last piece of vacant land on Potomac Way. The property is zoned Professional Building with a Planned Unit Development (PUD) Overlay. The plat includes a single lot. Access is via Potomac Way. The PUD Overlay limits the number of accesses to Potomac Way.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for St. Clair Estates Division No. 13, 5th Amended, 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, Dingman. Nay – none. 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 St. Clair Estates Division No. 13, 5th Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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Subject: Annexation and Initial Zoning of RP, Annexation and Initial Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 23.824 acres, NW ¼, SE ¼, Section 31, T 2N, R 38E (Manchester Estates)

For consideration is the Annexation and Initial Zoning of RP, Annexation and Initial Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B 23.824 acres, NW ¼, SE ¼, Section 31, Township 2 North, Range 38 East for Manchester Estates. The Planning and Zoning Commission considered the annexation at its May 7, 2019, meeting and recommended approval by unanimous vote.

Councilmember Smede stated this parcel is currently vacant and undeveloped. Annexation will require the development of sidewalks along the frontage. Surrounding land uses are predominately residential. The annexation is a Category A as it was requested by the land owner.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B 23.824 acres, NW ¼, SE ¼, Section 31, T 2N, R 38E (Manchester Estates), 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 Freeman, Smede, Francis, Dingman, Hally. Nay – none. Abstain – Radford. Motion carried.

At the request of Mayor Pro Tem Hally, the Deputy City Clerk read the ordinance by title only:

ORDINANCE NO. 3269

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 23.824 ACRES DESCRIBED IN SECTION 1 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 23.824 acres, NW ¼, SE ¼, Section 31, T 2N, R 38E (Manchester Estates), and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis. Nay – none. Abstain – Radford. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan Designation of Low Density Residential and to approve the ordinance establishing the initial zoning for M&B 23.824 acres, NW ¼, SE ¼, Section 31, T 2N, R 38E (Manchester Estates) as RP 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, Smede, Francis, Freeman, Hally. Nay – none. Abstain – Radford. Motion carried.

At the request of Mayor Pro Tem Hally, the Deputy City Clerk read the ordinance by title only:

ORDINANCE NO. 3270

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 23.824 ACRES DESCRIBED IN SECTION 1 AND EXHIBIT A OF THIS ORDINANCE AS RP ZONE AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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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 RP for M&B 23.824 acres, NW ¼, SE ¼, Section 31, T 2N, R 38E (Manchester Estates), and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Smede. Nay – none. Abstain – Radford. Motion carried.

Subject: Public Hearing – Ordinance Modifying Title 11, Chapter 5 of the City Code, Clarifying Conditions of Avigation Easement Dedications

For consideration is an Ordinance modifying Title 11, Chapter 5 of the City Code, Clarifying Conditions of Avigation Easement Conditions. The Planning and Zoning Commission considered this item at its August 6, 2019 meeting and recommended approval by unanimous vote.

Mayor Pro Tem Hally opened the public hearing and ordered all items presented be entered into the record.

Director Cramer stated this item is to make a small amendment to the zoning ordinance in the recently-adopted section for the Airport Overlay. He indicated in the final hearing there was concern regarding the requirement to provide an avigation easement over property when developed. Director Cramer stated the Legal Department researched the issue and the research showed, similar to roadways and other modes of travel, it can be established that they are prescriptive avigation easements. Therefore, if airplanes have flown over a property for several years, and is expected to continue and the Airport still exists, that easement already exists prescriptively. This ordinance acknowledges and makes an adjustment to account for that so if a prescriptive easement already exists the City will not require any additional avigation easement. Councilmember Francis questioned if new easements would only be needed for new development. Director Cramer clarified a new easement would be required only if a prescriptive easement did not currently exist. Councilmember Dingman believes this ordinance could be a double-check to ensure the correct types of properties are developing near the Airport.

Mayor Pro Tem Hally requested any public comment. No one appeared. Mayor Pro Tem Hally closed the public hearing.

Councilmember Smede noted the City took a tremendous amount of time and energy to ensure this Airport Overlay Zone, in response to Federal Aviation Administration (FAA) concerns, was legal to fulfill grant assurances to the FAA. She reiterated Director Cramer's comments regarding a prescriptive easement.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Title 11, Chapter 5 of the City Code, 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 Pro Tem Hally, the Deputy City Clerk read the ordinance by title only:

ORDINANCE NO. 3271

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 11, CHAPTER 5 TO CLARIFY CONDITIONS OF AVIGATION EASEMENT DEDICATION AT DEVELOPMENT IN THE AIRPORT OVERLAY ZONE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Announcements:

Mayor Pro Tem Hally noted City Club will be held on September 20. Councilmember Dingman stated she recently read a proclamation, on behalf of Mayor Casper, designating Community Suicide Prevention month with the

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Community Suicide Prevention organization. She noted the organization worked with the City to create and construct a bench in Community Park in memory of those lost to suicide.

Adjournment:

There being no further business, the meeting adjourned at 8:22 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR