

October 11, 2018

The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, October 11, 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 John Radford
- Councilmember Jim Francis
- Councilmember Michelle Ziel-Dingman
- Councilmember Shelly Smede
- Councilmember Jim Freeman

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Melvin Bundy, a junior at Bonneville High School and Aaron Bundy, a 6th grade student at White Pine Charter School, 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.

Gail Zirtzlaff, Idaho Falls, appeared. Ms. Zirtzlaff presented a replica of five (5) Roman candles that were set off on their property at 2:55 a.m. following a call to the Idaho Falls Police Department (IFPD) regarding illegal fireworks. She stated her family has been retaliated against numerous times this past summer. She indicated there are 257 homes in the neighborhood, she believes all these homes heard the fireworks. Ms. Zirtzlaff believes their neighborhood is the worst in Bonneville County for fireworks and this is out of hand. She stated she, and her husband, called the IFPD in 2017, there was no action taken. They called again in 2018 and shortly thereafter received a nasty note in their mailbox. They called the IFPD again. The Sergeant suggested they obtain the names and addresses of those individuals who were setting off fireworks. Ms. Zirtzlaff indicated they followed the Sergeant's instructions and believes that action resulted in retaliation. She attempted to contact the Legal and the Police Departments but was unable to do so. She stated the Delaware Court neighbors collect money and purchase a truck load of fireworks. She indicated approximately 100 people must have been in attendance for the fireworks which lasted an hour. They could not get an officer to respond. Ms. Zirtzlaff reiterated this is out of hand. She indicated one (1) ticket, out of hundreds of calls, was issued for the entire City. One (1) ticket was issued on Delaware Court which was later dropped.

David Zirtzlaff, Idaho Falls, appeared. Mr. Zirtzlaff clarified during the visit with the City Attorney regarding the charges, the case was dropped in part due to the lack of a time-stamped video. He indicated once the IFPD was called, an officer did not arrive until the fireworks were over. The officer stopped a block away and wrote a ticket but not for this incident. Mr. Zirtzlaff believes an officer witnessing fireworks would not have required a video. He reiterated this is not a good situation.

Consent Agenda:

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Municipal Services requested approval of Bid IF-19-02, Chlorine and Sodium Bisulfite; and, Bid IF-19-01, Haul and Spread Liquid Wastewater Biosolids.

The City Clerk requested approval of minutes from the August 16, 2018 Special Council Meeting; August 20, 2018 Council Work Session; and August 23, 2018 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 Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Regular Agenda:

Airport

Subject: Approval of Consultant Services Agreement with Volaire Aviation Consulting

For consideration is an air service development consulting services agreement with Volaire Aviation Consulting. This is a two-year agreement for Volaire to provide on-call air service development consulting services. Entering into this two-year agreement lowers the cost of services by approximately \$10,000 annually from the current agreement.

Councilmember Dingman stated the Idaho Falls Regional Airport has worked with this consulting organization for several years. She briefly reviewed the services of the agreement, including Small Community Air Service Development Program (SCASDP) grant-writing assistance. This item has been included in the Airport budget.

It was moved by Councilmember Dingman, seconded by Councilmember Radford, to approve the consulting services agreement with Volaire Aviation Consulting 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.

Public Works

Subject: Material Transfer Agreement with Momentum Recycling, LLC

For consideration is an agreement with Momentum Recycling LLC, of Salt Lake City, Utah, involving glass recycling. If approved, the City would place glass recycling receptacles at all 13 drop-off recycling locations within the City limits. Glass would then be collected by the City and hauled to a storage location until a full truckload, consisting of approximately 40 tons of glass, is accumulated for pickup.

Councilmember Freeman commended Public Works Director Chris Fredericksen as well as Public Works staff as citizens have been asking about glass recycling for a number of years. He also acknowledged the work of Councilmember Francis for this agreement. Councilmember Francis stated recycled glass is used in a variety of ways and the separation of glass will be performed by the equipment. Councilmember Radford stated recycling work will continue, he believes this is a good step forward. Director Fredericksen stated glass recycling containers should be available in 4-6 weeks, Councilmember Dingman reviewed the cost of program, stating the majority of costs will be paid by a Department of Energy (DOE) grant. In the event glass recycling is not successful, the containers can be repurposed. Mayor Casper stated recycling is a long-term benefit to the entire community.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Material Transfer Agreement with Momentum Recycling, LLC, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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Police

Subject: Distracted Driving Ordinance

For Council consideration is the proposed Distracted Driving Ordinance. If approved, this would make use of a mobile electronic device while operating a moving vehicle a primary vehicle stop for law enforcement. A violation counts as an infraction, while three violations in any two-year period will result in a misdemeanor charge. Some limited exceptions as spelled out in the ordinance do apply.

Mayor Casper stated this item has been brought forward by Councilmember Freeman. Councilmember Freeman believes it's the City's utmost responsibility to keep citizens safe. He does not believe the City should wait for the State, and he will choose safety over convenience any time. He stated this item has been thoroughly discussed in previous Council Work Sessions. Councilmember Hally stated this issue is vital as he believes cell phones are distracting and the consequences can be serious. He also believes the Government has the responsibility to protect citizens when deemed necessary. He expressed his appreciation to Police Chief Bryce Johnson and Councilmember Freeman. Councilmember Smede stated she has received a variety of feedback, particularly in support from parents of young drivers. Councilmember Dingman believes nothing is scarier than watching someone on the road who is texting, this affects every person around the driver. She also believes public safety is the number one role. Councilmember Francis expressed his appreciation to Councilmember Freeman. Councilmember Radford concurred. He indicated distracted driving causes up to 30% of accidents. He is hopeful individuals will take advantage of phone apps that prevent texts and calls.

It was moved by Councilmember Freeman, seconded by Councilmember Smede, to approve the Distracted Driving Ordinance 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 Freeman, Dingman, Francis, Hally, Radford, Smede. Nay – none. Motion carried.

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

ORDINANCE NO. 3221

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 4 TO DEFINE AND PROHIBIT THE USE OF A MOBILE ELECTRONIC DEVICE WHILE DRIVING; ESTABLISH PENALTIES; ALLOW POLICE TO STOP VEHICLES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, ESTABLISHING EFFECTIVE DATE AND DATE FOR REVIEW AND ASSESSMENT.

Mayor Casper stated policy does not allow the Police Department to use phones for personal use. She also stated City vehicles are being equipped with Bluetooth technology.

Announcements and Adjournment:

Mayor Casper noted this is National Fire Prevention Safety week, and, the Tokai-Mura Sister City adult delegation is visiting from Japan.

There being no further business, the meeting adjourned at 8:03 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR