

October 22, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 22, 2020, 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
Council President Michelle Ziel-Dingman
Councilor John Radford (via WebEx)
Councilor Thomas Hally
Councilor Jim Freeman (via WebEx)
Councilor Jim Francis
Councilor Shelly Smede (via WebEx)

Also present:

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

Pledge of Allegiance:

Mayor Casper requested Council President Michelle Ziel-Dingman 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.

Jeremy Herman, appeared via WebEx. Mr. Herman stated he was disturbed to recently discover that the Council is leaning towards financing the Law Enforcement Complex for 30 years which would increase the cost in finance charges. Mr. Herman urged the Council to put this issue to a bond vote as he believes a purchase this large should go to the public which is similar to other large capital and education purposes. He believes any time there is a raise in taxes that it should go to a public vote. Mr. Herman again urged the Council to lean toward a bond vote as he understands this will be finalized soon.

Kimberly Zwygart, resident of Idaho Falls, appeared via WebEx. Ms. Zwygart wished to speak on domestic violence in Idaho Falls that falls within the Idaho Falls Police Department (IFPD). She shared a personal story including being electrocuted by a conducted energy weapon (CEW), thinking she would die. Ms. Zwygart stated others may have read her story in the newspaper. She noted the officer, according to the IFPD manual, counted 32 violations all pertaining to lack of seeking medical attention. She stated she is lucky to be alive as a CEW can cause cardiac arrest. Ms. Zwygart stated she tried to report the violations to the IFPD, the Domestic Violence and Sexual Assault Center (DVSC), various individuals, and, not one action has been taken. She requested the Council be a voice for victims and, provide help to victims of domestic violence by providing better training within the IFPD. She believes the police need to be held accountable when they violate policies and procedures. She hopes her story will be heard and hopes her experience will change things.

Coronavirus (COVID-19) Update:

Mayor Casper stated there were 66 new cases in Bonneville County, 136 new cases in the region, and 950 new cases Statewide. There were three (3) deaths in Bonneville County, totaling 27 individuals who have died from COVID-19. Mayor Casper stated there needs to be sensitivity and carefulness as it is unknown how COVID-19 will affect individuals. She noted the Eastern Idaho Public Health (EIPH) Board recently met and stated they (as a

October 22, 2020 City Council Meeting

board) receive several forms of communication from residents which represents a single viewpoint. The board also stated it is not easy to craft policy direction with strongly held views which can end up with controversy. The EIPH is trying to find the best path forward in this pandemic. Mayor Casper stated there are many ranges of concerns. She believes the three (3) areas of the most concern are business, education, and health care (this should be first). If there is not safety for ambulance and hospital personnel, businesses cannot keep functioning. Mayor Casper stated the hospital space and availability of beds is reaching an all-time high, this may impact more individuals than just those who have COVID symptoms. She reiterated the need to wear masks, sanitize, wash hands, avoid crowd contact, social distance, and stay home when sick. These measures slow the spread so hospitals and the health care industry can keep up. Mayor Casper noted the EIPH Board Meeting included a presentation on mental health which many board members believes was commendable.

Consent Agenda:

Municipal Services requested approval of Bid IF-21-02 – Haul and Spread of Liquid Wastewater Bio-Solids for Public Works; Bid IF-21-03 – Purchase Chlorine and Sodium Bisulfite for Public Works; minutes from the October 5, 2020 City Council Work Session and October 8, 2020 City Council Meeting; and license applications, all carrying the required approvals.

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

Regular Agenda:

Idaho Falls Power

Subject: Bonneville Power Administration (BPA) Network Operating Agreement

Idaho Falls Power (IFP) is a network transmission customer of BPA. This requires IFP to have an agreement in place that governs the terms and conditions under which this service is delivered. BPA has recently standardized their network agreements. This one will replace the older version.

Mayor Casper stated this item is not ready for consideration due to the lack of a signature. This item will be included on a future agenda.

Subject: Kleinschmidt Phase I Relicensing Professional Services Contract

Approval of this agreement will aid in the Federal Energy Regulatory Commissions (FERC) relicensing of the city's two hydroelectric projects. Kleinschmidt was selected in 2019, following a Search of Qualifications (SOQ) to provide professional services on a year-over-year basis as is allowed by State Statute 67-2320.

Councilor Radford stated licensing is important for safety and the continued operation.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Phase I Relicensing Preparatory work with Kleinschmidt Associates for a not-to-exceed amount of \$55,000 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Specialty Engineering, Inc. Professional Services Agreement

North American Electric Reliability Corporation (NERC) required safety testing is performed every five years at all IFP substations. Approval of this professional services agreement with Specialty Engineering, Inc. of Anchorage,

October 22, 2020 City Council Meeting

Alaska will satisfy this requirement by providing Western Electricity Coordinating Council (WECC) the testing results for York, Gem State, Harrison and Westside Substations.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Professional Services Agreement with Specialty Engineering, Inc. for compliance testing at a not-to-exceed amount of \$111,000.00 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Resolution Adjusting Idaho Falls' Participant Entitlement Share in the Carbon Free Power Project (CFPP)

The City of Idaho Falls, dba Idaho Falls Power (IFP) supports and is committed to the development of the Carbon Free Power Project to provide affordable, reliable, dispatchable, and carbon free electricity. IFP resource forecasting shows that 5,000kW is the needed amount of baseload generation in the coming years and requests the resolution to be approved. Approval will enable the City to continue in the project. This continuation of support for CFPP helps move the project development into the next phase which allows for further de-risking of project cost estimates and subscription.

Councilor Radford stated the Councilmembers, as the IFP Board Members, have spent numerous hours discussing this project. He referred to a report by Boise State University (BSU) in 2015 discussing the economic impacts of this project for the community. He believes a broad support of this project is important to the region. Councilor Radford stated \$81M would come to the regional economy annually; the State and local tax revenues would create \$36.9M solely in the construction period; there would be \$143M in federal taxes; this would include 3,356 jobs for construction; and \$2.97M, after operating, would come into the tax account as long as the plant functions. He believes this could build capital structures and improve parks, it is a critical asset, and is critical for the future of energy success. He also believes the City needs a private-public partnership to work so money continues to flow with confidence; the City needs to demonstrate a modular approach in building a nuclear power plant; and there is a need to find a base load energy source that fills the gap between coal and fossil fuels. Councilor Hally stated the resolution has been developed for many years. He noted there are a lot of unknowns although the country needs energy. He also stated it is difficult to forecast the amount of energy needed. He commended Councilor Radford for describing the financial impact. Councilor Hally believes the resolution mitigates the financial risk and protects ratepayers. He also believes this is a good effort of compromise. Councilor Francis stated this resolution has been a focus since July. He reiterated the compromise. He believes items need to be addressed although it holds a potential for the IFP portfolio to strive to be a carbon-free emission City. He does not believe it is going to create economic gain as described by Councilor Radford and is not an automatic economic guarantee. He stated his reservations are balanced by the potential gain of IFP. He supports the not-to-exceed dollar amount and he believes it will have a chance to go forward pending another off-ramp. Councilor Francis requested the financial individuals work out the financial uncertainties and make a commitment to address the technical issues. He stated this is a statement by the Council to request concrete issues. He believes it is about trust. Council President Dingman concurred with the robust discussion reiterating many hours were spent discussing this project. She also concurred that the resolution is a compromise while watching Utah Associated Municipal Power Systems (UAMPS), the Department of Energy (DOE), and NewScale. She noted the Council takes the job of protecting rate payers and the opportunity for significant economic benefit within the community seriously as the foundation of the City's economic development success is based on the affordable and reliable power. Council President Dingman noted Idaho Falls Power Director Bear Prairie has advised that 5MW is an appropriate and realistic energy demand based on data driven recommendations. Mayor Casper believes the resolution is clear and well written. She noted the City has a lot of hydro-electric power in the portfolio although hydro-electricity is not without risk. She stated this is one step in the right direction but not the only step to secure reliable and affordable non-carbon emitting power for ratepayers. She also noted the City is constantly studying the needs and demands; nuclear shows great promise; and the DOE will invest \$1.4B into this project which is a significant vote of confidence in technology. Councilor Freeman believes the resolution is an excellent example of Director Prairie's leadership with his understanding of the utility business. He is proud of the compromise. Councilor Radford expressed his appreciation to Director Prairie and noted he also

October 22, 2020 City Council Meeting

leads the committee to run this project through UAMPS. He believes the DOE investment is critical and impelling. He also believes this project will add to the energy heritage legacy of the City.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Resolution for the City of Idaho Falls' Participant Entitlement Share and Development Cost Share Thresholds in the Carbon Free Power Project and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING AND APPROVING CITY ENTITLEMENT SHARE AND DEVELOPMENT COST SHARE THRESHOLDS IN THE UAMPS CARBON FREE POWER PROJECT; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Subject: Signing Authority Resolution

Approving this Signing Authority Resolution will grant the Mayor and the Mayor's designees limited authority to execute minor contracts, lease agreements, real property purchases and change orders within certain limits to improve City efficiency timely execution of City initiatives.

Mayor Casper stated this resolution is being led by IFP although it is a City-wide administrative effort. Councilor Radford expressed his appreciation to all involved departments. He believes this resolution will allow department directors to have latitude with the approved budget in a more efficient way.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Signing Authority Resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

RESOLUTION NO. 2020-26

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, GRANTING TO THE MAYOR AND THE MAYOR'S DESIGNEES LIMITED AUTHORITY TO EXECUTE CONTRACTS, LEASES, REAL PROPERTY PURCHASES, AND CHANGE ORDERS WITHIN CERTAIN LIMITS IN ORDER TO FURTHER CITY INTERESTS; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Municipal Services

Subject: Bid IF-20-25, Purchase of Steel Pole Structures for Idaho Falls Power

This request is to purchase steel pole structures required for the 161kV transmission line project from Sugarmill Substation to Paine Substation. The steel poles will be used to build a new transmission line for the two substations.

Councilor Smede stated the funds are budgeted in the IFP budget. Councilor Freeman noted this includes 164 power poles.

It was moved by Councilor Smede, seconded by Councilor Dingman, to accept and approve the bid from lowest responsive and responsible bidder, Trans American Power Products for a total of \$2,957,943.00. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

October 22, 2020 City Council Meeting

Parks and Recreation

Subject: Approval for the Naming of Donated Land

This gift deed of property from Joseph and Jeanne Groberg was approved by Council on November 20, 2018. The property is located on Lot 15, Block 15 of the Packer Addition, Division No. 3. Pursuant to Resolution 2017-20 (A resolution establishing a policy for the naming of City facilities, parks and locations), the Grobergs have requested the name of the park be “Shadow’s Park. Section III.A.3 of Resolution 2017-20 states that when considering the naming or renaming of a City facility, park, or location after a deceased individual, priority will be given to those who made a sustained and lasting contribution to the City of Idaho Falls. The Parks and Recreation Commission unanimously voted to recommend this name at the October 5, 2020 commission meeting.

Councilor Francis stated Mr. Groberg wrote a letter to Parks and Recreation (P&R) regarding their dog named Shadow who was a friend to the neighborhood, therefore, the requested name of the park being “Shadow’s Park”. He believes this name will fit per the resolution. P&R Superintendent Ronnie Campbell stated the Groberg family is compassionate about the naming of this park. He noted all neighbors agree with the naming. Mayor Casper noted Joseph (Joe) Groberg was a former councilmember and has a great love for P&R.

It was moved by Councilor Francis, seconded by Councilor Smede, to approve the naming of a City owned park to “Shadow’s Park”. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Police Department

Subject: Professional Service Agreement with Creekside Counseling

It has been recognized for years that first responders deal with trauma daily, are at higher risk of developing post-traumatic stress, and have an elevated risk of suicide. The Idaho Falls Police Department (IFPD) and the Idaho Falls Fire Department (IFFD) have worked diligently in cooperation with employees to mitigate the impacts the stressors of their work. This agreement represents an additional step to ensure that we take care of those who take care of our community. This will help insure that we have healthy and resilient first responders who can in turn take care of the community in a healthy manner. This agreement establishes avenues for Fire and Police employees to seek support from professional counselors and provides a way for these costs to be controlled.

Councilor Francis stated this item was discussed/explained at the October 19 Work Session. This program is designed to directly help with the IFPD and the IFFD and their families. Creekside Counseling has learned the difficulties with the IFPD and IFFD. Councilor Francis noted some services in the first year will be cost-free. Councilor Hally believes this will help with the healing process. He also believes this will help to mitigate and protect citizens, families, and recipients of first responders. He stated he is very supportive. Fire Chief Duane Nelson noted the culmination of the IFFD and the IFPD. He believes this shows dedication and support from the elected officials. Police Chief Bryce Johnson concurred. He stated the average police officer will encounter numerous critical traumas in their career. He noted this goes hand-in-hand with holding employees accountable. Council President Dingman believes this helps destigmatize mental health treatment in the community. She also believes increasing access also benefits residents and is crucial to improving the IFPD operations. Councilor Freeman, as a former first responder, stated he has seen the stresses and he is very supportive. Councilor Radford concurred with previous comments. He believes families and the community will be stronger with this effort. Mayor Casper expressed her appreciation to Creekside Counseling and Janet Allen for the outreach and uncompensated time. She believes events of the previous summer have proven first responders must be well.

It was moved by Councilor Francis, seconded by Councilor Hally, to approve the Professional Services Agreement with Creekside Counseling and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

October 22, 2020 City Council Meeting

Public Works

Subject: Joint Powers Agreement (JPA) with Iona Bonneville Sewer District for Sunnyside Trunk Wastewater Lining Improvements – 2021

For consideration is a JPA with the Iona Bonneville Sewer District (IBSD) for proposed improvements to the wastewater trunk line in Sunnyside Road between Eagle Drive and Disney Drive. This sewer trunk line is 47 years old and is in need of rehabilitation. The majority of wastewater flow received from IBSD reaches the Wastewater Treatment Plant by way of this trunk line. This agreement assigns project costs to the City and IBSD based on percentages of wastewater flow that each entity contributes to the line.

Councilor Freeman stated the IBSD usage in this line is greater than the Idaho Falls usage. The City's cost is estimated to be \$882,589.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Joint Powers Agreement with Iona Bonneville Sewer District and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Thatcher Grove Division No. 1.

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Thatcher Grove, Division No. 1. The Planning and Zoning Commission considered this item at its August 4, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated the area is approximately 12 acres and is for single-family lot development.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for Thatcher Grove Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede. Nay – none. Motion carried. (Councilor Freeman temporarily lost WebEx connection)

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Thatcher Grove Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilors Francis, Dingman, Hally, Radford, Smede. Nay – none. Motion carried. (Councilor Freeman temporarily lost WebEx connection)

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Thatcher Grove Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: Public Hearing – Form Based Code Amendment to allow residential uses on the ground floor

For consideration the Ordinance amending the Form Based Code, to allow residential uses on the ground floor with certain restrictions. The Planning and Zoning Commission considered this item at its September 15, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation. Per staff's request, the Council approved the ordinance on the first reading on October 8th, giving staff time to make some minor changes

October 22, 2020 City Council Meeting

to the code language. The changes are included in the attached draft. The changes include minor adjustments to wording describing residential uses and added some clarifying language regarding required occupiable space.

Per Mayor Casper, Assistant Director Kerry Beutler does not believe this item was re-noticed as a public hearing as the changes from the October 8 Council Meeting were minor. Therefore, seeing no one present, Mayor Casper declared this item to be a discussion item only. Assistant Director Beutler stated the revisions should provide more flexibility for property owners in the downtown area; the proposal is a slight change where residential uses are allowed on the ground floor in storefront buildings; the form based code has limited residential use on the ground floor; there is a need for residential housing and space sized for retail use; and this would allow residential use after 30' of frontage adjacent to a street, specifically to a corner lot. Per Councilor Francis, Assistant Director Beutler stated this will help developers with Americans with Disabilities Act (ADA) accessibility.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance amending the Form Based Code to allow residential uses on the ground floor of a Storefront Building under a 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 – Councilors 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. 3347

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 10, CHAPTER 7 BY PERMITTING RESIDENTIAL USES ON THE MAIN LEVEL, BEHIND STOREFRONT AREAS, IN THE DOWNTOWN AREA; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Announcements:

Councilor Freeman recognized Purple Thursday for domestic violence awareness. Councilor Hally announced October is Breast Cancer Awareness month. Council President Dingman announced EIPH is holding a drive-thru for flu shots during the month of October. Mayor Casper announced the drive-thru Trunk or Treat on October 24 at Freeman Park, a similar event will be held at College of Eastern Idaho (CEI) on October 29.

Adjournment:

There being no further business, the meeting adjourned at 8:54 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor