

**JANUARY 26, 2016**

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, January 26, 2016, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Rebecca Casper  
Councilmember Michelle Ziel-Dingman  
Councilmember John B. Radford  
Councilmember Ed Marohn  
Councilmember David M. Smith  
Councilmember Thomas Hally  
Councilmember Barbara Ehardt

Also present:

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

Mayor Casper invited Tyler Ellison, a 7<sup>th</sup> grader at Taylorview Middle School and Boy Scout Troop #344, to come forward and lead those present in the Pledge of Allegiance.

Mayor Casper requested any public comments not related to items on the agenda. No one appeared.

**Presentation:**

Idaho Falls Power Director, Jackie Flowers, stated Idaho Falls Power offers numerous energy efficiency programs. These programs began in 1980 and offer cost savings to residential, commercial, and industrial customers which in turn assists Idaho Falls Power with power resources and infrastructure. She indicated customers have saved in excess of 40 million kilowatt hours which has resulted in \$2.14 million in electric rate savings, based on the residential rate. Director Flowers, along with Wid Ritchie, Conservation Energy Specialist, presented energy efficiently rebate checks to Idaho Steel Products, in the amount of \$39,172.00, and to Conrad and Bischoff, in the amount of \$52,998.00.

**Consent Agenda Items:**

Mayor Casper requested reappointments and new appointments for Board and Commissions:

<u>Name</u>	<u>Commission</u>	<u>Term Expires</u>
Kent Fugal	Traffic Safety Committee	12/31/2017
Bruce Lawrence	Traffic Safety Committee	12/31/2017
Bruce Scholes	Traffic Safety Committee	12/31/2017
Alden Allen	Board of Adjustment	12/31/2020
Nathan Kennedy	Board of Adjustment	12/31/2020
Tom Nance	Historic Preservation Committee	12/31/2018

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The City Clerk requested approval of Minutes from the December 7, 2015, Work Session; December 10, 2015, Idaho Falls Power Board Meeting; December 10, 2015, Council Meeting; December 11, 2015, Council Training Orientation; December 14, 2015, Work Session; December 17, 2015, Council Meeting; and December 30, 2015, Special Council Meeting.

The City Clerk requested approval of License Applications, all carrying the required approvals.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on January 26, 2016.

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

**Regular Agenda Items:**

Idaho Falls Power submitted the following item for Council consideration:

MEMORANDUM

To: Honorable Mayor and City Council  
From: Bear Prairie, Assistant General Manager  
Subject: Master Confirmation Agreement

Attached is a Master Confirmation Agreement with Shell Energy North America. The purpose of this agreement is to enable Idaho Falls Power to sell certified carbon free energy in the wholesale power markets. This Master Confirmation Agreement is an addendum to our standard Western Systems Power Pool (WSPP) contract that we currently enter into wholesale transactions under. This contract has been reviewed by our legal department. Idaho Falls Power respectfully requests City Council approval of the agreement and authorize the Mayor to execute the document.

Mr. Prairie stated this is a standardize agreement which allows for trade of renewable energy credits with consistent terms.

It was moved by Councilmember Smith, seconded by Councilmember Hally, to approve the Master Confirmation Agreement with Shell Energy North America and authorize the Mayor to execute the document. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

Public Works submitted the following items for Council consideration:

MEMORANDUM

To: Honorable Mayor and City Council  
From: Chris H Fredericksen, Public Works Director  
Subject: Idaho Transportation Department State/Local Agreement - Intersection Of Holmes Avenue And Elva Street Project

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Attached is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Intersection of Holmes Avenue and Elva Street project. This agreement stipulates that \$2,000.00 be forwarded as deposit against the City match with the signed agreement if approved. This agreement has been reviewed by the City Attorney. Public Works recommends adoption of the resolution, approval of this agreement; and, authorization for Mayor and City Clerk to sign the necessary documents.

Director Fredericksen stated this project is in conjunction with the Local Highway Safety Improvement Program with anticipated cost of \$465,000.00. The City would be required to pay 7% match with cost participation.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to adopt the resolution and approve the State/Local Agreement for the Intersection of Holmes Avenue and Elva Street project, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

**RESOLUTION 2016-03**

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for development of Intersection of Holmes Avenue and Elva Street.

**MEMORANDUM**

To: Honorable Mayor and City Council  
From: Chris H Fredericksen, Public Works Director  
Subject: Idaho Transportation Department State/Local Agreement – 9<sup>th</sup> Street; SE Bonneville to St. Clair Road Project

Attached is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the 9<sup>th</sup> Street; SE Bonneville to St. Clair Road project. This agreement stipulates that \$2,000.00 be forwarded as deposit against the City match with the signed agreement if approved. This agreement has been reviewed by the City Attorney. Public Works recommends adoption of the resolution, approval of this agreement; and, authorization for Mayor and City Clerk to sign the necessary documents.

Director Fredericksen stated the anticipated cost of this project is \$193,000.00 with the City required to pay 7.34% match. He indicated the construction of this project should be completed within two (2) years.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to adopt the resolution and approve the State/Local Agreement for the 9<sup>th</sup> Street; SE Bonneville to St. Clair Road project, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Smith, Hally, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

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**RESOLUTION 2016-04**

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for development of 9<sup>th</sup> Street; Bonneville to St. Clair Pedestrian Crossings.

MEMORANDUM

To: Honorable Mayor and City Council  
From: Chris H Fredericksen, Public Works Director  
Subject: Franchise Ordinance with Intermountain Gas Company

The existing Franchise Ordinance with Intermountain Gas Company will expire on March 6, 2016. Therefore, attached for consideration is a Franchise Ordinance prepared by the City Attorney. The proposed Franchise Ordinance, if approved, would be for a 15-year period and provides the City access to Intermountain Gas mapping in formats compatible with our Geographic Information System (GIS). Public Works recommends approval of this ordinance; and, authorization for Mayor and City Clerk to sign the necessary documents.

Director Fredericksen stated items updated in the proposed ordinance also includes: quarterly billing, warranty work, confidentiality, and insurance provisions. Councilmember Marohn stated franchise fees supplement the General Fund revenues.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Franchise Ordinance with Intermountain Gas Company 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 Hally, Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

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

**ORDINANCE NO. 3052**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, GRANTING TO INTERMOUNTAIN GAS COMPANY A FIFTEEN (15) YEAR FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM; PROVIDING FOR THE USE OF STREETS AND ALLEYS, AND RULES GOVERNING THE SAME, SUBJECTING THE FRANCHISE AND FRANCHISEE TO ALL POWERS OF THE CITY; SETTING FORTH THE RULES OF THE FRANCHISE AND GRANT; PROVIDING FOR THE RIGHT OF INSPECTION BY THE CITY OF FRANCHISEE'S PLANS, ACCOUNTS, AND BOOKS; REQUIRING FRANCHISEE TO FURNISH CERTAIN MAPS; SETTING FORTH THE QUARTERLY PAYMENT TO THE CITY, AND THE FILING OF QUARTERLY REPORTS WITH THE CITY; RIGHT TO ADDITIONAL PAYMENTS TO CITY; REQUIRING FRANCHISEE TO INDEMNIFY CITY, AND FILE EVIDENCE OF INSURANCE; REQUIRING COMPLIANCE WITH SAFETY REGULATIONS; SETTING FORTH AN AGREEMENT NOT TO COMPETE, RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR SURRENDER OF FRANCHISE; GRANTING RIGHT TO SALVAGE; REQUIRING WRITTEN ACCEPTANCE; PROVIDING FOR CONSENT TO SALE OR ASSIGNMENT; PROVIDING FOR PAYMENT OF PUBLICATION COSTS; SETTING FORTH PENALTIES AND FORFEITURES, SEVERABILITY, AND REPEAL.

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MEMORANDUM

To: Honorable Mayor and City Council  
From: Chris H Fredericksen, Public Works Director  
Subject: Bid Award – Well 8 Electrical Upgrade

On January 19, 2016, bids were received and opened for the Well 8 Electrical Upgrade project. A tabulation of bid results is attached. Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, Mountain West Electric, Inc., in an amount of \$91,500.00 and, authorization for the Mayor and City Clerk to sign contract documents.

Director Fredericksen stated the two (2) bid awards will ensure water and electrical systems are updated for continual support to the growing community.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the plans and specifications for Well 8 Electrical Upgrade and award to the lowest responsive, responsible bidder, Mountain West Electric, Inc., an amount of \$91,500.00 and give authorization for the Mayor and City Clerk to execute the documents. Roll call as follows: Aye – Councilmembers Ehardt, Radford, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

MEMORANDUM

To: Honorable Mayor and City Council  
From: Chris H Fredericksen, Public Works Director  
Subject: Bid Award – Well 9 & 10 Electrical Upgrade

On January 19, 2016, bids were received and opened for the Well 9 & 10 Electrical Upgrade project. A tabulation of bid results is attached. Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, CR Clark Construction, LLC, in an amount of \$514,572.00 and, authorization for the Mayor and City Clerk to sign contract documents.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the plans and specifications for Well 9 & 10 Electrical Upgrade and award to the lowest responsive, responsible bidder, CR Clark Construction, LLC, an amount of \$514,572.00 and give authorization for the Mayor and City Clerk to sign contract documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Marohn, Dingman. Nay – none. Abstain – Smith. Motion carried.

Idaho Falls Police Department submitted the following item for Council consideration:

MEMORANDUM

To: Rebecca Casper, Mayor  
From: Mark McBride, Chief of Police  
Subject: Purchase Requisition Approval

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During the FY2016 budget process an amount of \$331,502 was approved by City Council as the police department's share of the expenses for replacing the current consolidated Records Management System and Computer Aided Dispatch. Work has been ongoing to complete this project, and the Bonneville County Sheriff's Office has paid for the project to date. The Sheriff's Office has submitted an invoice to the Idaho Falls Police Department for \$291,206.73. The remaining amount will be billed as project goals are completed. The Idaho Falls Police Department respectfully request that the City Council to approve paying the bill to the Bonneville County Sheriff's Office in the amount of \$291,206.73.

Chief McBride stated the Records Management System is currently being developed and anticipates training for the system to occur in July, 2016. He believes this will be a substantial benefit for public safety.

It was moved by Councilmember Dingman, seconded by Councilmember Marohn, to approve the purchase requisition to reimburse the Bonneville County Sheriff's Office for the consolidated Records Management System in the amount of \$291,206.73. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

Community Development Services submitted the following items for Council consideration:

**MEMORANDUM**

To: Honorable Mayor and City Council  
From: Brad Cramer, Community Development Services Director  
Subject: Resolution to approve FY2016 Community Development Block Grant (CDBG) Annual Action Plan and FY2016-2020 CDBG Five Year Consolidated Plan

Attached is the resolution approving the FY2016 CDBG Annual Action Plan and FY2016-2020 CDBG Five Year Consolidated Plan. The Annual Action Plan includes allocation of FY2016 funding to approved projects and activities. The Five Year Consolidated Plan includes needs assessments and priorities for the planning period as well as an updated Analysis of Impediments to Fair Housing for the City. Included in the attachments are priorities from the plan as well as comments received during the public comment period following the public hearing held on the plans on December 10, 2015.

Director Cramer stated due to selection criteria and requirements from HUD (Department of Housing and Urban Development), not all projects submitted will receive allocated monies.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Resolution to approve FY2016 Community Development Block Grant (CDBG) Annual Action Plan and FY2016-2020 CDBG Five Year Consolidated Plan and authorize the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

**RESOLUTION 2016-02**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, FISCAL YEAR 2016 CDBG ANNUAL ACTION PLAN AND FISCAL YEARS 2016-2020 CDBG FIVE-YEAR CONSOLIDATED PLAN.  
MEMORANDUM

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To: Honorable Mayor and City Council  
From: Brad Cramer, Community Development Services Director  
Subject: Application for Rezoning from HC-1 to I&M-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B 4.469 acres, SE ¼ Section 13, T 2N, R 37E

Attached is the application for rezoning from HC-1 to I&M-1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for M&B 4.469 acres, SE ¼ Section 13, T 2N, R 37E. The Planning and Zoning Commission considered this application at its November 3, 2015 meeting and recommended denial by a 5-2 vote. The denial was due to concerns about I&M-1 zoning so close to an entryway to the City. Staff concurs with the concerns and has discussed alternatives with the applicant. This item is now being submitted to the Mayor and City Council for consideration.

Mayor Casper opened the public hearing and ordered all staff materials and presentation be entered into the record.

Director Cramer appeared with the following:

Slide 1: Location of property in current zoning

Director Cramer stated the memo presented to Council indicated rezoning to I&M-1 although all materials presented indicate rezoning to GC-1. He stated the GC-1 zone is more restrictive than an I&M-1 zone. Due to the recent update of the GC-1 zone, he believes the GC-1 zone is an appropriate alternative zone.

Slide 2: Aerial photo and vicinity map of property under consideration  
Slide 3: Aerial photo of surrounding land uses  
Slide 4: Additional aerial photo of surrounding land uses along site

Director Cramer stated the Planning Commission expressed concern with this location as being zoned industrial as it is an entry way to the City.

Slide 5: Comprehensive Plan Future Land Use Map  
Slide 6: Photos looking north from Quigley Street and south from Quigley Street  
Slide 7: Photos looking east from the rear of the properties

Director Cramer stated a rezone request should consider what the zone will allow and should not focus on the specific applicant. He indicated current happenings in the area should also be considered with rezoning.

Slide 8: Additional uses allowed in the GC-1 Zone

At Council request, Director Cramer briefly described the uses allowed in an I&M-1 Zone.

Mayor Casper requested any public comment.

Steven Frei, 4071 N 5<sup>th</sup> W, Idaho Falls, appeared. Mr. Frei stated he represents the three (3) applicants in various capacities. The GC-1 zone request will accommodate all applicants and

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all landscaping requirements will enhance the zoning. He indicated it has been difficult to lease the property due to the current zone.

David Drews, 1370 Cameron, Idaho Falls, appeared. Mr. Drews stated there are no current plans for the property but also indicated it is difficult to lease the property. Mr. Drews is in favor of the rezone.

Benjamin Doitch, of Mercury Plastics, appeared. Mr. Doitch stated he owns three (3) lots on the property under consideration and is committed to continue business in the Idaho Falls area. He is in favor of the rezone.

Director Cramer stated the applicant requested the rezone to GC-1 after the Planning Commission recommended denial of I&M-1 rezone.

Mr. Frei reappeared and stated he believes the uses intended for this area will be complimentary overall.

Mayor Casper closed the public hearing.

After brief discussion it was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance for the rezoning of M&B 4.469 acres, SE ¼ Section 13, T 2N, R 37E, from HC-1 to GC-1 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 Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

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

**ORDINANCE NO. 3053**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF M&B 4.469 ACRES, SE ¼, SECTION 13, T 2N, R 37E, LOCATED SOUTH OF MERCURY AVENUE, WEST OF LINDSAY BOULEVARD, NORTH OF BURGESS STREET AND EAST OF I-15, AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM HC-1 ZONE WITH A PT-2 OVERLAY ZONE TO GC-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was later noted by Director Cramer that “WITH A PT-2 OVERLAY ZONE” be disregarded from the ordinance.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezoning of M&B 4.469 acres, SE ¼ Section 13, T 2N, R 37E, from HC-1 to GC-1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

**MEMORANDUM**

To:                   Honorable Mayor and City Council

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From: Brad Cramer, Community Development Services Director  
Subject: Ordinance to modify Title 2, Chapter 2, and Title 5, Chapter 8 to the City Code

Attached is an ordinance modifying Title 2, Chapter 2, and Title 5, Chapter 8 to the City Code. Title 2, Chapter 2 establishes residency requirements for service on the Planning Commission. Staff is proposing to change the requirement from five years to two years which is the requirement found in the Local Land Use Planning Act. Title 5, Chapter 8 deals with enforcement procedures for Code Enforcement. The current code does not match the methods and procedures Code Enforcement currently uses to enforce codes and ordinances.

Mayor Casper opened the public hearing and ordered all staff materials and presentation be entered into the record.

Director Cramer appeared and briefly explained the changes to the ordinance, including reducing the residency requirements for the Planning Commission Staff from 5 years to 2 years and Code Enforcement methods.

Mayor Casper requested any public comment. No one appeared.

Mayor Casper closed the public hearing.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance to modify Title 2, Chapter 2, and Title 5, Chapter 8 to the City Code 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 Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

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

**ORDINANCE NO. 3054**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 2, CHAPTER 2 AND TITLE 5, CHAPTER 8; TO REQUIRE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION, PROHIBIT LITTERING, AND TO AMEND THE NUISANCE ABATEMENT PROCESS, PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Marohn, to adjourn at 9:05 p.m. which motion passed by unanimous vote.

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CITY CLERK

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MAYOR