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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 14, 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 L. Noah Casper
Councilmember David M. Smith
Councilmember Thomas Hally
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Barbara Ehardt
Councilmember Ed Marohn

Also present:

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

Mayor Casper invited Ethan Dunbar, a 7th grader at Eagle Rock Middle School and Boy Scout Troop #393, to come forward and lead those present in the Pledge of Allegiance.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to amend the Regular Agenda to remove items 5.E.4. a-e, and 5.E.5. a-b, which included public hearings, from the agenda due to the applicants' requests to pull the applications. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

Mayor Casper announced and expressed congratulations to Amy Lewis, an Idaho Falls Police Department employee, who was recently awarded 2015 Dispatcher of the Year. This award is in conjunction with the National Public Safety Telecommunications Week.

Mayor Casper requested any public comment not related to items on the agenda. No one appeared. Councilmember Ehardt stated she had a recent opportunity to speak with Boy Scout Troop #228, and a young man by the name of Kenyon requested Mayor Casper declare that homework should be illegal.

Consent Agenda Items:

Idaho Fall Power requested Council ratification for power transactions with Shell Energy.

Municipal Services requested approval of Hydro Property Insurance with Starr Technical Risks Agency, Aspen Specialty Insurance Company, Essex Insurance Company, Lloyds of London, Insurance Company of the West, and Landmark American Insurance.

The City Clerk requested approval of minutes from the March 10, 2016, Idaho Falls Power Board Meeting, March 10, 2016, Council Meeting, March 21, 2016, Work Session, March 24, 2016, Idaho Falls Power Board Meeting, and March 24, 2016, Council Meeting.

The City Clerk requested approval of the Expenditure Summary for the month of March, 2016.

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$1,030,390.30

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Street Fund	70,731.40
Recreation Fund	29,363.08
Library Fund	43,444.81
Municipal Equipment Replacement Fund (MERF)	120,000.00
Electric Light Public Purpose Fund	54,141.60
Golf Fund	95,278.67
Self-Insurance Fund	94,350.84
Street Capital Improvement Fund	21,520.38
Water Capital Improvement Fund	45,920.00
Airport Fund	43,580.54
Water and Sewer Fund	237,022.44
Sanitation Fund	5,421.28
Ambulance Fund	39,924.05
Electric Light Fund	4,482,635.33
Payroll Liability Fund	3,472,793.44
TOTAL	\$9,886,518.16

The City Clerk requested approval of the Treasurer’s Report for the month of March, 2016.

The City Clerk requested approval of license applications, all carrying the required approvals.

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

Regular Agenda Items:

The Municipal Services Department submitted the following items for Council consideration:

Subject: Bid IF-16-19 Water Line Materials

For consideration is the tabulation for the above subject bid. The materials required are budgeted items in the Water Fund.

<u>Description</u>	<u>Bidder</u>	<u>Amount</u>
Section I: Ductile Iron Pipe	HD Supply Waterworks	\$173,198.22
Section II: Main Line Pipe Fittings	HD Supply Waterworks	29,589.22
Section III: Main Line Valves	HD Supply Waterworks	51,134.00
Section IV: Meter Material	Ferguson Waterworks	120,693.75
Section V: Service Line Materials	Ferguson Waterworks	33,689.00
Section VI: Copper and Poly Tubing	Ferguson Waterworks	3,091.50
Section VII: Galvanized Materials	HD Supply Waterworks	6,472.50
Section VIII: Hydrants	HD Supply Waterworks	21,775.00
Section IX: Clamps	HD Supply Waterworks	4,344.66
Total Purchase Amount		\$443,987.85

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to accept the lowest responsive, responsible bids from HD Supply Waterworks and Ferguson Waterworks to furnish water line materials for a lump

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sum amount of \$443,987.85, and give authorization for the Mayor and City Clerk to sign any necessary documents. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

Subject: City Ordinance, Civic Auditorium Committee

For consideration is the proposed Civic Auditorium Committee Ordinance to City Code, Title 2, Chapter 9. The proposed ordinance was prepared by the City Attorney. Because staff has been unable to locate the original ordinance adopted, the proposed ordinance “confirms” the current ordinance as it appears in the City Code (with amendments).

Councilmember Marohn stated the City Auditorium was purchased in 1950 as an asset to the City. The purpose of this ordinance is to develop a marketing plan for the Civic Auditorium with guidance from the Civic Auditorium Committee.

It was moved by Councilmember Marohn, seconded by Councilmember Smith, to approve the Civic Auditorium Committee 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 Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3064

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, CONFIRMING ADOPTION OF TITLE 2, CHAPTER 9, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

The Public Works Department submitted the following items for Council consideration:

Subject: Bid Award – South Tourist Park Overlay – 2016

On March 22, 2016, bids were received and opened for the South Tourist Park Overlay - 2016 project. A tabulation of bid results is below.

Bidder	Engineer’s Estimate	DePatco Inc.	TMC Contractors, Inc.	HK Contractors, Inc.	Knife River Corporation-Northwest
Total	\$54,472.00	\$39,218.88	\$55,768.50	\$58,088.00	\$64,691.00

It was moved by Councilmember Ehardt, seconded by Councilmember Smith, to approve of the plans and specifications and award to the lowest responsive, responsible bidder, DePatco, Inc., an amount of \$39,218.88, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

Subject: Bid Award – Park Avenue Reconstruction; D Street to E Street

On March 22, 2016, bids were received and opened for Park Avenue Reconstruction; D Street to E Street project. A tabulation of bid results is below.

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Bidder	Engineer's Estimate	Knife River Corporation-Northwest	TMC Contractors, Inc.	3H Construction, LLC	HK Contractors, Inc.
Total	\$183,608.00	\$137,780.00	\$180,224.00	\$191,074.50	\$228,559.00

Councilmember Ehardt indicated the timing of this project will assist with construction of the new Fire Station.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the plans and specifications and award to the lowest responsive, responsible bidder, Knife River Corporation, Northwest, an amount of \$137,780.00, and give authorization for the Mayor and City Clerk to sign and execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

Subject: Bid Award – Water Service Replacements – 2016, 17th Street; Holmes Avenue to Austin Avenue

On April 6, 2016, bids were received and opened for Water Service Replacements – 2016, 17th Street; Holmes Avenue to Austin Avenue project. A tabulation of bid results is below.

Bidder	Engineer's Estimate	Knife River Corporation-Northwest	3H Construction, LLC
Total	\$195,235.00	\$205,070.00	\$371,613.00

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve of the plans and specifications and award to the lowest responsive, responsible bidder, Knife River Corporation, Northwest, an amount of \$205,070.00, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smith, Dingman, Ehardt, Marohn, Radford. Nay – none. Motion carried.

Subject: Idaho Transportation Department State/Local Agreement – Grandview Drive; Skyline Drive to Saturn Avenue Project

For consideration is a State/Local Construction Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Grandview Drive; Skyline Drive to Saturn Avenue project. This agreement stipulates that the City will administer the construction and inspection services in lieu of the customary fund match of 7.34%. This agreement has been reviewed by the City Attorney.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Idaho Transportation Department State/Local Agreement for Grandview Drive; Skyline Drive to Saturn Avenue, adopt the accompanying Resolution, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smith, Hally, Radford, Dingman, Ehardt, Marohn. Nay – none. Motion carried.

RESOLUTION 2016-11

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 construction of Grandview Drive, Skyline to Saturn.

Subject: Idaho Transportation Department State/Local Agreement – 17th Street and Woodruff Avenue Intersection

For consideration is a State/Local Construction Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the 17th Street and Woodruff Avenue Intersection project. This

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agreement stipulates that the City will be required to provide funds or in-kind service for the project match of 7.34%. Currently, insufficient funding is available to fully fund the estimated cost of construction for this project. Public Works will continue to work with the Bonneville Metropolitan Planning Organization (BMPO) to ensure that sufficient construction funding is programmed for this project. This agreement has been reviewed by the City Attorney.

Public Works Director Chris Fredericksen stated he has been assured by the BMPO that this project is the next priority when the funding becomes available and, due to the reintroduction of the new Highway Bill, it is very unlikely the funding would not occur. He indicated scheduled design funds are available and have been obligated for the current fiscal year. This project is anticipated to be completed within the next five (5) years.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Idaho Transportation Department State/Local Agreement for 17th Street and Woodruff Avenue intersection, adopt the accompanying Resolution, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smith, Marohn, Ehardt, Hally, Radford. Nay – none. Motion carried.

RESOLUTION 2016-12

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 E 17th Street and S Woodruff Avenue.

Subject: Right of Way Vacation – Murray Street and a Portion of Milligan Road

As earlier authorized, the City Attorney has prepared documents to vacate the Murray Street Right-of-Way and a portion of Milligan Road.

It was moved by Councilmember Ehardt, seconded by Councilmember Dingman, to approve the Ordinance vacating the Murray Street Right-of-Way and a portion of Milligan Road, 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 Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

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

ORDINANCE NO. 3065

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT-OF-WAY SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

Subject: Fire Station #1 Notice to Proceed to Construction

For consideration is a Resolution giving Morgan Construction, the Construction Manager/General Contractor (CMGC), a Notice to Proceed with Construction. The total of approved bids came in \$136,795.00, under the Guaranteed Maximum Price (GMP) given by our CMGC and approved by Council. The final approved cost is

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\$4,183,206.81. The construction start date provided by Morgan Construction is April 22, 2016, with final completion on April 22, 2017.

Fire Chief Dave Hanneman stated staff coordinated with Idaho Falls Power regarding energy efficiency and rebate programs. He indicated compliance with the 2012 Energy Code as well. He noted cameras installed at the construction site will be taking pictures throughout the duration of the construction project which will be displayed at regular intervals on the City website.

It was moved by Councilmember Marohn, seconded by Councilmember Radford, to approve the Resolution giving Notice to Proceed to Morgan Construction, and give authorization for the Mayor and City Clerk to sign the necessary document. Roll call as follows: Aye – Councilmembers Smith, Hally, Dingman, Radford, Ehardt, Marohn. Nay – none. Motion carried.

RESOLUTION 2016-13

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING MORGAN CONSTRUCTION INC. WITH A NOTICE TO PROCEED WITH CONSTRUCTION ON THE IDAHO FALLS FIRE STATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

The Parks and Recreation Department submitted the following item for Council consideration:

Subject: Special Event Fee Approval

For re-consideration (as this item was tabled at the March 24, 2016, Council Meeting) is a draft Resolution to add a \$50.00 permit fee and a 3% dispensing fee on sales per City Code, Title 8, Chapter 3, providing for the sale and consumption of alcohol in park facilities during permitted events approved by Council December 10, 2015. The resolution has been reviewed and approved by the City Attorney and was published March 13, and March 20, 2016. A public hearing was held on March 24, 2016, per Idaho Code.

Councilmember Dingman expressed her concerns with the permitting process in regard to non-profit organizations utilizing other locations. Councilmember Hally believes the user fees are necessary. Mr. Fife clarified there is no waiver of fee or dispensing fee for charitable events already established by previous agreements. Councilmember Ehardt would be more favorable if the fee represented the actual cost. Director Weitzel explained other concessionaire fee agreements. He reviewed the special event process, realizing these special events provide economic benefit to our City but believes fees collected should cover services provided. He indicated the Parks and Recreation Department currently has a fee waiver policy established by the Parks and Recreation Commission with specified criteria for any requested waiver.

It was moved by Councilmember Radford, seconded by Councilmember Hally, to approve the Fee Resolution to add a \$50.00 permit fee and a 3% dispensing fee on sales, and authorize the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Marohn, Radford, Dingman, Smith, Ehardt. Nay – none. Motion carried.

RESOLUTION 2016-14

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.

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The Community Development Services Department submitted the following items for Council consideration:

Subject: Annexation and Initial Zoning of GC-1, Annexation Ordinance, Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standards, Watersedge Gap

For consideration is the application for Annexation and Initial Zoning of GC-1, Annexation Ordinance, Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standards, Watersedge Gap. This is a gap of approximately 8 feet that was not under the same ownership as the larger parcel to the south which was annexed last year. The Planning and Zoning Commission considered this application at its March 3, 2016, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Dingman stated this gap is part of a buffer area which includes landscaping and a fence included in the provisions of the southern location of the 6-acre parcel.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Ordinance annexing Watersedge Gap, 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 Ehardt, Radford, 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. 3066

AN ORDINANCE ANNEXING CERTAIN LANDS OF APPROXIMATELY 0.149 ACRES TO THE CITY OF IDAHO FALLS; DESCRIBING SUCH LANDS; ESTABLISHING A COMPREHENSIVE PLAN DESIGNATION OF "COMMERCIAL;" AMENDING THE CITY MAP; 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 Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation for Watersedge Gap, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Hally, Smith, Marohn, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith to approve the Ordinance assigning a Comprehensive Plan Designation of Commercial and establishing the initial zoning for Watersedge Gap as GC-1 (General Commercial), under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary, that the Comprehensive Plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning, and amendment to the Comprehensive Plan on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Marohn, Dingman, Ehardt, Hally, Radford, Smith. Nay – none. Motion carried.

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

ORDINANCE NO. 3067

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 0.149 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS GC-1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of GC-1, General Commercial, for Watersedge Gap, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Ehardt, Marohn, Hally, Radford, Smith, Dingman. Nay – none. Motion carried.

Subject: Request for Extension to Record a Plat, Southpoint, Division No. 8

For consideration is a request to extend the deadline for recording a plat for Southpoint, Division No. 8. The City Council approved the plat September 24, 2015, and the Subdivision Ordinance requires that the plat be recorded within 90 days of approval or the Council may rescind its approval. The applicant is prepared to record the plat immediately following the granting of an extension. Staff recommends approval of the request with a new deadline of May 2, 2016, to record the plat.

It was moved by Councilmember Dingman, seconded by Smith, to approve the request for extension to record the plat for Southpoint, Division 8, with a deadline of May 2, 2016. Roll call as follows: Aye – Councilmembers Dingman, Radford, Marohn, Smith, Hally, Ehardt. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Milligan Commercial Plaza, Division No. 1

For consideration is the Final Plat and Reasoned Statement of Relevant Criteria and Standards, Milligan Commercial Plaza, Division No. 1. The Planning and Zoning Commission considered this item at its February 2, 2016, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Community Development Services Director Brad Cramer appeared with the following presentation:

- Slide 1: Zoning map of location
- Slide 2: Aerial photo of property under consideration
- Slide 3: Additional aerial photo of site
- Slide 4: Final Plat
- Slide 5: Photo looking east
- Slide 6: Photo looking north

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to accept the Final Plat for Milligan Commercial Plaza, Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Radford, Ehardt, Smith, Marohn, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Dingman, seconded by Councilmember Smith, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Milligan Commercial Plaza, Division No. 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.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Marohn, to adjourn the meeting at 8:24 p.m. which motion passed following a unanimous vote.

CITY CLERK

MAYOR