



City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, June 30, 2022

7:30 PM

City Council Chambers

While Coronavirus (COVID-19) is still a public health risk, the City will follow Eastern Idaho Public Health (EIPH) recommendations. EIPH currently recommends observance of The Centers for Disease Control and Prevention (CDC) guidelines.

Welcome to the Idaho Falls City Council Meeting.

Regularly scheduled Council meetings are open to any member of the general public either in person or via live stream on the City website and are archived on the City website (idahofalls.gov). Please be aware that the meeting agenda may differ at times because amendments to the agenda may be made by the Council during the meeting.

The Council encourages public input. While general public comment is not required by Idaho law, the Council welcomes general public comment as part of the City Council meeting. General public comment will be allowed for up to 20 minutes on the agenda. The public is always welcome to contact their Council representatives via e-mail or telephone, as listed on the City website.

The Council is committed to an atmosphere that promotes equal opportunity and is free from discrimination or harassment. All those who wish to address City Council during the public comment period are encouraged to adhere to the following guidelines.

Public Comment Participation Guidelines.

Speakers are encouraged to:

1. State their name and address.
2. Focus comments on matters within the purview of the City Council.
3. Limit their comments to three (3) minutes or less.
4. Refrain from repeating information already presented in order to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the whole group.
5. Practice civility and courtesy. The Council has the right and the responsibility to maintain order and decorum during the meeting. Time may be altered for those speakers whose comments are profane or disruptive in nature.
6. Refrain from comments on issues involving matters currently pending before the City's Planning and Zoning Commission or other matters that require legal due process including public hearings, City enforcement actions, and pending City personnel disciplinary matters.

Comments that pertain to activities or performance of individual City employees should be shared directly with the City's Human Resources Director (208-612-8248), the City's Legal Department (208-612-8178) or with the Office of the Mayor (208-612-8235).

Speakers should note that City Council members typically do not engage in dialogue or questions with speakers during the public comment period.

Public Hearing Participation Guidelines.

1. In-person Comment. Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address your comments directly to the Council and try to limit them to three (3) minutes.
2. Written Comment. The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at IFclerk@idahofalls.gov. Comments will be distributed to the members of the Council and become a part of the official public hearing record. Written testimony must be received no later than forty-eight (48) hours prior to the date of the hearing to ensure inclusion in the permanent City record.
3. Remote Comment. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to VirtualAttend@idahofalls.gov no later than twenty-four (24) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony. Please note that the remote option will not be available for all meetings.

If communication aids, services, or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or ADA Coordinator Lisa Farris at 208-612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

City Council Agenda:

1. **Call to Order.**
2. **Pledge of Allegiance.**
3. **Public Comment.**

Please see guidelines above.
4. **Consent Agenda.**

Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.

A. Human Resources

- 1) Leave Extension Request **21-550**
Mr. Jernigan is currently on Leave of Absence Without Pay for 15 days approved by Department Director, Ryan Tew. Pursuant to City Personnel Manual XXVI, the Mayor and Council must approve any request for more than fifteen (15) working days and stipulate the effect upon the employee's eligibility for benefits and their continuous service period.

B. Idaho Falls Power

- 1) Purchase 105' Bucket Truck for Idaho Falls Power **21-538**
This purchase will replace unit #3034, a 105' bucket truck that is approaching the end of its useful life and is eligible for scheduled replacement.

Attachments: 2022 - Altec 105 bucket truck - combined.pdf

- 2) Idaho Falls Power Board Meeting Minutes - June 2022 **21-548**
The Idaho Open Meeting law requires that the governing body of a public agency provide for the taking

of written minutes of all its public meetings.

Attachments: 2022 0608 IFP Board Meeting minutes f.docx

C. Municipal Services

1) Treasurer's Report for May 2022 21-552

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending May 2022, total cash, and investments total \$144.9M. Total receipts received and reconciled to the general ledger were reported at \$18.9M, which includes revenues of \$16.7M and interdepartmental transfers of \$2.2M. Total distributions reconciled to the general ledger were reported at \$17.8M, which includes salary and benefits of \$5.8M, operating costs of \$9.8M and interdepartmental transfers of \$2.2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$134.4M.

Attachments: MS_May 2022 Treasurers Report.pdf

2) Minutes from Council Meetings 21-551

June 6, 2022 City Council Work Session; and June 9, 2022 City Council Meeting

Attachments: 20220606 - Work Session - Unapproved.pdf
20220609 Council Meeting - Unapproved.pdf

3) License Applications, all carrying the required approvals

Action Item:

Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

5. Regular Agenda.

A. Public Works

1) State/Local Agreement with the Idaho Transportation Department (ITD) 21-555

Providing Funding for the Acquisition of Eastern Idaho Railroad
Right-of-Way

Attached for your consideration is a State/Local Agreement with ITD to acquire railroad right-of-way from the Eastern Idaho Railroad and to remove and replace roadway/railroad crossings as needed at various locations within Idaho Falls. The Agreement provides federal funding not-to-exceed \$465,000 for the project.

Action Item:

Approval of the State/Local Agreement providing funding for the Acquisition of Eastern Idaho Railroad right-of-way and authorization for the Mayor and City Clerk to sign the documents (or take other action deemed appropriate).

Attachments: FINAL KN23015 State Local Agreement.pdf

- 2) Letter of Intent (LOI) with WATCO to Transfer Real and Personal Property 21-556

Attached for your consideration is a LOI with WATCO to transfer a portion of railroad right-of-way as shown in Exhibit A, but generally bounded by the Snake River on the west and Yellowstone Avenue on the east.

Upon approval of the LOI by the City, the railroad will deliver a draft purchase agreement incorporating the terms set forth in the LOI. The purchase amount has been negotiated at \$325,000, and earnest money of \$30,000 is required within 5 days of the pending purchase agreement. Earnest money will be applied to the negotiated purchase price.

Action Item:

Acceptance of the LOI to acquire property from WATCO and Approval to Execute the Pending Purchase Agreement and allow the Mayor and City Clerk to sign all documents provided there are no material changes to the Purchase Agreement (or take other action deemed appropriate).

Attachments: 19029 - EIRR - City of Idaho Falls Purchase Sale LOI 6.24.22.pdf

B. Parks & Recreation

- 1) Resolution - 2022 Waiver for Certain Fourth of July Celebration Fees 21-540

This annual resolution waiving certain City fees and accepting the indemnification agreement provides support for the 2022 Community Fourth of July Celebration.

Action Item:

Approve the Resolution and accept the Indemnification Agreement to waive Fourth of July fees for services performed by the City of Idaho Falls to assist in the free, public Fourth of July activities, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Attachments: Letter to the City Council - Fourth of July Celebration 2022
Indemnification Agreement btw City of IF & Melaleuca 2022
fireworks
2022 Fourth of July Fees Resolution 6.22.22.pdf

C. Idaho Falls Power

- 1) Resolution Dissolving the Electric Light Public Purposes Fund (Fund 15) 21-549

Fund 15 was originally set up to support a Bonneville Power Administration (BPA) energy efficiency (EE) program, including the city's energy conservation loan program and customer incentive rebates program, however, the purposes and objectives of keeping the accounting for the original EE program no longer exist.

Action Item:

Approve the Resolution to dissolve the Electric Light Public Purposes Fund (Fund 15) and transition its obligations and funds to the Electric Light Fund (Fund 64) and give authorization to the Mayor and City Clerk to execute the necessary documents, (or take other action deemed appropriate).

Attachments: Terminate Fund 15.pdf

2) IFP 22-13 Transformer Bid Purchase 21-554

Idaho Falls Power solicited from qualified vendors to purchase transformer inventory, the low bidder with the best lead times had additional terms and conditions and was therefore considered non-responsive. Time is of the essence and the other bidders lead times were considered unacceptable. IFP and City Legal Services recommend that the city reject all bids and put the project out for rebid, pursuant to the procedures identified in Idaho Code §67-2805(b)(xi).

Action Item:

Reject all bids presented with bid number IFP 22-13 Transformers and rebid the project, (or take other action deemed appropriate).

Attachments: Tabulation IFP-22-13.pdf

D. Municipal Services

1) Software and Process Improvement Services Agreement 21-546

The City issued RFP #21-084 and Whitlock Consulting Group, LLC was selected for a professional services agreement. The agreement included a work order assessment final report as a deliverable. The attached proposed statement of work, Phase IA is to develop a strategic roadmap to build work order processes and systems as identified in the report. The Phase IA statement of work will include repairing business processes outside the current system, establishing written standards, development and documenting an understanding of the system functionality, build an empowered and effective user community through training on system usage and reporting.

Action Item:

Accept and approve the quote received from Whitlock Consulting Group, LLC for a total of \$98,485.00 (or take other action deemed appropriate).

Attachments: WCG Idaho Falls Work Order Phase 1a SOW.docx

2) Bid IF-22-17, Security Upgrades to City Hall Annex Building 21-541

Over the past nine months, Municipal Services, Community Development and Public Works have been evaluating the City Hall Annex Building public access areas. This project will renovate the City Hall Annex building areas identified as essential to building security and improved public access points.

Action Item:

Accept and approve the lowest responsible and responsible bidder, Alan Clark Construction for a total of \$106,300.00 (or take other action deemed appropriate).

Attachments: MS_Bid IF-22-17 Security Upgrades for the Idaho Falls City Hall Annex.pdf

E. Community Development Services

1) Resolution Approving the Community Development Block Grant (CDBG) 2022 Annual Action Plan 21-553

For your consideration is a resolution approving the 2022 Annual Action Plan (AAP). This plan allocates CDBG funding to selected applications and is required for the City to continue receiving funding for the CDBG program. The funds are intended to assist low-moderate income areas and programs including addressing housing issues, removing slum and blight, promoting economic development, and improving accessibility. Projects identified in the plan for funding allocations are consistent with these requirements and goals. All appropriate and required public hearings and comment periods have been conducted and the plan is now ready for Council approval so it can be sent to regional HUD offices. Any questions regarding the plans should be addressed to Lisa Farris.

Action Item:

Approve the Resolution approving the CDBG 2022 Annual Action Plan (or take other action deemed appropriate).

Attachments: Resolution PY2022 CDBG Annual Action Plan 6.23.22.pdf
2022 CDBG Council Approved Activities to fund.pdf

- 2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Snake River Landing Division 16. **21-545**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Snake River Landing Division 16. The Planning and Zoning Commission considered this item at its February 1, 2022, meeting and recommended approval by a unanimous vote with the condition that the developer address the shared use path along the canal. This condition is addressed in the development agreement. Staff concurs with this recommendation.

Action Item:

1. Approve the Development Agreement for the Final Plat for Snake River Landing Division 16 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).
2. Accept the Final Plat for Snake River Landing Division 16 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).
3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Snake River Landing Division 16 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Staff Report
Final Plat
PC Minutes
Reasoned Statement
Development Agreement

- 3) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Wasatch Apple Subdivision. **21-547**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of

Relevant Criteria and Standards for Wasatch Apple Subdivision. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Action Item:

1. Approve the Development Agreement for the Final Plat for Wasatch Apple Subdivision and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).
2. Accept the Final Plat for Wasatch Apple Subdivision and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).
3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Wasatch Apple Subdivision and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
 Aerial
 Final Plat and Improvement Drawings
 Staff Report
 Traffic Impact Study
 PC Minutes
 Reasoned Statement
 Development Agreement

- 4) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 2.599 acres of a portion of the Southwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 37 East and the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 38 East. **21-542**

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of HC, Highway Commercial with Airport Overlay Controlled Development Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 2.599 acres of a portion of the Southwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 37 East and the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of HC with Airport Overlay Controlled Development Zones. Staff concurs with this recommendation.

Action Item:

1. Approve the Ordinance annexing 2.599 acres of a portion of the Southwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 37 East and the Southeast $\frac{1}{4}$ of Section 27, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 2.599 acres of a portion of the Southwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 37 East and the

Southeast ¼ of Section 27, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.jpg
 Aerial.jpg
 Comp Plan Map.jpg
 Staff Report.docx
 Airport Land Use.jpg
 PC Minutes.docx
 Ordinance
 Exhibit A.pdf
 Exhibit Map.pdf
 Reasoned Statement Annexation.docx

- 5) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of HC, Highway Commercial with Controlled Development Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 2.599 acres of a portion of the Southwest ¼ of Section 26, Township 2 North, Range 37 East and the Southeast ¼ of Section 27, Township 2 North, Range 38 East. **21-543**

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of HC, Highway Commercial with Controlled Development Airport Overlay Zones, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 2.599 acres of a portion of the Southwest ¼ of Section 26, Township 2 North, Range 37 East and the Southeast ¼ of Section 27, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and recommended approval of HC with Controlled Development Overlay Zones by a unanimous vote. Staff concurs with this recommendation.

Action Item:

1. Assign a Comprehensive Plan Designation of “Mixed-Use Centers and Corridors” and approve the Ordinance establishing the initial zoning for HC, Highway Commercial with Controlled Development Airport Overlay Zones as shown in the Ordinance exhibits under a 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 (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of HC, Highway Commercial with Controlled Development Airport Overlay Zones, and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.jpg
 Aerial.jpg
 Comp Plan Map.jpg
 Ordinance
 Exhibit A.pdf
 Exhibit Map.pdf
 Reasoned Statement Zoning.docx

6. Announcements.

7. Adjournment.