

**January 14, 2019**

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, January 14, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

**Call to Order and Roll Call:**

Mayor Rebecca L. Noah Casper  
Councilmember Shelly Smede  
Councilmember Jim Freeman  
Councilmember Jim Francis  
Councilmember John Radford (arrived at 3:08 p.m.)  
Councilmember Thomas Hally (arrived at 3:50 p.m.)

**Absent:**

Councilmember Michelle Ziel-Dingman

**Also Present:**

Chris Fredericksen, Public Works Director  
Bryce Johnson, Police Chief  
Brad Cramer, Community Development Services Director  
Kerry Beutler, Community Development Services Assistant Director  
Pamela Alexander, Municipal Services Director  
Michael Kirkham, Assistant City Attorney  
Abigail French, City Attorney Extern  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:08 p.m. with the following:

**Acceptance and/or Receipt of Minutes:**

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to receive recommendations from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

**Calendar, Announcements and Reports:**

January 16, Bonneville Metropolitan Planning Organization (BMPO) Policy Board Meeting; and Pony Express Ribbon Cutting  
January 18, Martin Luther King Banquet  
January 21, Human Rights Day, City offices closed  
January 23, Association of Idaho Cities (AIC) Water Summit  
January 24, AIC City Officials Day at the Capitol  
January 28, Idaho Falls Power (IFP) Board Meeting; IFP/Public Power Council (PPC) Utility Meeting; and, City Council Work Session  
January 31, Idaho Falls Police Department (IFPD) Promotional Ceremony; and, City Council Meeting

Mayor Casper distributed 2019 calendars for City Council Work Sessions, City Council Meetings, IFP Board Meetings, and 2019-2020 Budget. She also distributed information regarding updated Council liaison assignments; Boards/Committees/Commissions assignments; ongoing community and civic involvement; citizen and staff community assignments; and, Mayor's active community assignments/participation. Mayor Casper briefly reviewed documentation regarding Department of Energy (DOE) and, the Legislative Directory. She stated Targhee Regional Public Transportation Authority (TRPTA) has requested assistance from the City regarding administrative support, additional information will be forthcoming. Mayor Casper briefly reviewed Legislative session items including local

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option taxation, personal property tax, grocery tax elimination, surplus eliminator for transportation, Post-Traumatic Stress for public safety, E-bikes, electrical inspections, moving dispatchers from the Rule of 90 to the Rule of 80, and, municipal election reform effort. Councilmember Freeman stated discussion has occurred with a Legislator regarding the City's recently adopted distracted driving ordinance.

### Liaison Reports and Concerns:

Councilmember Smede stated the Library Board will be reviewing patron conduct. She also stated discussion will be occurring with Community Development Services regarding the Airport.

Councilmember Freeman had no items to report.

Councilmember Francis stated glass recycling is now in effect.

Councilmember Radford stated the Parks and Recreation (P&R) ice skating ribbon is being well used.

### Snow Removal Update and Q&A:

Mayor Casper believes the City has a very effective system for snow removal. Director Fredericksen commended the Public Works staff, the IFPD, the Public Information Officer (PIO), the garage personnel, and, P&R employees. Director Fredericksen stated upon review of the previous snow removal policy, steps needed to be implemented for cost effective snow removal that's impactful to the residents with the most heavily-traveled streets prioritized. He indicated the Priority 1 and Priority 2 streets include the arterial and collector streets along with those streets that serve the hospitals and schools. Completion of snow removal on these streets generally occurs within 24 hours. Residential streets are generally plowed within 72 hours. City staff has primarily been used for the current snow removal, which has been most cost effective. Director Fredericksen stated \$525,000 is budgeted annually for contractor assistance, 5% of this budget has currently been expended. He also stated 28.5% of the overtime budget has been expended. Public Works anticipates 50% of the annual overtime budget be utilized for snow removal. Director Fredericksen stated sweeping operations will be occurring in intersections for assistance with the excess sand. He reviewed new snow removal equipment purchases including snow gates and snow wings. Future snow removal equipment discussion will include center truck plows, double and triple-blade plows, truck wings, and corrosion inhibitors. Director Fredericksen believes the biggest challenge for snow removal is A Zone parking restriction notifications and the compacted ice floor in the residential areas. Councilmember Freeman noted the A Zone areas are more troublesome to plow due to the narrow streets and the limited parking locations. Director Fredericksen stated coordination is occurring with the IFPD. Councilmember Radford commended Director Fredericksen and the Public Works staff for the improved snow removal efforts. Brief general discussion followed regarding the 72-hour timeframe, the 2" snow accumulation, parking restrictions in the A Zone, the number of towed vehicles, assistance from the IFPD, active message boards, and information distributed in month utility billings. Director Fredericksen believes communication may still be lacking with the number of vehicles of towed. Councilmember Freeman noted vehicle towing is not a revenue stream. Chief Johnson concurred, he noted the cost of towing does not include any staff time and, not all tickets get paid.

### Back-to-Basics City Annexation Discussion:

Director Cramer stated he wants to ensure the correct information is being distributed regarding annexations. He presented the following with general discussion throughout:

#### Annexation Basic: The Law

Idaho Code allows three (3) types of annexation:

Category A – owner initiated; less than 100 parcels, residential land use and enclaves

Category B – less than 100 parcels regardless of whether landowners have consented OR more than 100 parcels and more than 50% (based on land) have expressly or impliedly consented AND; property is "completely surrounded by the City" OR is subdivided into lots of five (5) acres or less OR owner has begun selling land in parcels of five (5) acres or less.

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Category C – more than 100 parcels and more than 50% (based on land) have not expressly or impliedly consented AND; property is “completely surrounded by the City” OR is subdivided into lots of five (5) acres or less OR owner has begun selling land in parcels of five (5) acres or less; requires a vote of property owners at the end of the process. Most cities in Idaho will not pursue Category C annexations due to the voting process.

Two Types of Consent:

Explicit Consent – must contain a written instrument consenting to annexation executed by the owner or owner’s agent. This consent must be recorded with the County.

Implied Consent – in Category A annexations, no consent is necessary for enclaved lands meeting the Category A requirements; “Valid consent to annex is implied for the area of all lands connected to a water or wastewater collection system operated by the City if the connection was requested in writing by the owner...or completed before July 1, 2008.”

Once the City began providing a utility the consent has been in place and, the property was committed to be part of the City. It was noted, after July 1, 2008, there must be explicit consent. Brief comments followed regarding property rights and ‘forced annexation’. Mr. Fife does not believe there is ‘forced annexation’ based upon the conditions of Category A, B, or C.

Annexation Basic: The Law

What costs are incurred upon annexation? City tax rate

Construction of roads, curbs, gutters, and sidewalks is required ONLY if and when development occurs on a property, NOT upon annexation. This does not include remodeling.

Construction of water, sewer, and power is required if and when the development occurs OR if the property owner requests the service, NOT upon annexation.

It was noted, as dictated by District 7 Health Department, if a septic system fails within proximity of the City sewer system, the property owner would be required to connect to the City sewer system. Councilmember Smede questioned the variety of County property taxes. Director Cramer stated the general fund tax rate would remain the same upon annexation although special taxes, such as the Library, the Fire District, and, Cemetery District taxes are eliminated.

Acres Annexed –

2016: owner-initiated = 35.7, City-initiated = 12.8

2017: owner-initiated = 130.13, City-initiated = 6.71

2018: owner-initiated = 245.67, City-initiated = 179.68

City-initiated Annexation Parcels – (excluding right-of-ways)

Parcels annexed = 206

Parcels remaining in County with utility service = 142

Parcels Annexed: Utility Detail –

	2016	2017	2018	Total
Annexation Agreement	3	4	99	102
At least two (2) utility services	23	14	115	152
One (1) utility service		2	22	22
Total number of parcels annexed		16	167	206

Parcel Annexed: Utility vs No Utility –

Parcels with at least one (1) utility service = 20

Parcels with two (2) or more utility service = 172

Parcels with no utility service = 14

93% of parcels annexed have at least one (1) utility service and have fallen within Category B.

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Utilities and Annexation Agreements –  
Parcels with an annexation agreement = 99  
Parcels with no annexation agreement = 107  
Brief comments followed regarding County recording.

Proposed Westside Annexation Parcels: Utility vs No Utility – (general terms, not specific parcels)  
Parcels with at least one (1) utility service = 14  
Parcels with at least two (2) utility services = 16  
Parcels with no utility services = 8 (seven (7) of these parcels are enclaved or are adjacent to other City properties)  
79% of parcels annexed have at least one (1) utility service  
Parcels with an annexation agreement = 16  
Parcels with no annexation agreement = 18

Mr. Fife stated annexations are not about utilities as utilities are fee-based services. Annexation will include City services (fire, police, maintenance, public). Mr. Fife stated power is also fee-based, annexation does not require a change of power service. A buy-out agreement with Rocky Mountain Power has been established for property owners, this is a separate issue from annexation. Director Cramer believes there is a significant benefit to residents for City annexation. He stated annexation requires an enormous amount of staff time.

Remaining Annexations –  
Mr. Beutler reviewed the map of proposed westside annexations. He reiterated the majority of this area is enclaved. He also reviewed the map of additional areas throughout the City, residential and non-residential areas, to be considered for annexation.

Proposed Annexation Principles –  
Category A  
Idaho Falls exercise its legal annexation authority for all Category A annexations, no hearings for owner-initiated annexations; neighborhood meeting and public hearings for City-initiated annexations.  
Director Cramer stated the remaining Category A annexations are mainly clean-ups annexations.

Category B  
Idaho Falls will consider Category B annexations when: the land is completely enclaved by City boundaries; OR the property has at least one (1) utility connection, regardless of whether there is an associated annexation agreement; OR the parcel is five (5) acres or less AND; is contiguous by more than merely touching corners; AND includes a primary structure and a primary use that is not agricultural; AND has immediate access to a utility service.

Mr. Beutler reviewed the map of remaining annexations including the East River Road area and, Woodruff and Lincoln Road area, with the proceeding Principles. Mayor Casper stated the transportation corridor should be considered. Councilmember Francis stated the Fire Department Insurance Services Office (ISO) rating should also be considered. Councilmember Radford stated he is not in favor of annexing open fields. Brief comments followed regarding the patchwork annexation. Mayor Casper stated there needs to be a balance between the individual property owner and the collective tax base. Councilmember Francis believes the Woodruff and Lincoln Road area is urban development and, the concept of Area of Impact is that urban becomes part of the City over time.

### Election Reform Discussion:

Mayor Casper reviewed information researched by Ms. French regarding the 15 most populated Idaho cities including Council elections by seat designation or open seat election (six (6) cities use this method), seat by geographical designation, and, the corresponding cities ordinance(s). Mayor Casper reiterated Idaho Falls is the only Idaho city

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with Council run-off election, and is one (1) of eight (8) cities with Mayoral run-off elections. She briefly reviewed information including State Code Title 50; a draft ordinance creating at-large elections for open Council seats and eliminating Council run-offs; and, minutes from discussion held in 2005 regarding the Council referendum on the November 2005 ballot. Mayor Casper stated policy options could include: do nothing; repeal the run-off provision; modify the run-off provision (Mr. Fife did not recommend this option per State Code); change the electoral system (ranked choice is not legal in Idaho due to Dillon's Rule, instant run-off is not legal in Idaho) to the top-3 vote-getters. Councilmember Freeman stated the top vote-getter method was used in the past. Councilmember Francis clarified, per discussion with the Bonneville County Clerk, the cost of the two most-recent run-off elections were closer in comparison than originally identified due to direct payment to the poll workers from the City. He stated, per discussion with the Bonneville County Elections Supervisor, an absentee ballot for a run-off election could be completed electronically. He also stated the Bonneville County Elections Supervisor believes the lower voter turnout for a run-off election may be due to absentee voters being unaware of a run-off election. Councilmember Francis believes future discussion/presentation may need to include Bonneville County personnel. Councilmember Freeman concurred as he stated the turn-around time for absentee voting was a concern. Brief comments followed regarding a recount. Councilmember Smede stated she contacted several individuals, per previous discussion regarding the 2005 referendum, and expressed her concern repealing the run-off election that was approved by the voters. Councilmember Radford concurred although he indicated the Council at that time took action regarding the initiative. Councilmember Francis indicated the minutes (from 2005) state this was a binding initiative for the Council, he could not locate any binding initiative for the Mayor. Mayor Casper stated an initiative is a public action to put something on the ballot, when an elected body refers something to the electorate for input it becomes a referendum. Brief discussion followed regarding an initiative versus a referendum. Councilmember Hally stated at that time (in 2005) the Council was advised by Legal Counsel not to talk about the run-off election. He believes another referendum may need to occur with historical data distributed. Councilmember Francis concurred due to the 2005 referendum. Mayor Casper stated the Council is elected to serve in the best interest of the community which is based upon budgetary concerns, equity concerns, legal concerns, and good outcome concerns. She also stated the Council is not obligated to take questions to the public, the Council is obligated to make decisions that are in the best interest of the community. Councilmember Francis believes the Council has taken that responsibility numerous times. He is unsure if dropping the run-off election is the best thing to do. Mayor Casper expressed her concern for the possibility of uneducated votes. She stated if the Council determines it's in the best interest of the community to refer this item to the public, the Council will need to educate the public for a sufficient informed vote. She believes by presenting the Council with the appropriate information and data, this becomes an efficient way for the Council to make decisions for the community as duly elected representatives. Councilmember Freeman stated, per conversation with several individuals, he believes the general perception is a mis-trust of government of the election process. He is not in favor of changing that process at this time. Councilmember Radford believes there are many reasons to change this process although the discussion could take several months. He stated Mayor Casper is not wrong in terms of democracy and the role of the elected officials. Councilmember Francis stated the Council needs to change the system if the system is indeed disenfranchising. General discussion followed. Mayor Casper stated this conversation should not be driven by politics or a reason to expedite and due consideration needs to be given. She indicated additional discussion will be forthcoming. Brief comments followed regarding the top-3 vote-getters.

There being no further business, it was moved by Councilmember Radford, seconded by Councilmember Francis, to adjourn the meeting at 6:16 p.m. and move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code 74-206(1)(j) to consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b). The Executive Session will be held in the City Annex Conference Room and the Council will not reconvene at the conclusion of the Executive Session. Roll call as follows: Aye – Councilmembers Francis, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Monday, January 14, 2019, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:18 p.m.

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Shelly Smede  
Councilmember Jim Freeman  
Councilmember Jim Francis  
Councilmember John Radford  
Councilmember Thomas Hally

Also Present:

Randy Fife, City Attorney  
Michael Kirkham, Assistant City Attorney  
Abigail French, City Attorney Extern  
Pamela Alexander, Municipal Services Director  
Ryan Tew, Human Resources Director

The Executive Session was called pursuant to the provisions of Idaho Code 74-206(1)(j) to consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b).

There being no further business, the meeting adjourned at 6:45 p.m.

s/ Kathy Hampton  
CITY CLERK

s/ Rebecca L. Noah Casper  
MAYOR