

January 27, 2020

The City Council of the City of Idaho Falls met in Council Work Session, Monday, January 27, 2020, 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:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John Radford (departed at 6:28 p.m.)
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Thomas Hally
Councilmember Jim Freeman

Also present:

Duane Nelson, Fire Chief
Scott Grimmett, Fire Marshal
Chris Fredericksen, Public Works Director
Chris Canfield, Assistant Public Works Director
Dana Briggs, Economic Development Coordinator
Brad Cramer, Community Development Services Director
Ronnie Campbell, Parks and Recreation Superintendent
Bryce Johnson, Police Chief
Kent Fugal, City Engineer
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:03 p.m. with the following items:

Acceptance and/or Receipt of Minutes:

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

Calendars, Announcements and Reports:

January 30, Idaho Falls Power (IFP) Board Meeting; and, City Council Meeting
January 29-31, Energy Communities Alliance (ECA) Meetings
February 6, Leadership in Nuclear Energy (LINE) Commission
February 8, Airport Leadership Workshop
February 10, City Council Work Session
February 10-12, Community Builders Workshop
February 11, Idaho Falls Downtown Development Corporation (IFDDC) Parking Validation Merchant Meeting
February 12, Bonneville Metropolitan Planning Organization (BMPO)
February 13, City Council Meeting
February 17, Presidents' Day (City Offices closed)
February 21, City Club Event; and, Idaho Falls Police Department (IFPD) Annual Awards Banquet
February 24, City Council Work Session
February 27, IFP Board Meeting; and, City Council Meeting
February 28, City Club Event (Tentative); and, Idaho Falls Fire Department (IFFD) Awards Banquet

Mayor Casper noted the City Club Event will include a panel discussing the Idaho National Laboratory (INL) and the vision for nuclear future. She also noted Councilmembers Radford and Francis will be participating in a Community Builders Workshop in Colorado and will be absent from the February 10 Council Work Session. Mayor

January 27, 2020

Casper stated she will be absent from the January 30 IFP Board Meeting and the City Council Meeting due to ECA Meetings. She briefly reviewed items for the February 6 LINE Commission. She also briefly reviewed discussion items from the current Legislative Session including property taxes, grocery tax, and, foregone money. She stated the Census process will be begin in the near future. She also briefly addressed the July 4 parade and the Council entry.

Liaison Reports and Council Concerns:

Councilmember Dingman recognized the Idaho Falls Regional Airport partnership with Allegiant Air for delivery of a zoo animal. She stated the Targhee Regional Public Transportation Authority (TRPTA) Board has officially accepted an offer for the purchase and sale of the TRPTA property. This sale is conditional upon a Phase I Environmental Study and is part of the formal bankruptcy proceedings. This sale will also put all debt in the past and will allow other public transit to move forward. Councilmember Dingman is hopeful the Community Transportation Association of America (CTAA) contract, as previously presented (at the November 25, 2019 Council Work Session) will be executed in the near future.

Councilmember Radford indicated, per the City Club Event, there is world-wide interest in advanced nuclear. He believes this will be beneficial to the local community.

Councilmember Francis stated the Community Builders Workshop will be discussing several items including anticipation of growth. He also stated IFPD is working on a national manual that will be adapted to Idaho; there are legislative session items related to law enforcement; a future presentation of the IFPD facility will be presented at Rotary on February 5; and, he reiterated the IFPD Awards Banquet on February 21.

Councilmember Freeman stated a water tower presentation is being held on January 27 for the downtown merchants. He also stated the IFPD has several vacancies.

Councilmember Hally believes, regarding property taxes discussion, the 3% allowable should be taken each year to prevent 'kicking the can down the road'. He noted the property tax rates are not in the City's control although property tax is important and will be a huge issue in the legislature. He also noted the new construction amount is tied to the tax base. Councilmember Hally stated he recently attended a water summit, and, he distributed an article to the other Councilmembers regarding energy.

Councilmember Smede stated she recently visited with her new liaison directors.

Business License Ordinance Discussion:

Chief Nelson stated this discussion began with the Citizen Review Committee (CRC) as the IFFD CRC believed the Prevention Division should be expanded into businesses and properties. He indicated there are more than 5000 commercial properties within the City that may have substantial issues when the IFFD responds. Chief Nelson reviewed the CRC recommendations: add full-time staff to focus on data entry and tracking; proactively work to reduce the number of false alarm calls (there were 500+ alarm nuisance calls in 2019); fully implement Computer Aided Dispatch (CAD); proactive notification when commercial building undergo change of ownership, use of occupancy; educate business owners, homeowners and public about the vital importance of fire and life safety systems; and, modernize the permit/license processes. Chief Nelson stated the Prevention Division wants to annually inspect the high-risk hazards, utilize operational staff, and, focus on pre-plans for low-risk businesses. He also reviewed Prevention Division goals: create community-based prevention framework where property owners are working with IFFD annually to inspect, identify hazards, and, verify code compliance; and, consolidate information to ensure dispatch alerts will include current hazard types, pre-plans, and, fire code permits. It was noted this registry will only apply to businesses within City limits. Chief Nelson stated, per the proposed ordinance, those businesses will contact the IFFD. This business information will be processed and registered and a license will be issued. It was noted the fee for this license was approved at the December 19 Council Meeting. Brief comments and discussion followed regarding non-compliance and penalties. Fire Marshal Grimmett stated these licenses will be expanded through the Clerk's Office and will be entered into the current TRAKiT software. Mr. Kirkham stated the City currently licenses hazardous businesses although there are several businesses that are not currently licensed. He stated a communication plan will need to be in place. Chief Nelson believes approximately 50% of these businesses are currently registered. He stated an administrative assistant has already been hired to assist with this licensing. Brief comments and discussion followed regarding the licensing process. Chief Nelson believes this process may take several years. Councilmember Smede questioned the benefit of this license. Chief Nelson stated this will assist with safety, regulations of the International Fire Code (IFC), and, operations. He stressed this license would not be required

January 27, 2020

for every business in the City, this is only for higher-risk, higher-hazard businesses. He recognized the specific sections in the proposed ordinance that are required in the IFC. Additional general comments followed, including the possible requirement for insurance coverage, sprinkler systems, and, State licensing requirements. This item will tentatively be included on the February 13 Council Meeting agenda.

Snow Removal Update:

Director Fredericksen stated any potential snow removal action is dependent on anticipated daily snowfall. He noted the City typically receives approximately 38" of snowfall on an annual basis. To date, the City has received 42" of snowfall which is 57% higher than normal. The snow events have also included wind issues, which compounds the snow removal effort. Director Fredericksen stated the snow removal policy is intended for long-term better service as well as cost savings, noting any decisions are taken very seriously. He stated contractors have been used for the previous three (3) snow events this season. He also stated arterial/collector and Priority One (1) and Two (2) streets, which account for 90% of traffic, are plowed within 24-48 hours. He noted the most recent snow event required multiple contractors to plow in residential areas. Plowing began on a Monday and the entire City was plowed by that same Wednesday, although additional plowing was required due to wind issues. Director Fredericksen reviewed the City's interactive website of snow removal. He stated \$250,000 has been expended in contract work to date. \$525,000 has been historically budgeted for snow removal although that amount was increased to \$1M in the previous year to establish budget spending authority. Director Fredericksen also reminded the Council of the Resolution to establish a bank account of \$1M to be utilized for snow removal. Any amount in this account in excess of \$1M would be potentially utilized for other items. Director Fredericksen stated a major issue with snow removal is clearing the approximate 28,000 driveways, which is the most expensive process. He noted equipment with snow gates has been helpful although contractors do not have the snow gate equipment. This equipment costs approximately \$17,000 per grader. Director Fredericksen stated another major issue is identifying addresses that are actually located in City limits. He commended the Public Works staff for addressing this difficult and time-consuming issue. To the response of Councilmember Freeman, Director Fredericksen believes the clearing of the driveways began with INL employees and their unique schedules. He noted although this is a convenience for residents this is very time consuming and can be challenging to accommodate. He also noted there is not enough equipment to immediately open residential areas, therefore these areas must be prioritized. Councilmember Freeman noted there were fewer tickets issued than in the past. Director Fredericksen commended the Public Information Officer for the notifications. To the response of Councilmember Radford, Director Fredericksen stated uncleared sidewalks should be reported to dispatch. Councilmember Freeman noted fire hydrants should also be cleared of snow by those adjacent property owners. Director Fredericksen noted \$55,000 has been expended in overtime to the 21 Street Division employees.

Sewer Ordinance Revision Discussion:

Director Fredericksen stated changes to the sewer ordinance are due to the Idaho Department of Environmental Quality (DEQ) taking over primacy of wastewater discharge permitting from the Environmental Protection Agency (EPA). Pre-treatment inspections were conducted in the previous year and requested changes include: change approval authority; create control authority of Public Works; minor changes to definitions of grab samples; baseline reporting; administrative fine changes; and, injunctive relief. Director Fredericksen stated Wastewater staff has worked diligently with any concerns from the DEQ. General comments followed regarding proposed changes. It was noted these are State-wide changes. This item is tentatively scheduled for the February 13 Council Meeting agenda.

E-Scooter/E-Bike Follow-up Discussion:

Mayor Casper stated this item has been previously discussed (at the November 12, 2019 and December 9, 2019 Council Work Sessions). The ordinance has been modified to reflect requested changes by Councilmembers. Ms. Briggs reiterated these proposed changes were discussed with Legal Services and staff.

Councilmember Francis reviewed the following proposed changes:

Whereas statements – would clarify a beneficial relationship with the shared companies and, would be consistent with the recent Carbon-free Community Resolution.

Definition of Central Downtown Area – this area would be kept separate from the core of downtown. This would allow scooters on specific streets but the sections inside this central area would be a dismount zone. This would also allow movement of scooters from each side of the City with businesses that don't have sidewalks.

January 27, 2020

Definition of Electric Assisted Scooter – this definition is not defined in State code. It was noted this ordinance would not just apply to rentals, it would also apply to scooter purchase. This definition also includes a speed limit.

Riders – addresses the number of riders other than the operator.

Operating Upon Sidewalks – clarifies the dismount zone in the Central Downtown Area. Councilmember Freeman recommended ‘passing on the left’ be included in this section.

Maximum Posted Speed Limits – miles per hour (mph) on City sidewalks was removed. Parks and Recreation (P&R) could possibly post signage in congested areas.

Labeling Requirement – modified to include the Central Downtown Area.

Director Cramer expressed his concern, as a personal bike rider, riding on sidewalks and then exiting the sidewalk onto a one-way street. He believes the traffic pattern may be an issue. He is hesitant allowing these scooters on sidewalks in the Central Downtown Area. Chief Johnson believes the speed limit could be governed by the ride-share owners, although this would not apply to the personal scooter owners. He indicated there should not be a lot of expectation of speed enforcement in downtown area. Councilmember Radford questioned if regulation is required at this time, especially with a short seasonal riding period and the limited number of riders. He believes common sense of riders may be the better option. He is not in favor of an ordinance at this time although he questioned a pilot ordinance being enacted for the summer months. Councilmember Dingman concurred with Councilmember Radford. She expressed her appreciation to Councilmember Francis for his work on this ordinance. She believes this is a mode of transportation in other cities although this mode of transportation may not be necessary in this community. She also believes this ordinance may be difficult to enforce and could create conflict as the ordinance is inconsistent with other policies regarding modes of transportation. Councilmember Dingman noted the majority of riders prefer to ride on the street in a bike lane. Councilmember Francis stated the ordinance is not just for scooter riders as this ordinance must represent everyone who uses the downtown sidewalks, including business owners. He stated scooters have been abandoned in cities. He believes it is better to be strict although the ordinance could be backed off if not needed. Councilmember Dingman believes common sense will regulate the rider and the market will prevent a lot of riders. Councilmember Freeman does not want pedestrians to feel they are not safe on the sidewalks in the downtown area. He expressed his concern for these individuals. He believes individuals will regulate themselves. He is not in favor of allowing scooters on the downtown sidewalks. Councilmember Hally believes some of the downtown streets could be safe, he is in favor of the downtown restrictions. Councilmember Freeman believes, due to current downtown signage, these would be safe in the street. Councilmember Smede believes this ordinance is very comprehensive, however, she does not believe this ordinance will be read by rental riders. She also believes there are expectations of civility. Mayor Casper believes the current nuisance regulations would take care of problem areas. She also believes for most instances, this would be a mode of transportation for tourists. She expressed her concern for signage clutter and, she believes this ordinance needs to be simple. She indicated she could support a revised version of the ordinance referencing sidewalks and public nuisance. Councilmember Francis expressed his concern for inexperienced riders of any age. He believes there needs to be some regulation. Mr. Kirkham believes riders of scooters could be regulated. He stated this proposed ordinance also regulates scooter rentals. Chief Johnson stated the City does not want to be in the business of picking up scooters. Following general comments, Mr. Kirkham will amend the proposed ordinance.

Meeting Protocols:

Mayor Casper requested any changes of the current meeting schedule. There was consensus of the Councilmembers to keep the schedule as previously discussed (at the November 25, 2019 Council Work Session).

Mayor Casper stated the Council Meeting agenda memo format has been redesigned as she believes all memos should be in a consistent format. She reviewed the amended memo template including the submission and review process.

Mayor Casper stated per discussion with Councilmember Dingman, she believes there may be frustration with the Councilmembers and the open meeting rules regarding ‘free time’ for various discussion items. She indicated future agendas could include a Strategic Vision Discussion for general discussion time.

January 27, 2020

Mayor Casper questioned the possibility of mobile City meetings. She indicated these meetings would be held off-site and the Council would be able to have a Q&A time with residents afterward. She noted the Live Streaming would need to be explored.

Mayor Casper expressed her appreciation with the decorum at the State legislative meetings and process. She believes the Chair has the control of those individuals wishing to speak which allows an orderly process. She expressed her desire for similar decorum at City Council Meetings. The Chair of the meeting would call directors forward and, would call for votes. There is also desire to have questions presented prior to comments. Councilmember Smede expressed her appreciation for decorum. Councilmember Radford suggested the individual liaison be able to present the item as this can prepare a councilmember to be in charge of other meetings although, he believes the ritual can be helpful. General comments and discussion followed.

There being no further business, the meeting adjourned at 6:35 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR