

## February 7, 2022 Council Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, February 7, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

### Call to Order and Roll Call

There were present:

Mayor Rebecca L. Noah Casper  
Council President Michelle Ziel-Dingman  
Councilor Thomas Hally  
Councilor Jim Freeman  
Councilor Jim Francis  
Councilor Lisa Burtenshaw  
Councilor John Radford (arrived at 3:12 p.m.)

Also present:

Pamela Alexander, Municipal Services Director  
Josh Roos, Treasurer  
Chris Fredericksen, Public Works Director  
Kent Fugal, City Engineer  
Colin McAweeney, TischlerBise  
Brad Cramer, Community Development Services Director  
PJ Holm, Parks and Recreation Director  
Duane Nelson, Fire Chief  
Paul Radford, Fire Captain  
Bryce Johnson, Police Chief  
Joel Tisdale, Police Captain  
Chris Canfield, Assistant Public Works Director  
Bud Cranor, Mayor's Office Chief of Staff  
Michael Kirkham, Assistant City Attorney  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:06 p.m. with the following items:

### Acceptance and/or receipt of minutes:

It was moved by Councilor Francis, seconded by Councilor Freeman, that council receive the recommendations from the February 1, 2022 Planning and Zoning (P&Z) Commission meeting pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay – none.

### Calendars, Announcements, Reports, and Updates:

February 11, Idaho Falls Police Department (IFPD) Annual Awards  
February 21, Presidents Day, city offices closed  
February 22, City Council Work Session  
February 24, Idaho Falls Power (IFP) Board Meeting; and City Council Meeting  
End of the month, American Public Power Association (APPA) Legislative Rally

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Mayor Casper stated several (Community Development Services) items scheduled for the February 10 City Council Meeting have been moved to the February 24 City Council Meeting due to an advertisement error with the Post Register. She believes this may be a lengthy meeting. She also stated the next city/county meeting date is still being determined; she reminded the council that the Idaho National Laboratory (INL) would like to move forward with Connecting Us--Sustaining Progress (CUSP) suggestions (she indicated a meeting will be held February 23 regarding CUSP); and she will forward a summary of legislative bills supported by the Association of Idaho Cities (AIC) to the council. Mayor Casper distributed an amended IFP Board Meeting Schedule Analysis per previous discussion at an IFP Board Meeting. Brief discussion followed regarding preferred schedules.

### Liaison Reports and Councilmember Concerns:

Councilor Hally briefly reviewed Senate Bill (SB) 1241 regarding the Circuit Breaker Program. He noted AIC strongly supported this bill. He believes this is a good population to target. He also briefly reviewed a bill that would take a certain percentage from the liquor fund to Peace Officers Standards and Training (POST). He noted AIC supports this bill as well.

Councilor Burtenshaw stated the canal trails are finished across Cranmer. She also stated there is no ground-breaking ceremony currently scheduled for the Law Enforcement Complex (LEC). She noted the IFPD are willing to have another day of wood salvaging at the LEC location.

Council President Dingman stated she, along with Councilor Freeman, are scheduled to attend the upcoming American Association of Airport Executives (AAAE) Conference. She also stated, per the Greater Idaho Falls Transit (GIFT), an advertisement for a Transit Coordinator position was resubmitted, interviews are currently happening, and the Request for Proposal (RFP) for the Third-Party Transit Service ends February 10. She stated she will provide future GIFT updates.

Councilor Francis stated three (3) agencies have hired a consultant to perform analysis of calls for a funding formula for the E911 agreement. He also stated Chief Johnson prefers the Rule of 80 for dispatchers due to the stress of the job and the difficulty of retaining personnel. He noted objections were raised by AIC. Mayor Casper explained AIC's objections are due to the financial mechanisms. Brief comments followed.

Councilor Freeman stated IFP is currently accepting applications for the annual Idaho Consumer-Owned Utilities Association (ICUA) Youth Rally scholarship program.

Councilor Radford stated, per Parks and Recreation (P&R), the youth team participation are at full levels; the Aquatic Center heating, ventilation, and air conditioning (HVAC) is progressing; outdoor skating has been successful; and the zoo opening is anticipated for April. He also stated, per IFP, work is beginning on the resource advisory meeting; fiber is progressing; and he reiterated the Youth Rally.

### Municipal Services/Discussion: American Rescue Plan Act (ARPA) Process:

Director Alexander reviewed the following with general discussion throughout:

- Total ARPA Funds - \$10.5M for City of Idaho Falls
- Funds are received through two (2) distributions (first distribution has been received, second distribution scheduled to be received May 2022)
- Funds must be expended no later than December 31, 2026

### ARPA Committees

- Public Health Expenditures
- Lost Public Sector Revenue
- Water, Sewer and Broadband Infrastructure

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Director Alexander stated shortly after the committees were created and had been meeting there was an expansion of guidelines in January 2022.

Mr. Roos stated the Final Rule takes effect on April 1, 2022. He believes the biggest change is the lost revenue. He indicated cities can continue the calculations or spend up to \$10M without any calculations, which is an average of lost revenue for cities. He does not believe it makes sense to continue calculations as the city is receiving \$10.5M. Mr. Roos briefly explained other changes, including public health and economic impacts, and water, sewer, and broadband infrastructure. He believes approximately 85% of the changes are related to public health and economic impacts. Mayor Casper stated committees were formed for three (3) of the four (4) funding categories with follow-up presentations and recommendations to be presented to the council, however, due to variety of circumstances those presentations/recommendations did not occur with the council. She believes due to the continuing pandemic impact she does not recommend spending this money all at once. She proposed collapsing the three (3) committees into one (1) committee to identify a master list, criteria, and a timeline. Council President Dingman, Councilor Freeman, and Councilor Hally agreed with Mayor Casper's proposal. Councilor Burtenshaw believes a previous commitment for some of the money should remain. Discussion followed regarding this restricted cash in the General Fund. Per Councilor Freeman, Mr. Roos stated this money cannot be used for income. Following additional comments, Mayor Casper stated the committee will be reorganized.

### Public Works, and other departments/Discussion: Impact Fees:

Director Fredericksen stated a consultant was hired for collaboration with several city departments, including Community Development Services, Legal, Fire/Emergency Medical Services (EMS), Municipal Services, Parks and Recreation, Police, and Public Works. He also stated the city does not currently have impact fees, although, these fees are allowed through Idaho Code Title 67, Chapter 82. He provided a background of impact fees and working documents to this point, stating presentations occurred at the November 8, 2021 and November 22, 2021 City Council Work Sessions. He stated two (2) changes occurred on December 15, 2021 by staff which included changes to the transportation program (25% arterial federal aid and \$1.5M in existing Capital Improvement Funds (CIF) which resulted in a reduction of \$1,819 per residential) and P&R fees (land cost increased from \$20K to \$30K/acre which resulted in an increase of \$178 per residential).

Director Fredericksen then reviewed the following with general discussion throughout:

Maximum Supportable Fees –

- Per housing unit
  - Single Family = \$6,027
  - Multifamily = \$3,479
- Non-residential (per 1,000 square feet)
  - Retail = \$6,119
  - Office = \$2,135
  - Industrial = \$1,085
  - Institutional = \$3,935

Director Fredericksen stated staff performed a cost comparison between Nampa (2019) and Idaho Falls (2022) as well as a cost comparison to the City of Ammon. He indicated the City of Idaho Falls fees would be less than \$600 more than the City of Ammon.

Director Fredericksen recognized the Advisory Committee Members and expressed his appreciation to this committee.

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Impact Fee Committee Recommendations as of January 24, 2022 include:

- Accept impact fee study and Capital Improvement Plan (CIP) as presented
- Recommend special funds be created for transportation, Fire, Police, and P&R
- Credit for gift of properties/facilities
- Fee implementation
  - Fees be phased in over time
  - Property tax levy over five (5) years
  - 50%/50% payment at building permit and certificate of occupancy

Ordinance:

Director Fredericksen stated the proposed ordinance is modeled from other communities around the State. He also stated the ordinance would include an effective date, fees collected at the building permit stage, provisions to allow credits and exemptions, petition for individual assessments, reimbursement/appeals, and a fee administrator (appointed by the mayor and ratified by the council). Per Councilor Freeman, Director Fredericksen stated a developer could build improvements (traffic) or pay the impact fees. He indicated if the developer chooses to build the improvements this could generate credits toward those improvements.

Timeline:

- February 24, consider the adoption of the impact fee study/CIP (public hearing)
- February 24, consider the impact fee ordinance (public hearing)
- March 31, consider implementation of impact fees through fee resolution

Staff Recommendations:

- Implement the maximum supportable fees (based on public comment and the needs)
- Fee implementation to begin May 1, 2022

Questions regarding the study/CIP –

Director Fredericksen stated the impact fees are intended to address growth. Per Councilor Radford, Mr. McAweeney stated a recreation center could be funded by impact fees if a recreation center would provide a continued level of service. Mr. Fugal reiterated impact fees are intended to meet/maintain the same level of services. Per Mayor Casper, Mr. Fugal stated State Statute requires impact fees be re-evaluated every five (5) years. He also stated the Impact Fee Advisory Committee would be involved in any study. Mr. Fife stated development must pay for itself to keep same level of service, he noted the impact fees are an analog to development. He believes this will move growth into a more formal level of service, it will be more precise, and it will be easy to show where the fee(s) came from and where the fee(s) will be distributed in the fee categories. Discussion followed regarding the Law Enforcement Complex (LEC). Mr. Fugal stated a portion of impact fees will go toward the LEC. Councilor Burtenshaw questioned if specific parks identified in the study are required. Mr. Fugal stated all needs will need to be addressed.

Questions regarding ordinance –

Director Fredericksen stated specific questions for the proposed ordinance could be submitted to Mr. Fife.

Questions regarding fees to implement and implementation date –

Director Cramer stated the city continues to grow. He noted, based on the classification of the ordinance, there are more than 500 permits issued for single-family dwellings this year, which would amount to a significant number.

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He also noted approximately 80% of residential permits have been issued for multi-family residential. Per Councilor Freeman, Director Cramer stated permits for summer construction have already begun, although, he noted permits are submitted almost year-round. He believes May 1 is a balanced approach. Per Mayor Casper, Director Fredericksen explained the construction process. Also per Mayor Casper, Director Fredericksen explained the recommendation to phase fees in over time. He believes the city is trying to meet the needs of housing and development in the city. Councilor Burtenshaw questioned any arguments against the 50%/50% as she believes this may impact the lending options for a developer. Brief discussion followed regarding certificates of occupancy. Per Council President Dingman, Director Cramer confirmed the 50%/50% was recommended by the working group, not by staff. Councilor Radford believes higher fees slow the single-family growth, although these higher fees would help with the growing cost. However, he also believes these fees will increase the housing costs, he is unsure how to deal with this. Councilor Radford believes the county is reluctant for these fees although the county needs to be convinced of these fees. He expressed his appreciation for the amount of work by all involved. Councilor Freeman believes individuals will choose if they want to live in the city, he also believes these fees will provide better services. Per Mayor Casper, Director Fredericksen explained when impact fees could be applied to modification of a current residential home. Councilor Hally believes the impact of these fees will be small. General comments followed including construction costs and contracts, the fees being included in a fee resolution (not in the ordinance), the 50%/50%, and the Certificate of Occupancy.

### Police, Public Works/Discussion: Law Enforcement Complex:

Director Fredericksen reviewed the project bidding information –

Advertisement: February 6, 2022

Plan Availability: February 10, 2022

Prebid Meeting: February 24, 2022

Bid Opening: March 21, 2022 (pending any addendums)

Bid Award Consideration: March 31, 2022

Estimated Construction Duration – 18 Months

Director Fredericksen stated he anticipates a lot of interest in this project. Per Councilor Radford, Director Fredericksen stated the engineer estimates have been updated with current construction costs, and estimates are under the \$30M. He noted the furniture, fixtures, and equipment (FFE) will not be part of the bid package, staff believed the FFE would be better as a separate bid project.

### Mayor and Council/Discussion: Public Comment:

Mayor Casper stated several suggestions, letters of comments, and additional information have been submitted from groups and entities, legal staff, Councilor Francis, and Mr. Cranor regarding this topic. She also stated public comment is a right, it is not required. She indicated any rules and parameters need to be decided if the council wishes to allow public comment. Councilor Hally does not believe public comment should become a public meeting, there should be a time limit. Councilor Radford agreed. Councilor Freeman believes an item included on an agenda, not noted as a public hearing, should be discussed. Councilor Burtenshaw agreed. Mr. Fife explained this process, stating only public hearings are mandated by the law. He indicated comments could be allowed although they would have to be limited to the specific agenda item. Councilor Radford stated he would like to increase public participation. Councilor Freeman would also encourage written comment. Councilor Radford believes the rules should be equitable and consistent. Councilor Francis believes comments should be allowed for regular agenda items, in a limited time, but not before each item as that would appear as a hearing. Discussion followed regarding the time frame for each public comment as well as a sign-in sheet for subject items. Mr. Kirkham discouraged the request for specific subject items per the freedom of speech. Mr. Fife recommended topic to topic comments.

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Councilor Burtenshaw believes this would organize the comments and the meeting. Council President Dingman described a draft proposed alternative for topic-to-topic public comment, including a maximum timeframe (15 minutes) and an individual timeframe (3 minutes) per item. Mayor Casper believes the council was elected to study the issues and make excellent decisions on behalf of the citizens of this community. She stated the citizens have multiple ways to communicate with the council. She believes the council should be focusing on what's best for those citizens who are not in the room. She expressed her concern as she believes this might invite uninformed opinions who have not been privy to all information prior to making a decision. Per Mayor Casper, Mr. Cranor explained the policy used by School District 93, stating any comments or complaints toward personnel would require an executive session. Mr. Kirkham believes the School District 93 policy is unconstitutional. He described a court case related to this policy. Mr. Fife stated public comments could also be made through a website. He also stated there are parameters around the first amendment that allow uncomfortable things to happen. Councilor Francis does not believe harassment should be allowed. Discussion followed regarding who would make that decision, a personal attack versus a performance attack, the first amendment, public officials and public employees, the Americans with Disabilities Act of 1990 (ADA) accommodations and equal access, public comments related to matters within the purview of the city council, encouragement of public comment, and limiting public comments to city residents (legal staff does not recommend this). Councilor Radford believes public comment should stay as is, public comment should be encouraged, and the Chair should be allowed to stop a comment if needed and risk any legal action. Councilor Burtenshaw agreed. Mayor Casper believes there should be multiple empowerment, not a dual empowerment. She indicated additional discussion will occur at the February 22 City Council Work Session.

There being no further business, the meeting adjourned at 6:54 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper  
Rebecca L. Noah Casper, Mayor