

April 9, 2018

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, April 9, 2018, 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 Thomas Hally
Councilmember Shelly Smede
Councilmember John Radford
Councilmember Michelle Ziel-Dingman
Councilmember Jim Freeman
Councilmember Jim Francis

Also present:

Pamela Alexander, Municipal Services Director
Julie Desimone, Moss Adams
Keith Simovic, Moss Adams
Brad Cramer, Community Development Services Director
Chris Fredericksen, Public Works Director
Kent Fugal, City Engineer
Brian Cunningham, Civil Engineer
Ryan Tew, Human Resources Director
Bryce Johnson, Police Chief
Dustin Howell, Patrol Officer and Fraternal Order of Police (FOP) President
Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Bud Cranor, Public Information Officer
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:01 p.m. with the following:

Calendar, Announcements and Reports:

A proclamation was presented to Joseph Prophet of the Michael J. Fox Foundation in support of Parkinson's Awareness Month.

Mayor Casper stated the Idaho Transportation Department (ITD) has begun the second season of heavy construction on I-15; the City has received notification that the City of Idaho Falls has been designated as Tree City USA, any public events will be forthcoming; and, the Mayor's Office received communication from Boyd's Coffee.

Mayor Casper indicated she will be traveling the remainder of the week for Energy Communities Alliance (ECA) meetings, discussion regarding the Advanced Mixed Waste Treatment Project (AMWTP) and the Carbon Free Power Project (CFPP) will occur during said ECA meetings.

April 12, Idaho Falls Power (IFP) Board Meeting; Heritage Park groundbreaking; and, City Council Meeting

April 14, Budget Workshop

Mayor Casper indicated the April 23 Work Session is estimated to be lengthy. Following brief discussion, there was consensus of the Council to have a longer Work Session versus an additional meeting.

Liaison Reports and Concerns:

Councilmember Hally had no items to report.

Councilmember Smede stated Community Development Services Department is in the process of updating codes and annexations. She also stated the Idaho Falls Public Library contract will be presented from Bonneville County in the near future.

Councilmember Dingman stated the international president of Rotary will be attending the Heritage Park groundbreaking activities. She also stated the Parks and Recreation (P&R) Department is actively working on the

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2018 War Bonnet Rodeo. Councilmember Dingman indicated several compliments have been received regarding the improvements and events occurring at Noise Park. She recognized the recent passing of Curtis Holmes, Noise Park caretaker. Councilmember Dingman stated due to the recent vacation of Rogers Street, discussion regarding alternate transportation plans is occurring.

Councilmember Francis stated Fire Ops 101 has been postponed. He also stated graduation for the Idaho Falls Fire Department (IFFD) new recruits will be held April 21. Councilmember Francis stated in conjunction with Bonneville Metropolitan Planning Organization (BMPO), the month of May is National Bike Month, several activities will be forthcoming.

Councilmember Radford noted improvements to Noise Park have occurred without utilizing City funds. He stated the Idaho Falls Zoo at Tautphaus Park opened for the season on April 7.

Councilmember Freeman stated construction of the pathway around Pinecrest Golf Course has begun.

It was then moved by Councilmember Radford, seconded by Councilmember Freeman, to move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The City Council will return and reconvene at the conclusion of the Executive Session. The Executive Session will be held in the City Annex Conference Room, 680 Park Avenue. Roll call as follows: Aye – Councilmember Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Monday, April 9, 2018, in the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:20 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Thomas Hally

Also present:

Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Pamela Alexander, Municipal Services Director
Julie Desimone, Moss Adams
Keith Simovic, Moss Adams

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

There being no further business, the Executive Session adjourned at 4:05 p.m. and the Council reconvened into Council Work Session.

Moss Adams External Audit Presentation:

Mayor Casper stated this is the second year of audit presentation by Moss Adams.

Mr. Simovic stated the City audit consists of: independent verification of transactions and balances (inspection of invoices, source documents, agreements; verification with third parties; and, analytical procedures); evaluation of the effectiveness of internal controls (testing for operational effectiveness, can tailor audit approach each year based on

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risk); testing compliance with federal laws (federal audit of grants for compliance, cumulative threshold exceeding \$750,000); technical review of the financial statements (balances and transactions verified against audited amounts and documentation; all required disclosures are in accordance with Generally Accepted Accounting Principles (GAAP)); and, reporting of audit results to City Council.

Ms. Desimone stated the audit is currently in the final review of the Comprehensive Annual Financial Report (CAFR). It is estimated letter of recommendations will be distributed mid-April.

Mr. Simovic stated audit procedures consist of: perform risk assessment to identify significant risk areas (noted items from the previous year audit and any personnel changes); perform substantive test procedures; and, perform technician review of financial statements. He indicated an unmodified (clean) audit opinion statement will then be issued to the City. He briefly reviewed the audit adjustments from the previous year, noting the adjustments will be included in the CAFR. He noted there were no instances of non-compliance related to grants.

Ms. Desimone reviewed the procedures performed to identify fraud, noting the procedures will change on a yearly basis. She indicated there were no material instances of fraud.

Ms. Desimone briefly reviewed internal control recommendations. She indicated a material weakness from the previous year regarding cash investments still exists. Additional recommendations include reconciliations, and financial close and reporting cycle (most journal entries). She recognized the amount of time being utilized for the Cayenta software system.

Mayor Casper believes the audit is viewed as tool for improvement.

Director Alexander reiterated the External Audit purpose. She stated there is an ongoing challenge with the two (2) software systems. She briefly reviewed the recommendation implementation plan including reconciliations, the addition of an authorized user on investment accounts, investment transactions, and lack of documented review of various financial close and reporting tasks. She believes the implementation plan can be resolved in the current year. She also believes the Cayenta system has delayed the audit process.

Mayor Casper reiterated the CAFR will be distributed in the near future.

Travel Policy Update:

Mayor Casper believes travel is an opportunity to improve an employee's growth and performance, realizing the travel expense is public/tax dollars and should be used with frugality.

Director Alexander reviewed the following updates from the previous conversation at the March 5, 2018 Council Work Session:

Use of City Credit Card – May be used for hotel, conference registrations, rental cars and meals, fuel when a rental or City vehicle is used.

Per-diem – May be used for daily per-diem for meals.

Travel Advance – May be used for hotel, conference registrations and meals within per-diem thresholds. Generally a credit card is required for a rental car and used for fuel when a rental or personal vehicle is used.

Councilmember Hally indicated there was consensus to use the Internal Revenue Service (IRS) travel reimbursement rate, although he was in favor of a compromise to use per-diem and the car rental rate plus fuel, which would be less than the IRS rate. Mayor Casper believes the need for a cash advancement should be an exception, not as an option.

Councilmember Dingman concurred. After general discussion, there was consensus that travel advance should only be used for meals/per-diem, and only upon request by the employee, as well as mandatory use of credit card for lodging, registration, and rental car. Mayor Casper believes the rental car rate should be used for any mode of vehicle use. Director Alexander clarified the rental car rate for mileage plus fuel could be implemented.

Nuisance Code Changes:

Director Cramer stated there is a proposal to modify three (3) sections of City Code regarding nuisances of litter and weed control; curb, gutter and sidewalk; and graffiti. He indicated the modifications will include the process for notification, timeline for abatement, the appeals process, and establishing the penalty. Director Cramer stated code enforcement discussion has been occurring for some time. The proposed changes would change misdemeanors to infractions. He reviewed the number of code enforcement inspections from January 1 to April, 2016 = 326; January 1 to April, 2017 = 280, January 1 to current = 1287. He indicated the addition of a Code Enforcement Clerk has been a tremendous value to the Code Enforcement Officers. Director Cramer stated the increase of inspections is due to

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the additional enforcement of nuisances as described in the proposed modifications. He noted the addition of the Board of Adjustment (BOA) who will offer assistance, specifically regarding the appeal process.

Councilmember Dingman believes this modification will streamline the process, clarify property maintenance to the residents, and provide resources and tools to the code enforcement staff to remedy community issues. Mayor Casper believes statutes are meaningless if not enforced. Mr. Fife clarified if a resident does not agree with any BOA appeal decision, that resident would need to contact the District Court. Brief discussion followed regarding the method to report a possible violation. Mayor Casper then introduced Bud Cranor, new City Public Information Officer (PIO) and indicated public awareness regarding code questions or violations may be needed. Director Cramer briefly reviewed the compliance changes in the proposed ordinances.

City Standards for Public Works Construction Discussion:

Director Fredericksen commended the Legal staff and Community Development Services with the proposed changes to the nuisance ordinances, specifically regarding the curb, gutter and sidewalk ordinance.

Director Fredericksen stated the Public Works Department is mandated for any construction projects within the City. Beginning in 1974, the City developed its own standard drawings and specifications with internal staff only. He indicated the current standard drawing and specifications edition is the 2010 edition, which is reviewed every 6-8 years for updates. He believes, during the review process, moving from the City standard specifications to the Idaho Standards for Public Works Construction (ISPWC) made sense. Director Fredericksen stated the 2010 edition of standard specifications were utilized by all municipalities in eastern Idaho although the use of the ISPWC is currently more prevalent. He indicated the ISPWC will be presented in the future for Council approval. He also indicated any current projects will continue under the old specifications until completed and any new projects will follow the new specifications. Councilmember Freeman indicated due to weather conditions in our area, exceptions will be allowed. Mr. Fugal indicated if the ISPWC is approved and adopted, a statement will be included specifying modifications in the supplemental. He indicated the purpose for the ISPWC is to: take advantage of work being done by others to develop and maintain standards (eliminate duplication of effort) and eliminate the need for contractors to keep current with ISPWC as well as City standards. Highlights of the proposed adoption: retain items in our current specifications (including restriction on type of pipe for water lines); address items in current specifications not covered in ISPWC (including sewer lift stations); use the ISPWC specifications for a given item in place of current specifications for the same item; and, supplemental language to address new items not yet included in ISPWC or current City specifications (new curb and gutter section adopted by the ITD and revised storm water catch basins). Mr. Fugal anticipates the ISPWC to be updated approximately every 2-3 years, the City supplemental standards will also be updated accordingly. Director Fredericksen noted contractors in eastern Idaho are currently used to supplemental publications. He indicated numerous of hours have been invested in specifications and any changes are considered a betterment to public infrastructure. Mayor Casper believes this is a greater consistency to developers. Mr. Cunningham stated he has contacted surrounding cities all of which have, or are in the process of, adopting the ISPWC.

Idaho Falls Police Department (IFPD) Personnel Management Discussion:

Director Tew stated the proposed change to the City Personnel Manual is to grant 'for cause' status to sworn non-probationary officers. He indicated change to City Code would be required prior to changing the Personnel Manual. Director Tew stated a 'for cause' employee cannot be disciplined, terminated, or suspended without a work-related performance reason. An 'at will' employee allows more leeway to the employer regarding disciplinary actions. He believes 'at will' is bad business practice. He noted Idaho Counties Risk Management Program (ICRMP) recommends 'at will' status. Director Tew reminded the Council that the Civil Service Commission and related rules were rescinded approximately one (1) year ago and 'for cause' protections were included in those Civil Service rules. Shortly thereafter, the Council reinstated 'for cause' for all officers hired after a specific date. Mayor Casper believes Civil Service needed replaced by codified rules and procedures. She also believes this brings City Code into compliance with best practices. Director Tew stated this change will allow Chief Johnson to change internal policies as well. He noted additional clean up language, regarding secondary employment and the removal of Civil Service language, will also be included in the proposed ordinance. Brief comments followed. Chief Johnson stated all rules will be followed as established which will create procedural justice. Mayor Casper believes supervisory training will be needed. She indicated this item has been discussed with the FOP Board. Officer Howell indicated the proposed change has been well received by members of the FOP. Director Tew believes the Civil Service rescission did not

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take away any protection from the police officers, although since that time he believes the perception of 'for cause' required this proposed recommendation. Councilmember Dingman believes this issue has been a learning process to ensure the legal policy is fair to all employees. This item will be included on the April 12 Council Meeting agenda.

IFPD Personnel Policy Practices:

Mayor Casper stated concerns of a union have been occurring over the course of time. She believes Councilmember Francis' proposal seeks to solve the problem through collaboration and compromise. Councilmember Francis believes the vote on December 21, 2017 to recognize, or not to recognize, a union did not resolve the issues as (previously stated by Councilmember Dingman) formal relationships matter. He also believes concerns addressed should be made formal and consistent in a collaborative way. Councilmember Francis questioned if a separate personnel manual should be written which would only apply to the IFPD. This personnel manual could address issues and needs, including a grievance procedure, a 'for cause' standard, regular communication, and any budget items on an annual basis. This manual would be crafted by Human Resources (HR), Chief Johnson, and representatives from rank and file with final approval from the Council. He believes there are several advantages for a collaborative effort versus adversary. Councilmember Francis reviewed the purposes of a Police Department Personnel Manual: ensure collaborative development of IFPD personnel policies; formalize or memorialize department policy and practice; recognize the unique nature of City police work; establish clear, regular lines of accountability and communication; facilitate periodic review of policy by objective professionals outside of the IFPD (HR Department); and, ensure policy consistency over time even as City, department, and employee leadership may change. He indicated this manual will not be easy, it will take time and cooperation although he believes this is the right way to proceed. Chief Johnson stated he is very open to the idea. He indicated traditional management/leadership rights would be included/maintained in the document. Mayor Casper stated the policy would ensure future leadership tools would be utilized and standardized. She commended Chief Johnson and believes he represents the best practice at this time. Councilmember Freeman believes in making an effort to find middle ground for all involved. Brief comments followed regarding a timeframe. Chief Johnson indicated a regular meeting schedule would be a good faith effort as he does not want this viewed as a stall tactic. He believes there is a need to get all rules established for the officers and the City. Councilmember Francis believes the manual would address those issues, this should not be a partial step. Mayor Casper noted the FOP does not always represent all sworn officers and the department does not consist of just sworn officers. Councilmember Smede believes people need to be heard, she is in favor of the manual including monthly updates. Councilmember Dingman believes unique circumstances need to be created for employees and she see benefits of a manual versus a union, specifically the level of collaboration. She expressed her appreciation to Councilmember Francis and indicated she is in favor of formalizing and memorializing these policies. She wants to ensure this is a top priority with monthly updates. Councilmember Radford expressed his concern how the City will make this work. He questioned the leverage point for police versus a collective bargaining agreement. Chief Johnson stated the police chief would have an annual review with employees to re-evaluate the manual. Councilmember Francis believes trust would be maintained with formal conversations. Councilmember Radford does not believe there is equity between the Fire Department and the Police Department. Officer Howell stated he has not taken this proposal to the remaining FOP although he personally believes it gives the FOP a voice. Following brief comments, it was moved by Councilmember Francis, seconded by Councilmember Hally, to direct Human Resources to collaboratively develop a separate personnel manual for the Police Department in conjunction with representatives of the police rank and file and the chief and that start up begin before May 15 with monthly updates. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Freeman, Francis. Nay – Councilmember Radford. Motion carried.

It was then moved by Councilmember Radford, seconded by Councilmember Smede, to adjourn the meeting at 6:41 p.m. and move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b). The City Council will not reconvene at the conclusion of the Executive Session. The Executive Session will be held in the City Annex Conference Room, 680 Park Avenue. Roll call as follows: Aye – Councilmember Francis, Dingman, 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, April 9, 2018, in the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:45 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Thomas Hally

Also present:

Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Dave Hanneman, Fire Chief
Pamela Alexander, Municipal Services Director
Ryan Tew, Human Resources Director

The Executive Session is being called pursuant to the provisions of Idaho Code Section 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 Executive Session adjourned at 7:25 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR