



# City Council Meeting Minutes

680 Park Avenue  
Idaho Falls, ID 83402

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**Thursday, April 13, 2023,**

**7:30 PM**

**City Council Chambers**

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## **1. Call to Order**

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor Hally, Councilor Freeman, Councilor Francis; and Councilor Burtenshaw

**Absent:** Councilor Radford

### **Also present:**

All available Department Directors  
Randy Fife, City Attorney  
Corrin Wilde, City Clerk

## **2. Pledge of Allegiance**

Councilor Freeman led those present in the Pledge of Allegiance.

## **3. Public Comment**

No one appeared for public comment.

## **4. Consent Agenda**

### **A. Municipal Services**

- 1) Bid IF-23-08, Haul and Spread Liquid Wastewater Biosolids for Public Works
- 2) Treasurer's Report for February 2023

### **B. Public Works**

- 1) Bid Award - Thermoplastic Citywide 2023
- 2) Cooperative Agreement for Sewage Treatment with Golden Valley Natural, LLC

### **D. Office of the City Clerk**

- 1) Minutes from Council Meetings as listed on the agenda
- 2) License Applications, all carrying the required approvals

It was moved by President Ziel -Dingman, seconded by Councilor Francis to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally. Nay - None

## **5. Regular Agenda**

### **A. Police Department**

#### **1) Ordinance Prohibiting Certain Dog and Cat Sales in Retail Stores and Public Places**

Chief Johnson appeared. He stated this Ordinance is intended to protect the animals, protect the dogs, protect the cats, and prevent the disease from being spread to hopefully make a better community for the pets that we love so much. He stated that the animal control staff has had a chance to review this Ordinance and they feel it moves forward with their desire to keep the animals safe.

Council Francis stated what we are trying to do here is protect not just the animals because this is a way of spreading a very deadly disease among the animals that spread suddenly and people don't even know by having it on their hand and petting another animal and becomes fatal to some puppies. This is also a way of protecting families that are interested in adopting animals and making sure they have animals that have gone through the process of the shelter putting a chip in, so the animal is identifiable and returnable if lost, and also the vaccines and spay and neutering that happens at the shelter. This doesn't mean that retail stores can't put dogs and cats out for people to adopt but those cats and dogs that they put out would all come from shelter reviews and if people want to adopt privately, they still can do it out of their homes but that way the person doing the adopting can investigate the atmosphere and decide whether they want to adopt that particular dog or cat from that home. This ordinance will serve the community in many different respects. Councilor Burtenshaw agreed with Councilor Francis.

Council President Dingman stated that her full-time job is the executive director at the Snake River Animal Shelter and has a lot of experience and a lot to say. Over four hundred cities throughout the country and several full states have banned the public sales of animals so we are not treading new ground here but that's ok we are doing something we are doing something now and I think that is important. A couple of cities including Ammon have banned the public sale of animals with a similar ordinance recently and Boise. We have a lot of cities that see that overpopulation is very serious and the spread of disease and the potential spread of disease. I know that I could have brought many stories and photos. You see a lot in the shelters that give a new perspective on this and the number of animals in our facility and every shelter in our area that is facing the same thing that was intentionally breed and could not be sold and is then dropped off at shelters and that is the reality. Councilor Dingman stated at Snake River Animal Shelter they have over 100 dogs on the waiting list waiting to get in. Councilor Dingman thanked the staff at the Idaho Falls Animal Shelter for their collaboration and support and to Police Chief Johnson and Animal Shelter manager Tobin Bird as well as Carissa Hernandez and the animal control officer for their support in this. They are doubling and tripling kennels right now because that's how bad the overpopulation is in our community and something must be done. Councilor Dingman stated we talked about preventing disease, parvo can live in the grass for up to two years so when you put a bunch of animals together unvaccinated it does kill animals and they take those diseases home and it kills more animals. This does allow for individuals in their private spaces to breed animals

and sell them. Councilor Dingman stated she does think that will offer prevention of the spread of disease throughout the community a little bit, but it does something that I think will provide a huge benefit to the community.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Ordinance regulating the sale of certain dogs and cats in retail stores and public places under suspension of the rules requiring three complete and separate readings and request that it be read by title only and published by summary. The motion carried by the following vote: Aye- Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay – None

#### ORDINANCE NO. 3509

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING EXISTING ANIMAL REGULATIONS TO PROHIBIT THE SALE OF DOGS AND CATS IN RETAIL STORES; PROHIBITING THE SALE OF ANIMALS IN PUBLIC PLACES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

### **B. Community Development Services**

#### **1) Public Hearing-Community Development Block Grant (CDBG) FY-2023 Annual Action Plan**

Mayor Casper opened the public hearing and required all testimony received and all documents, photos, and slides we may see tonight to become part of the official record.

Lisa Farris, Federal Grants Coordinator appeared. She welcomed everyone to the public hearing 2023 Community Development Block Grant annual action plan that is brought to us by Housing and Urban Development. Ms. Farris presents a little history of the program. In 2004, we became an entitlement community which enables us to file directly to HUD for annual CDBG funds. We are in our fourth five-year consolidated plan and 2023 is our third year in that plan. This is our 20<sup>th</sup> year participating in the program. The 2023 Draft CDBG Annual Action Plan is due to HUD before August 16<sup>th</sup>. Our plan year runs from April 1<sup>st</sup> to March 31<sup>st</sup> and for the year of 2023, we will be receiving \$433,380. Ms. Farris stated we have received eleven applications this year totaling \$726,985.70. Ms. Farris noted between 2004 to 2023 we received over 7.9 million in total HUD/CDBG dollars. This amount does not include our CARES Act funds of \$507,657 for COVID-19 (CDBG CV1/CV3). Ms. Farris listed many benefits from the program for the city and local service providers including assisting the City in funding projects and programs not funded with general funds and assisting local service providers with filling a gap in service. It assists City and local service providers in leveraging additional funds. Ms. Farris stated all the programs and activities must meet CDBG program and HUD (Housing and Urban Development) Criteria.

Slide - 5 CDBG Program and HUD Criteria.

Slide - 6 Project/Activities must fit into 1 of 4 HUD Priorities including Community Development Priority, Economic Development Priority, Housing Development Priority, and Public Service Priority.

Slide – 7 Map of LMI Neighborhood Census Tracts These are the three census Tracts to which funding is allocated towards.

Slide – 8 (before improvements) and slide - 9 (after improvements) are photos of an example of Community Development Priority/Public Infrastructure. Curb, Gutter, and sidewalk improvement.

Slide – 10 and Slide- 11 are examples of housing development priority. Habitat for Humanity LMI single Unit Rehab Triplex at Science Center and Elmore.

Slide-12 and Slide- 13 examples of Economic developments with Façade improvement programs. Photo of Page Insurance 365 Parks Ave before and after improvements.

Slide-14 and Slide–15 before and after photo of Single Unit ADA rehab located at 575 I St.

Slide -15 Examples of Public Service Activities.

James McLain appeared and introduced himself as the Executive Director of the BHCC (Behavioral Health Community Crisis Center). Slide – 17 Mr. McLain talks about what the BHCC deals with in the community including homelessness, domestic violence, abuse, incarceration, law enforcement, hospital, severe poverty levels, substance use, suicidality and so much more. Mr. McLain stated BHCC is a non-profit organization and is funded by local entities as well as at the state level and for sustainability we bill Medicaid services to those individuals that have Medicaid. With no questions asked an individual can come to the Crisis Center in crisis and be seen and supported for 24 hours and then re-evaluated every 24 hours to make sure they are stable enough to be referred to outpatient services or inpatient service if extremely suicidal or in danger. Mr. McLain stated they have two goals primarily and that is diversion from incarceration and diversion from hospitalization. Individuals struggling in our community don't quite need inpatient services and they don't need to go to jail they can be referred to the Crisis Center either by those organizations or they can walk-in. Mr. McLain noted to date BHCC just for the last quarter was over 2 million dollars of diversion that the community doesn't have to provide and around 3000 individuals diverted. Mr. McLain stated they are nonprofit and cannot compete with hospitals and as inflation has gone up the support staff, medical staff, and the paraprofessionals staff provide their services not because they make money, but because they do it because they love our community. For us to be competitive we have used some of the grant money to supplement some of the income. Historically, Idaho Falls has provided CBDG funding to the Crisis center for multiple years. Mr. McLain stated the funding has paid for renovation so that the Crisis Center can meet the needs better for the community, it has paid for during COVID to keep things clean, it pays for washers and dryers so when someone's house burns down and they have nothing, they can come to the Crisis Center be evaluated for crisis and we might be able to wash some of their stuff. The Crisis Center is the flagship for all seven crisis centers in the state of Idaho, it sees the most population and at any given time there are two to three individuals referred by law enforcement in the center and two to three individuals referred by five hospitals in our community. Mr. McLain thanked the Mayor and Council for their time and for reviewing their application.

Director Catherine Smith appeared representing IFDDC – Ms. Smith stated that this has been a long-time source of funding for economic development for Downtown Idaho Falls and almost every downtown business has been touched by this funding, whether it's a grant that is a five hundred dollar matching fund that we provide to those businesses so they can improve their signage outside and have those fun signs that stick out on the sidewalk or if it's a full façade renovation like what you find in the Kress building the home of Channel Blend all that glass and beautiful restoration and is a perfect example of a successful façade improvement grant. Funds have been used very wisely with the care of Lisa Farris. It is a complicated process, and it is wonderful to work with our downtown business owners and board of

directors to execute that. Ms. Smith stated there are many opportunities when buildings are for sale and we have inquiries into the office to find out about what historical preservation grants or façade improvement grants are available we have seen it truly turn into economic development for those investors that are looking at purchasing buildings and renovation in downtown because they know that there are some matching funds available and the façade improvement grant is cool because it is up to thirty thousand dollars per building per side street facing so it's all external and there are matching funds required so seventy-five percent funding source through the façade grant with a twenty-five percent match from the property owner. This year IFDDC has applied for fifty-five thousand dollars Ms. Smith stated it is always difficult to make the request knowing that there are so many additional funds that are requested by very valid and important work that is being done in our community. Ms. Smith stated she is very passionate these funds have changed what downtown looks like and how it feels and how important it is to the economic vibrancy of downtown Idaho Falls. Ms. Smith thanked members of the Council and offered to provide any other information upon request.

Public Works Director Fredericksen appeared and presented a handout, an aerial view of the North Highland Park subdivision, representing the progression of five phases to increase walkability in the Highland Park subdivision. Director Fredericksen stated about four or five years ago most of the subdivision had gravel streets and no sidewalks. As we have pursued grant funding not only from CDBG but also the Governor's discretionary funding we have had the opportunity to pave the streets and continue to supply sidewalks to increase walkability. Director Fredericksen stated our application is a continuation to complete this five-year plan. Director Fredericksen stated that will address the area that is shown in yellow so the sidewalk can be installed along those streets, and that is the intent of this application.

Donovan Stokes appeared representing the YMCA. He stated the YMCA is about 75 years old in this community and has been put in play for youth development and healthy living and social responsibility. Mr. Stokes stated because of the age of the building in need of some help and some upkeep and maintenance. Mr. Stokes stated one thing that is needed is our front entryway which is experiencing some erosion and we would like to replace our glass doors towards our learning center and make it safer for our children. Mr. Stokes stated they do have a learning center for toddlers through 6<sup>th</sup> grade before and after school programs, we also have youth sports, fitness memberships, and a resident's camp. CDBG grant will help toward replacing our steps to our main facility and in our childcare area. Mr. Stokes noted we also have built a new playground, and everyone is happy. However, because we had to take out some trees while installing the playground we are now in need of shade and would like to install a permanent shade structure to protect the little ones from the sun. Mr. Stokes also stated they have some heating and cooling issues and would like to replace the heating and cooling unit so we can have better conditions in the summer months and in the winter months as well.

McKayla Matlack, President/CEO, of DWI (Development Workshop) appeared. Ms. Matlack thanked the Mayor and Council for last year's grant. Hopefully, you have seen the pictures on social media of our brand-new parking lot and new windows and front entry to the door on the admin building. Ms. Matlack shared that her favorite part is if you could see the pictures of our individual watching the construction going on. It was almost difficult to get them to be productive during the day because they think big tractors and dump trucks are amazing. We are excited and appreciative of the safety protocols and the longevity of our parking lot that you have provided.

Madison Messenger, a development specialist for DWI appeared. Ms. Messenger stated that she had the opportunity to write this grant for CDBG grant and for this year we are looking for some help. Ms. Messenger stated they have three different buildings on the DWI property, the admin building, the Griffith building, and the Whitaker building. The Whitaker building was purchased in 1972 and has not had any major repairs since then. There is also a warehouse that is attached to it which is experiencing the most damage. The roof has been leaking during the winter and rain. That is where we keep all our supplies and inventory. The Whitaker building is where our work floor for our clients with developmental disabilities can have their jobs and do different work services but the warehouse leaking its causing damage to our inventory and creating problems. We also want to make sure it's a safe place for our clients to work free from hazards. With repairs to that building, it would be very beneficial to the clients and the staff and help us in the long term.

Ms. Farris appeared. slide-19 referencing the schedule for CDBG Annual Action Plan. Ms. Farris stated they began this process in March with the Invitation to Apply and there was a two-week window for the applications to come in and did receive 11 applications. Between March and April, the Grant Administrator looked at the application and reviewed it for eligibility. Ms. Farris stated tonight is our public hearing and we will go into our 30-day public comment after this time. On May 22, 2023, we will recommend projects for Mayor and Council approval. Ms. Farris stated May 25, 2023, there will be our Council meeting and resolution to adopt the 2023 CDBG Annual Action Plan. We plan to submit this to HUD on or before June 15, 2023 (Slide – 20) HUD has 45 days to approve the Plan. Upon HUD approval, allocation can be made to the City. Ms. Farris stated sometime in August or September 2023 funding will be committed to the approved applicants/projects once City completes: Environmental review and signed Agreement. Ms. Farris stated the Projects are not retroactive the program year runs from April 1, 2023, to March 31, 2024, and the start date begins upon a signed agreement between City and the responsible entity. Slide-21 Contact information for Grant Administrator and CDBG webpage.

### **C. Municipal Services**

#### **1) Public Hearing to Amend Title 1, Chapter 3 and Title 10, Chapter 8 of the City's Impact Fee Ordinance.**

Mayor Casper declared the hearing to be open and ordered that all testimony received as well as photos and slides be a part of the official record and ordered that Director Alexander's testimony be placed into the official hearing record.

Director Alexander appeared and presented amendments to Title 1, Chapter 3, and Title 10, Chapter 8 of the City's Impact Fee Ordinance. Director Alexander provided a recap as follows. The original Ordinance was effective June 1, 2022, the experience with the Ordinance and the receipt of suggestions to improve the clarity and the definition started a conversation about things we can do with this Ordinance to clarify some of the elements of it. Ms. Alexander stated the amended language includes clarification of the Ordinance language itself, expanded definitions, clarity and definition of a complete application, and the addition of the impact fees from the City's fee Resolution and list of city codes, City Ordinance. We had our first discussion about these amendments on Monday, March 27<sup>th</sup> at our Work session. Ms. Alexander stated we Published this evening's Public Hearing in the legal section of the Post Register on Wednesday, March 22<sup>nd</sup>. We had the first reading of the amended Ordinance that occurred on Thursday,

March 30<sup>th</sup> City Council meeting. Ms. Alexander stated during the March 30<sup>th</sup> meeting authorization was given to have this public hearing this evening. The second reading of the amended Ordinance was this past Monday, April 10<sup>th</sup> at City Council Work Session. In your packet of information as well as what was posted on the agenda for this evening all the clarifications, all the amendments that were requested, and the more recent ones that were discussed on Monday, April 10<sup>th</sup> were to sections 10-8-9 discussed on Monday, April 10<sup>th</sup>. Director Alexander stated that everything is a full packet and is ready for discussion in this evening's public hearing.

Mayor Casper stated at this time anybody that would like to comment about these amendments to the Ordinance regarding impact fees to come forward.

Grant Lament, from Rexburg, Idaho appeared. Mr. Lament stated he has a business in Idaho Falls. Mr. Lament stated tonight I'm here as a request on behalf of the larger building and development communities here in eastern Idaho many of which have been involved in impact fee discussions and committees including the Eastern Idaho Builders Association. Mr. Lament stated we feel strongly that the very merits to be here tonight to discuss an amendment to the Ordinance suggests that this was just done wrong. Mr. Lament stated after reviewing the City's several work sessions there have been comments made in the development community is quiet that we have settled and that we are ok with this. That is not the case, we are not, we are very prepared to be very loud and very vocal in protest of both the amendment and the Impact Fee Ordinance.

Mr. Lament stated our plea tonight is that if you continue in this direction, we have tried every avenue that we can and negotiated with fair faith. We met with the city attorney. Several of the builders have pursued appeals and met with Council people we've sent letters to the Council people, elected officials, in addition to that we have met with city staff, and city attorneys to discuss the damages that these impact fees have caused and, in that discussion, came about what you guys are calling a recommendation to amend the ordinance. Mr. Lament stated that was not a recommendation it was an argument in the faith of negotiating for a better path forward against these impact fees from several lawyers present regarding development fees and the Resolution out of the fee schedule not being attached to the Ordinance. Mr. Lament stated we have several other legal arguments that have been presented to the City, describing what we feel are valid legal arguments that this is not a legal and statutory compliant passing of impact fees. Mr. Lament stated in every instance the development community as a larger pull has felt that we've been gaslighted and we've been stonewalled, and enforcement of the entitlement process being delayed and these impact fees been subrogated across the development community and so my three main points tonight that are if you proceed with this tonight that you were going to drive the growth out of the city. Mr. Lament stated we are currently aware of our example of a development firm that is no longer willing to take projects in the city of Falls because this takes our ability away to develop good communities and use products that drive better value. Mr. Lament stated Impact Fees and the Ordinance that you are suggesting to amend puts us in a box where the types of products must be built cheaper they have to build smaller they have to be built to higher density which does not meet the demographics of the people who live in Idaho Falls. Mr. Lament stated furthermore, the development community is somewhat disenfranchised about the passing of this Ordinance and particularly the mechanisms by which it was passed, and many have, will, and are continuing to decide whether the future takes their products and their developments in two cities outside of the City of Idaho Falls. Our current firm has two projects within the city limits and during the process of this, we have successfully titled almost over two thousand doors in other cities in

eastern Idaho where we have been met with challenges like any development process has but met with good faith dealings.

Mr. Lament stated if you proceed with this agenda to impose these impact fees on developers, you will lose the type of development and good faith relationships that have been here for decades with many of the developers and many of the builders that have long-standing family names of family businesses that have been actively involved in community. Mr. Lament stated the second point is that you are going to damage public relationships these include those developers these include these individuals who have businesses who are builders including any users who are also being burdened by the impact of these developments. Mr. Lament stated we believe it is an illegal tax that's being used and the actual implication of the impact buckets that these fees would be signed to don't accurately represent the true impact of our developments and growth in the city. We're not against the problems that the city has fundraising we don't oppose the impact fee in its entirety. Mr. Lament stated the development community has negotiated and asked and has appealed for a better path forward. We are to this day willing to work in hand with the city to find a better path forward. Mr. Lament stated our plea is that you will repeal the impact fee Ordinance. Start over and listen to the development community we are not quiet we are tired of being ignored. Mr. Lament stated you have put together committees where you've heard the vocalization of some of the stronger and bigger firms in the area. You represented Ball Ventures here in the meeting when impact fees were passed through the Ordinance and advocated strongly against the fee Ordinance. Mr. Lament stated we have not been heard. If you proceed with this the public will know that we have tried every reasonable negotiable avenue to work in good faith in different avenues, we have been met with bad faith feelings from the City and its disingenuous interest in the development of the people who are here to help you build and grow the city.

Mr. Lament stated that leads to my third Point. If you continue with this path and do not rectify the wrongs that have been done with this impact fee Ordinance. Mr. Lament stated you will be met with a class action lawsuit that is currently being structured and has the full force of the weight of the larger building and development community including the Eastern Idaho Home Builders Association where we will pursue legal action. Mr. Lament stated we do not want to be in that box we have tried every other avenue to negotiate with you. we are trying to appeal to city staff we have tried to deal with the attorneys we have some letters to City Council in many cases the builders who have unsuccessfully appealed and gone through litigation means arbitration needs were met with the same frustration and all the other builders that we've met with and documented that have been faced with which is that there is no concession, and its take it or leave it attitude from the city and that puts us in one box to restore what we believe is our rights as builders and developers to protect our interests which is to pursue legal action. Mr. Lament stated if you move forward with this course of action, we will be levying a class action lawsuit against the city. Mr. Lament stated if you have questions members of the Eastern Idaho Home Builders' Association are here and I am prepared to answer any of those questions.

Mr. Lament stated if nothing else states more clearly my point tonight is this. The fact that you have to amend the ordinance spells in clarity that this was done wrong. It was done outside of state and statutory compliance. It damages your development community and we are pleading with you to work in good faith where we are as a larger community willing to participate in costs, willing to negotiate in a way that represents mutually beneficial interests. This is not that. Mr. Lament stated this is forcing the development community to arbitrarily compress methods of impact fees that we do not see value in and that do not appropriately represent the impacts of our involvement. Thank you for your time.



Mayor Casper asked for any other testimony. No one appeared. Mayor Casper then closed the hearing.

Council President Dingman stated that a lot of Council members represent as liaisons and have experience as we make these decisions related to the impact fee Ordinance. Councilor Dingman stated it would be unwise to refine any ordinance or resolution within the city when we see that we can offer further clarification and that what this represents today is as we began this process there is the daily coming and going on the operation side of impact fees and there a collection that I think our ordinance could make more clear and that is why we are making some changes to the Ordinance.

Councilor Burtenshaw stated we have the Ordinance, and we have the impact fee study and that is what I refer to because the study is what measured the impact of growth. Taking what services were currently being provided for the city and then projected them out and was based on population, and number of doors. Taking current services and providing what will be needed to meet those services. There is a capital improvement that comes from the roads and the tax dollars into perpetuity that supports the services for those amenities. Councilor Burtenshaw stated for me it is that study that says this is how growth impacts a community, a neighborhood. She noted I do recognize that it is new to this community so my understanding in this Ordinance is as we worked through this in the last several months that these are some of the issues that the building and development community has needed clarification on, and that is why we are amending so we can add clarity. For example, adding the fees into the Ordinance, unlike our other Ordinances where the fee is outside the Ordinance and referenced. That was something for clarification purposes inside the Ordinance the preference. Councilor Burtenshaw stated she does take the accusations seriously, but it comes back to why we adopted the impact fees in the first place, and this is not an increase to the fees this is just to add clarity to those fees already decided.

Councilor Francis stated looking back two years ago and the thought that has gone into our Council approving this concept and the background study. This is not the time to start over. Councilor Francis stated what he has heard over the past 9 months we are addressing right here tonight. He noted there was confusion about whether some entity would be excused from it. We addressed the issue of affordable housing to make it much clearer than it was when we started. Councilor Francis stated from his perspective he has been hearing about things that needed to be clarified or fleshed out and is right here in these amendments. Councilor Francis stated if more issues need to be addressed, I need to hear them in a way that we can see how it might work but not tonight. This is about amendments that directly address issues that have come to us.

Councilor Freeman stated the fact that this is the first he has heard about repealing the impact fees from anyone since they have been put in place. Freeman stated he has not been contacted by anyone and has not heard from any of the builders and has no intention to repeal the impact fees. Councilor Freeman stated we have followed the state statute to the letter and have worked very diligently to write this in a fair manner and in good faith. Tonight, we are here to tweak this a little bit because there has been some issues and we are trying to address those with this, and I am fully supportive.

Councilor Hally stated the bottom line is the fees are intended to stabilize the budget so we can have growth.

It was moved by Council President Dingman, seconded by Councilor Francis to amend Title 1, Chapter 3 and Title 10, Chapter 8 of the City's Impact Fee Ordinance, consider and pass the proposed amendments on the third reading, and request that the ordinance be read by title only, and published by summary to be effective 30-days from the passage of today's date April 13, 2023. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Dingman, Freeman, Francis. Nay – None.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3510

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1 CHAPTER 3 DEFINITIONS RELATED TO APPLICATIONS; AMENDING TITLE 10, CHAPTER 8 BY UPDATING, CLARIFYING, AND ADJUSTING IMPACT FEE ORDINANCE REQUIREMENTS RELATED TO APPLICATIONS, APPEALS, AND FEES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

#### **D. City Attorney**

- 1) Public Hearing for the adoption of new and changing fees, including Sanitation and Parks Fees, to the April 2023 Fee Schedule**

City Attorney Randall Fife appeared. Mr. Fife stated state code says that when a fee is going to be increased by the city by five percent or more a public hearing is needed so the public can weigh in on that and be apprized to what that change is. Mr. Fife explains that we try to collect all the fees that the city charges so that everybody can look at all the fees every time. This was noticed in the newspaper and tonight is an opportunity for anybody who wants to speak about the increase in fees.

Mayor Casper noted that for the fees in sanitation we have included current county fees charged to the city.

Mayor Casper opened the public hearing on the proposed fee Resolution and invited anyone here to comment upon the Sanitation fees, Parks and Recreation, or Transit Division fees.

No one appeared and Mayor Casper closed the public hearing.

Council President Dingman stated this fee schedule is something that is part of the course of law. We cannot charge or collect fees without publishing and going through this public hearing process to get feedback from the community about them. Councilor Dingman noted the changes tonight are benign and that is why there is not any real testimony. Councilor Dingman stated I concur that placing these fees like tire disposal fees and things like that as whatever the current county fee is. We are just passing along the cost to us and it makes sense. Councilor Dingman stated the GIFT after-hours transportation fee is due to the increase in requests for the service of GIFT for private events and entities that want to utilize the transit service after our regular public hours and because we do not have a fee in place, we have declined those requests. Councilor Dingman stated we wanted to get something in the fee resolution for those events and entities that could benefit from affordable transit services.

Councilor Francis pointed out that we do not charge more fees than the actual cost for service. He noted we are not allowed to do that, and it would not make sense and we would not do that.

Councilor Burtenshaw wanted to draw attention to the micro-transit user fee. Councilor Burtenshaw stated this is one program that has benefited this community immensely. This after-hour fee is reasonable and adds to another level of service in the City of Idaho Falls.

It was moved by Council President Dingman, seconded by Councilor Francis to Approve the April 2023 fee resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay – None

#### RESOLUTION NO. 2023-09

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

#### **E. Human Resources**

##### 1) Title I, Chapters 5 and 6: Mayor and Council Compensation

Director Tew appeared. Mr. Tew gave an introduction as follows. Mr. Tew stated in 2015 the city did a survey of compensation and benefits for mayors and city council members in other comparable cities in Idaho and found that we were comparable in what we pay. Mr. Tew stated a survey was done again this year and found that we have fallen well behind in the compensation that is provided to the mayor and city council members. Mr. Tew stated it has been since 2017 since an increase has been provided. Mr. Tew is requesting salaries for the Mayor to be increased to one hundred thousand dollars a year and for the Council members increased to fifteen thousand dollars a year starting in January of 2024. That will then be increased each year for the following six years for a total of 2.2 percent which is the same cost of living increase on average a regular employee received for the last five years. Mr. Fife Esq. stated it might be helpful to point out that these are prospective and that councils cannot give themselves an increase. The state code allows increases prospectively and is not tied to an individual in that seat. Mayor Casper noted there is an election this November and 3 seats will be up for election and the Council will then re-organize and create a new government next January.

Hally stated it does not impact me but has been on the council since 2004 and stated we are way behind the cost of being on the Council. Elections come up and we are involved with a lot of different organizations and make donations and you pay taxes on the money like anyone else. Councilor Hally stated we do not want to preclude anyone from being on the City Council or running for Mayor and that you have to be on the higher end of income to be able to afford it. We are a very complex city we have our water and waste and sanitation; we do it all. You spend a lot of time and spend a lot of time and decision making. All this takes time, and it takes a lot of effort to have the community grow and provides the city to be a part of education this is a very reasonable rate, and I am in favor of this.

Councilor Burtenshaw stated that the Mayor's salary for the amount of work that she puts into the city is woefully inadequate. Councilor Burtenshaw stated with this salary while it does not compensate her does set an expectation of what the Mayor in the City of Idaho Falls has to do and must be willing to do to be the Mayor and this is one salary, I am happy to see go up reflect the hard work that is put in.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve modifications to ordinance to Title I, Chapters 5 and 6 to reflect more appropriate wages for the Mayor and Council under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye – Councilors Freeman, Burtenshaw, Francis, Dingman, Hally Nay – None

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3511

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1, CHAPTERS 5 AND 6 TO ADJUST THE MAYOR'S AND COUNCIL MEMBER'S COMPENSATION; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

## 6. Announcements

Mayor Casper stated GIFT has a board meeting on Tuesday at 10 am in the Council Chambers.  
Bonneville metropolitan planning organization meeting on Wednesday at 3:30 in the Council Chambers.  
Budget Kick-off meeting on April 21<sup>st</sup> at CEI and back in the council chambers for City Council Work Session on the 24<sup>th</sup>.

Idaho Falls Airport Board Meeting on April 25<sup>th</sup>.

City Council meeting on April 27<sup>th</sup>.

Saturday, April 29<sup>th</sup> City employees along with others from the community will be commemorating a Workers Memorial Day at Freeman Park.

Friday Chamber of Commerce is sponsoring a lunch-in with local legislators.

National Laboratory has a net zero fair this coming Monday. This will be highlighting all the things they are doing to drastically reduce the carbon output.

Earth day is celebrated on Saturday the 22<sup>nd</sup> at Tautphaus Park in the ice arena.

The Zoo will be open on April 26<sup>th</sup>.

There is an Idaho Falls pre-check going on at the airport.

## 7. Adjourned

There being no further business, the meeting adjourned at 8:58 PM

s/ Corrin Wilde  
Corrin Wilde, City Clerk

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