



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

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Thursday, May 12, 2022

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 John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Michael Kirkham, Assistant City Attorney

Kathy Hampton, City Clerk

**2. Pledge of Allegiance.**

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

**3. Public Comment.**

No one appeared.

**4. Consent Agenda.**

**A. Public Works**

**1) Bid Award - Storm Drain Improvements 2022**

On Tuesday, May 3, 2022, bids were received and opened for the Storm Drain Improvements 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into a contract with the lowest bidder to perform storm drainage improvements within various city streets.

**B. Idaho Falls Power**

**1) IFP Hydropower Generation Insurance Policy Renewal**

This policy provides insurance for the city's hydropower generation facilities. The attached policy EUTN18655354, was the best commercially available policy presented to IFP's general plant insurance broker, Boston-Alliant Insurance Services, Inc.

**2) Idaho Falls Power Board Meeting Minutes - March and April 2022**

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

**C. Municipal Services**

- 1) Treasurer's Report for March 2022  
A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending March 2022, total cash, and investments total \$146.5M. Total receipts received and reconciled to the general ledger were reported at \$15.5M, which includes revenues of \$13.3M and interdepartmental transfers of \$2.2M. Total distributions reconciled to the general ledger were reported at \$22.5M, which includes salary and benefits of \$5.5M, operating costs of \$14.8M and interdepartmental transfers of \$2.2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$134.9M.
- 2) Minutes from Council Meetings  
April 28, 2022 City Council Meeting
- 3) License Applications, all carrying the required approvals

***Recommended Action:***

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, 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 Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

**5. Regular Agenda.**

**A. Community Development Services**

- 1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Victory Ranch.  
Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Victory Ranch. The Planning and Zoning Commission recommend approval of the plat on February 16, 2021. Since it had been more than a year from the original Commission meeting staff took the plat back to the Commission on May 3, 2022, and the Commission reconfirmed their recommendation to approve the plat. Staff concurs with this recommendation.  
  
Councilor Burtenshaw stated the developer is paying a portion of the traffic impact for the St. Clair and 49th South intersection, which will address lane improvements.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for Victory Ranch and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for Victory Ranch and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Victory Ranch and give authorization

for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

- 2) Public Hearing-Community Development Block Grant (CDBG) FY-2022-2023 Annual Action Plan
- Pursuant to Housing and Urban Development (HUD) requirements, entitlement cities receiving CDBG funds must complete an Annual Action Plan for the initial allocation year (2022). As part of the Citizen Participation Plan, pursuant to 24 CFR 91.105, the City must hold a public hearing. Public Notice was published in the Post Register 3/13/22 and posted on the City CDBG webpage. In addition, regular notices were communicated throughout the process to housing providers and service agencies, past and current applicants of CDBG funding, and the Mayor, City Council, and Directors. At this time, HUD has not provided Idaho Falls' allocation of funds. However, due to anticipated deadlines, the public hearing needs to proceed along with the 30-day public comment period. Following public comment and once an allocation has been determined, applications will be discussed at a work session followed by approval of a resolution at a regular Council meeting. Questions should be directed to Lisa Farris, Grants Administrator.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested staff presentation.

Grants Administrator Lisa Farris appeared. Ms. Farris presented the following:

Slide 1 - Draft PY (Program Year) 2022 CDBG Annual Action Plan/2nd year of PY2021-2025 Five-Year Consolidated Plan/Plan History

- 2004 -  
City applied/approved by HUD as an Entitlement City  
City applies directly to HUD for annual CDBG funds
- Five-Year Consolidated Plans -  
2004-2009/10: Initial Five-Year Plan  
2011-2015: Second Five-Year Plan  
2016-2020: Third Five-Year Plan  
2021-2025: Forth Five-Year Plan

Ms. Farris stated the city is in the second year of the PY2021-2025 Five-Year Consolidated Plan.

Slide 2 - HUD/CDBG Funds

Draft PY2022 Annual Action Plan of Council approved activities/project submitted directly to HUD for approval. PY2022 CDBG allocation TBD, plan year runs from April 1, through March 31. The city received \$7,115,396 total HUD/CDBG funds between 2004 and 2021 (this amount does not include 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act funds (COVID-19), 2020 CDBG CV1/CV3 total allocation = \$507,657)

2022 Application Status - 13 applications, totaling \$624,468

Slide 3 - Providing Opportunities

- Assists city in funding projects/programs not funded with General Funds
- Assists local service providers with filling a gap in service
- Assists city/local service providers in leveraging additional funds

Ms. Farris stated this is the city's 19th year participating in the program.

Slide 4 - CDBG Program and HUD Criteria - All Projects/Activities

- Must meet one of three National Objectives (HUD)
  - Benefit Low/Moderate Income clients (LMI)
  - Prevent/Eliminate conditions of Slum and Blight
  - Meet an Urgent Need
- Must be a HUD Eligible Activity
- Additional Criteria
  - Projects must meet goals of city 2021-2025 CDBG 5-Year Consolidated Plan
  - Projects must be approved for the PY2022 CDBG Annual Action Plan

Slide 5 - CDBG Program and HUD Criteria Projects/Activities must fit into one of four HUD Priorities

- Community Development Priority
- Economic Development Priority
- Housing Development Priority
- Public Service Priority

Slide 6 - Census Tracts (CT) Map

Ms. Farris stated there are three census tracks that funds are allocated to.

Slides 7-13 - Before and after photos of Community Development Priority/Public Infrastructure, Canyon Avenue curb/gutter/sidewalk improvements; Housing Development Priority, Habitat 4 Humanity Idaho Falls Area (HFHIF) triplex unit on Elmore, Pie Hole Pizza façade project on Park Avenue, and single-unit ADA (Americans with Disabilities Act of 1990) rehab, 575 I Street

Slide 14 - Public Service Activities that benefit nonprofit service provider agencies and organizations

- CLUB, Inc. - Homeless individuals assisted with case management, services, and resources
- Idaho Legal Aid - Assisting victims of domestic violence with legal aid
- Idaho Legal Aid (Grandparents Raising Grandchildren (GRG)) - Legal aid assistance for grandparents and other blood relatives who are raising their grandchildren or minor relatives
- College of East Idaho (CEI) childcare assistance - Childcare vouchers to assist LMI students with childcare
- Summer Food Program for local School District in LMI neighborhoods - Assist with cost of food and delivery

Slides 15-16 - PY2022 CDBG Applicants, Activity/Project Description, Amount Requested

- Idaho Legal Aid - Idaho Falls, Legal assistance for victims of domestic violence, \$15,000
- Behavioral Health Crisis Center (BHCC) of Eastern Idaho, Medical professional/treatment for individuals suffering from substance abuse, \$29,000
- Eastern Idaho Community Action Partnership (EICAP) GRG, Legal assistance for grandparents/blood relatives who are raising their grandchildren/minor relatives, \$6,000
- CEI, Childcare vouchers to assist eight LMI students, \$10,000
- USDA Summer Food Service Program New Day Lutheran, Assist with increased food costs and coordinator for summer food program K-18 youth in three CTs, \$5,000
- Trinity United Methodist Church Homeless Day Shelter, Case management intake/assessment, supplies/facility cleaning, and door tender, \$44,736
- The Salvation Army, Case management for Cover of Hope (COH) Program to assess poverty, homelessness, sustainable housing, unemployment, and education, \$20,000

- Idaho Falls Soup Kitchen, Food items not available through the Food Bank to feed LMI families at The Haven/Promise Ridge, \$15,000
- Idaho Falls Downtown Development Corporation (IFDDC), Façade Improvement Program for downtown, \$50,000
- City of Idaho Falls Public Works Department Phase 4 of 5, LMI neighborhood - Highland Park Subdivision curb/gutter/sidewalk improvements in CT 9712, \$250,000
- Idaho Falls Senior Citizen Community Center, Equipment purchase of security cameras, \$17,000
- H4HIF, Construction of three units in the triplex at Elmore Avenue CT 9712, LMI homeownership opportunities, \$75,000
- Administration of CDBG Program, 20% max based on 2021 allocation, \$87,732

Total amount of applications - \$624,468

Slides 17-18 - PY2022 schedule for CDBG Annual Action Plan

- March 13, 2021 - Invitation to apply
- March/April - Applications reviewed
- May 12, 2022 - Public Hearing
- May 12-June 12, 2022 - 30-day public comment starts and ends
- June 27, 2022 - Council Work Session, consider all comments received
- June 30, 2022 - Council Meeting and resolution to adopt draft plan
- Before August 16, 2022 - Draft plan submitted to HUD
- September 2022 - Approval from HUD
- October 2022 - Funding committed to approved applicants/projects

Ms. Farris stated projects are not retroactive, the Program Year runs April 1, 2022, to March 31, 2023.

Per Mayor Casper, Ms. Farris confirmed public comments can still be received and all comments will be discussed at the June 27, 2022, City Council Work Session.

Mayor Casper requested public comment from the applicant list in order as presented on Slides 15-16.

Leland Faux, Idaho Legal Aid, appeared. Mr. Faux stated he recently sold his legal office and joined Idaho Legal Aid. He also stated during the pandemic he began receiving numerous calls regarding housing matters and seeing that individuals had no hope of defending themselves. Mr. Faux stated the grant money from CDBG goes to fund victims of domestic abuse, who may not know what to do or of their options. He indicated it's disheartening to see the number of people of domestic violence, which he believes happens daily. He commended the attorneys at Idaho Legal Aid. Mr. Faux stated the previous CDBG funding helped approximately 100 people find short-term and long-term solutions which allows them to have some order in their lives. He also stated these people don't have any other options for funding or resources. He believes this money goes a long way for the services received and he can't think of a better way to spend the funds than helping those people in need.

April Crandall, Operations Manager and contractor with BHCC, appeared. Ms. Crandall stated BHCC is requesting \$29,000 to provide social detox intervention services and support for individuals who struggle with homeless, substance abuse, and mental health issues. She also stated the intervention assists with withdrawal and initiating sobriety with referral and handoff to recovery services. Ms. Crandall stated 65% of individuals admitted to BHCC in 2021 struggled with substance abuse addiction, and individuals admitted to BHCC do not establish sobriety, cannot be referred to homeless shelters, or

begin work in recovery or substance abuse treatments including medicated-assisted treatment. She also stated the BHCC detox center includes administration of oral solution and vitamin packs as deemed medically appropriate. Ms. Crandall stated without these vitamin packs and oral solutions, individuals are at risk for tremors, seizures, hallucinations, and agitation. These items also assist with numbness and tingling, restore energy, decrease fatigue, and assist with the likelihood that they will be able to establish sobriety and leave BHCC. Ms. Crandall stated medically unassisted and unmonitored withdrawal increases the chance for hospital care and life-threatening electrolyte imbalance, risk of seizure, and organ damage. She also stated once sobriety is safely established, the individual can begin creating their recovery pathway. Ms. Crandall indicated CDBG funding would provide \$2,000 for the vitamin packs and oral solution, and \$27,000 for partial wages for medical professionals for program administration. She also indicated many funding sources do not provide adequate funding to employee medical professionals. She expressed her appreciation for the opportunity to apply for grant funds which have been very beneficial, and she has seen the growth and the assistance at BHCC. Per Councilor Francis, Ms. Crandall confirmed part of funding would allow follow-up services for appointments, etc.

EICAP/GPG, no one appeared.

CEI, no one appeared.

USDA Summer Food Service Program New Day Lutheran, no one appeared.

Trinity United Methodist Church Homeless Day Shelter, no one appeared.

Captain Misty Birks and Captain John Birks, pastors and administrators for The Salvation Army, appeared. Captain Misty Birks expressed her appreciation for the opportunity to request funds. She stated the Pathway of Hope is a program for social services which is all emergency assistance, although, there is currently no staff to help with case management to ensure there's no recurring emergency. She also stated the goal is to provide opportunities for families to get out of poverty and not find themselves in the same situation repeatedly, and this funding would help fund a position as the Birks don't currently have dedicated time to meet with clients on a regular basis to set and meet goals and find resources in the community to meet their needs and to be self-sustaining.

Idaho Falls Soup Kitchen, no one appeared.

IFDDC, no one appeared.

Chris Fredericksen, Public Works Director, appeared. Director Fredericksen stated this project is a continuation of Phase 4 of Phase 5 for Highland Park. He also stated dramatic differences have been made in this area over the previous years based on the availability of these funds, noting those subdivisions were not paved, there were gravel streets with no sidewalks. With the use of these funds, Director Fredericksen stated those streets are now paved which dramatically increased the walkability. He believes this has made a tremendous benefit, and the request is to continue funding to complete more improvements for walkability in those subdivisions.

Idaho Falls Senior Citizen Community Center, no one appeared.

H4HIF, no one appeared.

Mayor Casper requested additional public comment. No one appeared. Mayor Casper closed the public hearing and expressed her gratitude to all those who presented. Per Councilor Francis, Mr. Kirkham confirmed all information can be received as this is a legislative hearing.

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No action was requested.

## **B. Municipal Services**

### **1) American Rescue Plan Act (ARPA) Committee Recommendations**

The American Rescue Plan Act provides funding to support response to and recovery from the COVID-19 public health emergency and ensures governments have the resources essential to making investments that support long-term growth in the areas of public health, public sector revenue and water, sewer, and broadband infrastructure.

Municipal Services Director Pamela Alexander appeared. She stated this request caps off many months of evaluation and review of projects that qualified for the ARPA funds. She indicated the city was allocated \$10.5M, which is available for five years, these funds must be allocated by December 31, 2024, and expended by December 31, 2026. Director Alexander stated discussion occurred at the May 9, 2022, Council Work Session. She indicated there were a total of 34 requests reviewed and 18 requests were recommended by staff. She reviewed the recommended list, including property acquisition for new Fire Station, ADA restroom for all access playground at Tautphaus Park, replace two ambulances, purchase new transport ambulance, APCO dispatch software for Fire and EMS, city parks surface water irrigation conversion, 17th Street and Holmes Avenue intersection improvement (eastbound right-turn lane), Pancheri Bridge (beam seat, deck rehabilitation and girder replacement project), public outreach and engagement tool, purchase and install back-up generators for Fire Station 4 and Fire Station 5, Idaho Falls Civic Center for the Performing Arts ADA restrooms and lobby expansion, security upgrades for parks restrooms, City Hall elevator, permit software system purchase and implementation, safety and facility updates to Funland at the Zoo, ARPA administration/The Ferguson Group, security access points, and Idaho Falls Police Department (IFPD) patrol cars. Director Alexander expressed her appreciation to the evaluation panel, including Mayor Casper, Councilors Francis and Burtenshaw, Council President Dingman, Director Fredericksen, Ms. Farris, Community Development Services Director Brad Cramer, and Treasurer Josh Roos. Council President Dingman questioned the MERF (Municipal Equipment Replacement Fund) and how the fund balance would impact MERF in the future, recognizing the IFPD is hoping to get to a 7-year rotation of vehicles. Police Chief Bryce Johnson believes the ARPA funding would not go into MERF, this would be for immediate purchase of vehicles and would get vehicles to an 8-9-year rotation, noting the IFPD is striving for a 7-year rotation, which is a national recommended standard. He also believes the current MERF balance is over \$1M, noting the current lease payments are more than the annual contributions to MERF. He indicated there is a plan in place to increase the MERF allocations over the next couple of years. Per Councilor Radford, Chief Johnson believes approximately \$400,000 is currently allocated to MERF, noting the recent decrease was due to COVID cuts; and the MERF balance was lower (\$300,000 range) when Chief Johnson was hired due to a 12-13-year replacement schedule. Chief Johnson stated there are currently a number of newer cars as well as older cars, noting the IFPD has lost cars due to maintenance issues. Councilor Radford questioned if ARPA could be used for salaries, although not as an ongoing basis. Director Alexander stated a provision allows for public safety-type of salaries and benefits as well as any premium pay. Councilor Radford stated he is in favor of using a portion of the ARPA funding for vehicles (\$250,000 range) and use a portion of the ARPA funding (\$500,000 range) for recruiting/hiring bonuses, realizing there is a recruiting crisis. Chief Johnson believes \$500,000 is too much for recruiting bonus. He would propose using salary savings from vacant positions toward signing bonuses which would not tap into General Fund monies. Per Councilor Radford, Chief Johnson stated the \$750,000 would be used as a catch up for the preferred number of vehicles. He indicated the lease program draws less from MERF, he realizes the MERF needs to be increased, and the IFPD will use other

funding revenues/sources for MERF in this year. He believes the annual MERF allocation will be \$700,000, which is doable over time. Councilor Hally questioned if bonuses would affect the retirement benefit and the liability for the city. Director Alexander stated a one-time bonus only affects the one year, although, progressing bonuses would affect on-going increases. Councilor Burtenshaw believes the MERF contribution would need to be \$700,000 in year one, which would be significant. She indicated this \$750,000 would be for budget year 2023, so there would be no need to purchase vehicles for 2023, which would get to the 10-year rotation. Mayor Casper explained the MERF, stating this is a savings account for equipment replacement. Per Councilor Francis, Chief Johnson confirmed the vast majority are replacement vehicles, although, there may be some add-to-fleet, noting MERF will not cover add-to-fleet. He believes the add-to-fleet are approximately \$60,000-\$70,000. Also Per Councilor Francis, Chief Johnson confirmed not all the funding would need to be spent in the first year and there may be a possibility to purchase 3-4 vehicles in the next few months with a local dealership, noting there is no guarantee of purchase due to the supply chain. Council President Dingman stated this similar conversation occurred within the ARPA Committee to distribute the funds over a period time and allow more time to appropriately plan for MERF. Chief Johnson explained the purchase and the MERF contribution. He emphasized there are some vehicles that are needed now, and it would be helpful if there were some flexibility. Mr. Kirkham's recommendation was to focus on the ARPA funds. Mayor Casper stated additional MERF conversations could occur. Councilor Burtenshaw recommended to remove the \$750,000 for the police vehicles to allow additional discussion. Councilor Francis agreed.

It was moved by Councilor Radford to remove the line that refers to the police vehicles and table that for further discussion at the June 6 City Council Work Session. The motion died for lack of a second. It was then moved by Council President Dingman, seconded by Councilor Radford, to accept and approve the American Rescue Plan Act committee recommendations withholding the Idaho Falls Police Department patrol cars in the amount of \$750,000 for a total approved amount of \$9,802,851 and move to table the discussion related to the Idaho Falls Police Department patrol cars in the amount of \$750,000 for the June 6 (City Council) Work Session. Brief comments followed regarding the absence of two councilmembers at the June 6 City Council Work Session, the immediate purchase of police vehicles, and the three un-operational vehicles. Roll call as follows: Aye – Councilors Burtenshaw, Radford, Dingman. Nay – Councilors Hally, Freeman, Francis. Seeing a tie vote, Mayor Casper voted Nay. Motion failed. It was then moved by Councilor Freeman, seconded by Councilor Hally, to accept and approve the American Rescue Plan Act committee recommendations with a change of funding the police vehicles at \$300,000 rather than \$750,000 and table that for discussion in June to fund it completely. Mayor Casper clarified the motion to fund the American Rescue Plan Act recommendations in the amount of \$10,102,851 and reserving \$450,000 for discussion at the first meeting in June. The motion carried with the following vote: Aye – Councilors Francis, Freeman, Dingman, Radford, Hally, Burtenshaw. Nay – none.

## C. City Attorney

- 1) Public Hearing for the adoption of new fees, including Development Impact Fees, to the May 2022 Fee Schedule  
The Office of the City Attorney respectfully requests that the Mayor and Council conduct a public hearing for the addition of certain fees, including setting the amount for Development Impact Fees, to the City's fee schedule and afterward approve the corresponding resolution. The Public Hearing has been scheduled for Thursday, May 12, 2022 at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho. The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the fee schedule was published on Sunday, May 1, 2022 and Wednesday, May 11, 2022.



Mayor Casper explained fees are typically adopted during the budget process, although, it's not uncommon to have fee hearings throughout the year. She opened the public hearing and ordered all items be entered into the record.

Mr. Kirkham stated for consideration are additions to the fee schedule which include Impact Fees and the Microtransit user fees. Mayor Casper requested presentations from the appropriate departments.

Director Fredericksen appeared. He stated the city is anticipating beginning microtransit services in June, 2022. He clarified the vendor is trying to acquire the equipment which also must include ADA accommodations for each vehicle. He stated the proposed fee is not to exceed \$5 per ride. He also stated reduced fares are being looked at, although, the full fee payment is anticipated to be \$3 per ride.

Director Fredericksen also explained the transportation impact fees, stating discussion has occurred from the development community, builders, and city staff who all recognize that the community is growing. He believes in the philosophy that the city takes pride in providing utility service for low rates and have low cost of development to encourage the variety of housing, restaurants, and businesses. However, Director Fredericksen believes the transportation perspective affects everyone every day. He indicated he has received numerous phone calls complaining about traffic in the city, realizing that's relative to where an individual is from. He also realizes, due to growth, it takes longer to do things than five years ago, which are impacts to the transportation system. Director Fredericksen stated, due to the growing cost of building infrastructure, the city needs to get the most out of the existing infrastructure. He indicated a traffic engineer has been hired, and traffic maintenance systems have been installed, but there are infrastructure needs that need to be built to continue to provide the level of service that patrons are used to, and there is no funding mechanism to do this. Director Fredericksen stated impact fees are an avenue that can provide for the growth that the community continues to see. He also stated the impact fees rely on two steps - determining the developmental cost of the capital improvements needed and allocating those costs equitably to various types of development. Director Fredericksen stated over a 10-year period, growth projections estimate that arterial roadways will need to expand by 23.4 lane miles, assuming that the city pays 25% of those improvements with federal aid and apply another \$1.5M from other roadway funding sources, this is a need to build \$16M in revenue over that same 10-year period. He also stated without growth, these roadways don't need developed, noting the impact fees are meant to extend those costs to pay for that potential growth. Based on the study and implementing the transportation impact fees, Director Fredericksen indicated there would be no anticipated reduction in the level of service, this is to maintain the current level of service. However, if a lesser transportation fee is implementation, Director Fredericksen stated the city would have to reduce the level of service in the transportation network or find alternate needs for funding. He recognized the work from the Impact Fee Advisory Committee and believes the two key issues are what the fees should be dollar-wise, and when to implement. He also stated staff recommends implementation date of June 1. Per Councilor Freeman, Director Fredericksen explained the current transportation/road and bridge fees, stating these fees are established based on the number of parking stalls anticipated for the development, although, the intent of the fee was that developers build 21½ feet of the roadway, which is one-half of a residential roadway, and one-third of a major roadway for arterial development. However, if there are two developers on each side of an arterial roadway, the city would still have one-third of the roadway to build, and the arterial road and bridge fee was a means to gather those funds for the city to build the center of that roadway. Director Fredericksen stated, with the implementation of impact fees, the current ordinance would be modified, and these fees would no

longer be collected. Also per Councilor Freeman, Director Fredericksen confirmed a portion of the current road and bridge fee is included as part of the proposed transportation impact fees. Councilor Burtenshaw questioned the reimbursement feature for construction of an arterial road as well as using impact fees from the inner lots of the neighborhood to help contribute to that road. Director Fredericksen stated development along an arterial roadway is very expensive and even though the subdivisions would pay to some extent, it's not a proportional share. He confirmed the ordinance would allow a credit or reimbursement at the developer's prerogative.

Parks and Recreation (P&R) Director PJ Holm appeared. He emphasized there is no P&R impact fee associated with commercial. He provided the fee amounts for residential. Director Holm stated the city has a beautiful park system and great indoor facilities although the city is seeing the need as there is more growth. He also stated he is told regularly that the city needs a second sheet of ice. He indicated this has been discussed with the user groups, noting the single sheet is enough for the community of Idaho Falls, however, he's seeing problems across the entire parks system as P&R is becoming the Parks and Recreation Department for the region. He believes this can be positive for bringing travelers into the community, however, there are new user groups and requests for needs and space, which the parks system does not have room for. He stated the fees would help develop new greenspace and fields as well as fund lights and infrastructure for the current space; and these fees would give P&R the opportunity to purchase property where the growth is happening. Director Holm identified the four categories that will be tracked and monitored within the parks impact fees - indoor space, civic park, community parks, and neighborhood parks. He believes all four categories are important and huge for quality of life in the community, and he recommended the council accept these fees at the full recommended amount for parks. Councilor Francis confirmed these categories are based on the current level of service. Director Holm stated specific acreage growth and indoor space needs to be seen in 5-10 years. He also stated, per the 5-year review of the fees, the fees can be utilized in larger portions as long as it's shown that P&R is working on all four categories.

Fire Chief Duane Nelson appeared. He concurred with Director Fredericksen regarding the level of service and maintaining that current level of service. He stated the Fire/EMS level of service means life safety and property conservation during a fire, which comes down to time. Chief Nelson stated these fees are based on the number of the units and the number of people who can respond to the calls with a planned approach of how fast staff can get to these incidents. He also stated as the city sees growth, specifically to the north and south, this extends the availability of personnel that are currently built into the service delivery station model and where they can get to, noting the national standard timeframe is a 5-minute response time. He indicated as the city grows, Fire/EMS can no longer meet those times. Chief Nelson stated these impact fees can be used for unplanned events and that new growth is needed to maintain the service delivery that is currently built out; and these fees could allow Fire/EMS to be built out to the north and south, pay for property, pay for structures, and pay for new ambulances to maintain the services across a broader region as it grows. He also stated the fees allow Fire/EMS to plan for a desperately needed training facility in this area, noting the current structure is from 1960, and these funds will meet the demands, the training needs, and additional hazards in the future. Per Councilor Francis, Chief Nelson confirmed these fees are for apparatus and facilities, operations will still be from the General Fund.

Mayor Casper explained, due to a lack of questions from the councilmembers, the first study (for impact fees) occurred more than two years ago, and the councilmembers have had months of opportunity to become familiar with this.

Chief Johnson appeared. He stated impact fees would affect two things within the IFPD - add-to-fleet vehicles for additional officers as the city grows, and a portion for the new Idaho Falls Police Complex (IFPC). He also stated the building has been architecturally designed to be a 30+ year building, therefore, a portion of this building is designed for future use and growth to allow additional space to accommodate additional personnel, which would be paid for by impact fees.

Community Development Services Assistant Planning Director Kerry Beutler appeared. He stated there are two important dates related to implementation date; the Impact Fee Ordinance went into effect April 3rd which established the ability for the impact fee, and any permit applications that were applied for prior to April 3rd and were eligible to receive a permit would be grandfathered. He explained the eligibility to receive a permit, noting if a subdivision plat was not recorded or zoned properly, or if a commercial site plan was not approved, the city would not be able to issue a permit. In order for those applications to be exempt, Mr. Beutler stated all things would need to be approved and in place, and the June 1 implementation of impact fees would not apply. Mr. Beutler stated all permits from April 4th to date were looked at with the focus on residential permits, as these are most common. He indicated if the current pace continues with the amount of staff hours and reviews that are being completed in order to issue permits, he believes staff could issue all residential permits with the exception of approximately 20; noting staff is making temporary adjustments to try and address all permits prior to a potential June 1 deadline. He emphasized staff is hoping to review all permits, although not all permits are ready for issuance due to other circumstances. He noted moving forward, per the ordinance, the fees would go into effect when the permit is issued. Per Mayor Casper, Mr. Beutler stated staff is very busy; they are seeing an increase in the number of permits; and there is an increase in the number of days for permits being applied and issued, noting the average turnaround of permits is approximately 50 days. He also stated the turnaround time is typically better when staff is not as busy, noting this is affected by field inspections, which may be delayed due to reviews, and paperwork review.

Mayor Casper requested public comment.

TJ Nottestad, Jex Lane and member of the Impact Fee Advisory Committee, appeared. Mr. Nottestad expressed his appreciation to Councilors Burtenshaw, Francis, and Radford for meeting with a group of developers and builders. He stated he can see the city's need for impact fees, although, as a builder it's a lot to ask to double the cost of a permit, and it's not that easy to just pass these fees on as there are a lot of projects, builders, and developers who have contracts signed and now interest rates are rising. He indicated there are serious issues that they're already dealing with within the building community. Mr. Nottestad stated he's firm that a grace period is needed, and June 1 is too quick. He also stated that impact fees are not meant to supplement a budget shortfall; everyone sees the growth and the issues that happen with growth. He believes growth goes through ebbs and flows, although, these fees will get harder for the city and the builder perspective. He indicated the local builders will stay to help the city grow and will get the voice out to the community while the out-of-town builders will ride the boom and then they'll be gone. Mr. Nottestad clarified the developer would get the reduction on the arterial fee, not the builder.

Victor Jacobson, Nathan Drive, appeared. Mr. Jacobson questioned, as a homeowner, what these impact fees would do to him and what will he pay extra in taxes. Mayor Casper stated fees and taxes are separate items, and new construction would pay the fee.

Eric Parker, city employee and resident on Buckboard Lane, appeared. Mr. Parker stated while he was a city employee in Rexburg, he was able to see the ability that impact fees have to help get ahead of growth. He indicated a road in Rexburg was mostly funded from impact fees which has allowed the infrastructure to be in place. He believes it's an important ability to help pay for growth with growth. Mr. Parker recognizes that the State legislators have limited the ability for the city to help growth pay for growth. He encouraged the council to take the full amount as soon as possible, realizing some adjustments will be difficult but this is an opportunity to pay for the growth that we're experiencing and not knowing if the interest rates may slow down. Mr. Parker emphasized he is not speaking from his city position; he expressed his appreciation from a citizen standpoint to adopt the full fee.

Eric Isom, representative from Snake River Landing (SRL) and Ball Ventures, appeared. Mr. Isom stated he appreciates the previous comments. He also stated he does not oppose impact fees, he's very sympathetic to EMS, police, parks, and streets, he believes impact fees are a common fee in other cities and are necessary, and he has no issues with the concept. Mr. Isom expressed his appreciation for the councils' willingness to listen, meet, and listen to thoughts. He shared three things that he believes are important - 1, the fees are set in a fair amount; 2, he wants to make sure they receive credit for paying for streets and not getting hit twice for fees, noting that Ball Ventures has spent millions of dollars developing the SRL project and streets; and 3, the fees are not dropped all at once. Mr. Isom explained their projects/purchasing a piece of property as a commercial development which includes a financial analysis and a commitment to move forward, noting the fee is a lot to bear in terms of being feasible. He described a retail project in SRL, noting these impact fees could be more than \$2M, which makes it tough. He stated he has seen construction costs in the last 6-12 months 30-40% higher than a year ago, interest rates are sharply rising, and when this fee is added, it makes a project tough for a city that has prided itself on being pro-economic development, referring to the Costco ordinance, and this would throw cold water on all that. Mr. Isom believes cities are either growing or they're dying. He stated he wants to see the city continue to grow and wants to be part of that growth. He reiterated the possible credit and possibly phase the implementation.

Clint Boyle, Snake River Parkway, appeared. Mr. Boyle stated he is representing clients with the focus on commercial versus residential impact fees. He also stated he has had the opportunity to work in many cities around the U.S. and this is no surprise, this is good fiduciary duty by the council as many cities have impact fees, and he is not protesting the fees. Mr. Boyle believes there are three points - 1, the credits, offsets, and already completed improvements on arterial streets or collaborative infrastructure previously with another impact fee for building permits; 2, implementation, noting budgets and negotiations takes months or years to implement, and this fee was not considered in those budgets, noting June 1 is quick; and 3, the amounts, with the possibility to phase-in over time. Mr. Boyle shared some examples of impact fees from other communities/neighboring states from an analysis, excluding the transportation side, stating the P&R are equivalent with most communities and are right in line; the EMS fees for a 5,000 square foot restaurant would be \$12,500 for Idaho Falls, noting Meridian is the next closest at \$5,000; a 300,000 square foot major retailer would be \$686,000 in Idaho Falls, noting Meridian is the next closest at \$264,000; and a 40,000 square foot office building would be \$27,800, noting Boise is the next closest at \$19,400. He proposed additional discussion on these fees or pause for a month for further evaluation by the council.

Johnny Arbuckle, representing Scratch Development, appeared. Mr. Arbuckle expressed his appreciation for the information that's been shared. He stated he agrees with the other comments and shares equal concerns. He indicated his project (378-unit apartment complex) was just approved as a

previous agenda item, although, there are other projects in the works, including retail office and residential. Mr. Arbuckle stated their project has already been budgeted, the loan has been secured, they have received approval from investors, a construction contract is locked, and these fees are not part of the budget. He indicated the preliminary plat was approved a year ago, although, it had to be resubmitted to the P&Z due to engineering challenges and redlines, delays and reviews, and measuring the traffic impacts, which has caused delays. He also indicated, per the approved development agreement, they are contributing a significant amount of money toward the reconstruction of 49th and 15th intersection. Mr. Arbuckle reiterated his significant concern. He stated from rough math, they were budgeting \$565,000 under the old fee structure, under the new fee structure is a \$775,000 increase to the project, which is a 140% increase. He expressed his concern for the quick implementation, as this is a new situation, noting they have already signed a development agreement that commits them to impacts that are not impact fees and they may not be able to pull their building permits prior to June 1. He also expressed his concern for these extra funds. He also shares the opinion of impact fees and the purpose of them, he reiterated his concern for the rapid implementation, noting he cannot change the rent; and they're absorbing construction cost increases, interest rate increases, and impact fees.

Per Councilor Francis, Director Fredericksen reappeared. He confirmed impact fees are only for arterial streets, and developers would only receive a credit for arterial streets.

Mayor Casper closed the public hearing.

Councilor Hally believed the impact fees were similar to other cities, although, he expressed his concern for the comparison from other cities. Mayor Casper indicated the city's fees are broken down by categories, noting other cities break their fees down by neighborhood as well. She also noted Ada County does not have transportation fees. Councilor Francis stated, following additional discussions, he has changed his position regarding the police fees, and he would be supportive of these fees. He questioned the council's thoughts about not taking the full amount. Councilor Burtenshaw stated she is still in favor of the 100% transportation. She recognizes the need for 100% for all fees, although, she is still in favor 75% of the other impact fees and working toward well-vetted Capital Improvement Plans (CIP) moving forward so it's clear where the dollars are spent. She would recommend June 1 implementation. Councilor Radford stated the council has looked at this very closely, he expressed his concern for the timing, he believes the impact fees are here, and he is very sympathetic with the projects at SRL. He also expressed his concern regarding the comparison of fees, especially with the commercial fees as he believes those fees have been off from the beginning. He is also supportive of Councilor Burtenshaw's comments, and he believes the council is sympathetic to try and make this more gradual. He reiterated his concern for the economic impact. Mayor Casper stated these fees were developed last fall and presented in December, noting the supply chain and construction cost issues due to the pandemic. She also stated State law only requires a refresh of fees once every five years, therefore, some cities may not have refreshed their fees during the pandemic. Councilor Francis believes Director Fredericksen researched the fees with a comparison. He also believes the immediate impact will be very difficult no matter when the fees are implemented, he is supportive of the 75% for the three categories based on the Impact Advisory Committee, noting a decision was recently made regarding police cars and the ARPA money, and transportation is related to growth. Councilor Freeman expressed his appreciation to the individuals from the building community and their support for these fees. He stated he would consider delaying the implementation. Mayor Casper noted the majority of the comments have come from the development side, not the residential side, and costs of growth will continue to be borne by the property taxpayer if only a percentage is taken, or a delay is implemented.

She stated the State legislators cut the ability to bring in General Fund dollars through taxation and the cities can't find solutions no matter which way they turn, and impact fees were a solution given by the legislation many years ago, although, they were only recently considered by the city. She also stated 65,000+ residents in Idaho Falls will continue to pay for growth that impact fees don't cover if not implemented. She reminded the council to remember the people who are not in the room. Per Council President Dingman, Mr. Kirkham believes approval of the proposed microtransit fees and impact fees could occur in two steps.

It was moved by Council President Dingman, seconded by Councilor Francis, to approve the fee resolution for Transit Fees, 1. Microtransit fee not to exceed \$5, and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay – none. It was then moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the fee resolution with the modification to the published fees of 75% of the P&R fee, 75% of the Police fee, 75% of the EMS fee, and 100% implementation of the transportation fee with effective date June 1. Councilor Burtenshaw stated the fees will be discussed again in the fall during the budget approval. Councilor Radford reiterated his concern with the commercial comparison as well as the reimbursement. Councilor Burtenshaw does not believe the city could go back and reimburse for those things already built as those were part of a development agreement. Council President Dingman stated State code refers to credits and refunds, she does not believe there are reimbursables. Councilor Radford reiterated his concerns as referenced by SRL. Mayor Casper stated these issues were vetted. She also stated this study was available in December with multiple discussions. She questioned the councils' due diligence, noting staff has dedicated numerous hours on this study with quality data and absolute numbers. She expressed her surprise with the unwillingness to make a commitment, reiterating this information has been available and addressed. Mr. Kirkham explained the established impact fees must be based off the CIP plan which has been approved and accepted by the council, and fees cannot exceed the supported study. He also explained if the adopted fee is less than the current CIP/study the council can reconsider those fees as mentioned by Councilor Burtenshaw. The motion carried with the following vote: Aye – Councilors Radford, Hally, Francis, Burtenshaw. Nay – Councilors Freeman and Dingman.

#### RESOLUTION NO. 2022-12

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.

### D. Fire Department

#### 1) Bonneville County Fire Protection District #1 Service Agreement

The two-year renewal of the joint service agreement allows the two agencies to work together to provide proficient and cost-effective methods of firefighting to both the City and County residents.

Chief Nelson appeared. He stated this agreement represents three decades of partnership in providing fire protection services to both city and county residents in the greater fire district. He also stated Ammon is excluded in this agreement as Ammon joined the Fire District a year ago. Chief Nelson stated the city has partnered with the district for a 2-year agreement in the amount of \$1,681,072 paid each of those two years. Per Councilor Freeman, Chief Nelson stated the value is the same amount as it was a year ago. He also stated the fire service in the district is staying static, and 12.5% of overall budgetary

General Fund dollars are for fire protection in the city. He explained the value was determined by looking at a number of factors over the course of years, including personnel costs. Chief Nelson stated the percentage of call volume has not changed over the past five years, and the average of about 15% of fire calls in the city versus the Fire District is maintained. He noted the remainder comes from the depreciation values from the county, which comes from the value of the use of capital assets, such as the fire station and fire engines used by the city. Councilor Freeman believes there is value in this partnership.

It was moved by Councilor Freeman, seconded by Council President Ziel-Dingman, to approve the two-year agreement between the city and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

## **E. Parks & Recreation**

### **1) Playground equipment at Mel Erickson Sunnyside Park.**

The Parks and Recreation Department issued an RFP for new playground equipment for Mel Erickson Sunnyside Park. Four proposals were received, with Burke being the most responsive to the criteria set forth in the RFP. Burke will build and install playground equipment at Mel Erickson Sunnyside Park for the amount of \$89,993. This sum was budgeted for.

Director Holm appeared. He stated this will be the largest playground in Idaho Falls. He indicated a panel of five reviewed the playground proposals and ultimately selected the proposal from Burke, which includes the playground equipment as well as installation, so it will not take weeks of staff time. He noted Burke also built Community Park playground, and they are number one for UV protection as well as longevity. Per Mayor Casper, Director Holm explained the requests of the RFP, noting the budget and completion date were key factors in selecting this proposal.

It was moved by Councilor Hally, seconded by Councilor Radford, to accept the proposal from Burke for purchase and installation of playground equipment at Mel Erickson Sunnyside Park for \$89,993. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

## **F. Public Works**

### **1) State Local Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the 17th Street, 1st Street and Lincoln Road X-Walks.**

Attached for your consideration is a State Local Agreement for construction with ITD to improve pedestrian safety along 17th Street, 1st Street and Lincoln Road. Proposed work includes the installation of thermoplastic stop bars and crosswalks will be installed on all cross-street approaches. ADA upgrades will also be made to several locations.

Director Fredericksen stated markings will be placed at 62 side streets as well as replacing 19 individual concrete ADA ramps. He also stated the total anticipated cost is \$342,830, with a 7.34% match totaling \$25,163.75, and the city intends to use in-kind match to meet the financial requirements.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve the State Local Construction Agreement and Resolution with ITD for 17th Street, 1st Street, and Lincoln Road X-Walks and give authorization for Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

RESOLUTION NO. 2022-13

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF 17TH ST, 1ST ST & LINCOLN RD X-WALKS, IDAHO FALLS.

**6. Announcements.**

Mayor Casper announced the Symphony Gala on May 14; a Peace Officer Memorial event on May 15; and a Water Tower Public Meeting, the Ride of Silence, and a Compass Academy Art Show on May 18.

**7. Adjournment.**

There being no further business, the meeting adjourned at 10:30 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor