

June 7, 2021 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, June 7, 2021, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw
Councilor John Radford

Also present:

Chris Fredericksen, Public Works Director
Brad Cramer, Community Development Services Director
Andra Hansen, On the Ground Principal
David Richards, Water Superintendent
PJ Holm, Parks and Recreation Director
Pamela Alexander, Municipal Services Director
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council receive the recommendations from the Planning and Zoning Commission meeting of June 1, 2021 pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Mayor Casper indicated the Idaho Falls Police Department (IFPD) item (listed on the agenda) was mis-noticed. She believes additional discussion between Legal staff and IFPD needs to occur, therefore, this item will not be discussed. She noted, for those in attendance, the City is currently under Stage 4 Order by Governor Brad Little which requires masking, unless vaccinated, or social distancing.

Calendars, Announcements, Reports, Coronavirus (COVID-19) Update, and Legislative Update as needed:

June 7, Community Bike Ride and BBQ
June 14, Flag Day
June 15, Airport Leadership Workshop
June 16-18, Association of Idaho Cities (AIC) Annual Meeting
June 10, City Council Meeting
June 24, City Council Meeting
June 28, City Council Work Session
June 30, Annual Public Works Utility Meeting
June 21-23, American Public Power Association (APPA) National Conference
August 11, City Employee Picnic
August 19, City Employee Benefits Fair

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September 16-19, The Wall that Heals

Mayor Casper indicated refresher training will be forthcoming for City Councilmembers, Planning and Zoning (P&Z) Commission members, and Board of Adjustment members regarding LLUPA; the City Council will be walking during the July 4 parade to collect items for the Community Food Basket; Councilmembers have been requested to assist at the City employee picnic; appointments are needed for the Sister Cities Committee; and the American Rescue Plan Act (ARPA) tentative committee list was distributed. Mayor Casper stated the WebEx platform will be continued for restricted uses only beyond the June 10 Council Meeting although call-in audio could be used if needed. She also stated all Work Sessions and Council Meetings will continue to be live-streamed.

COVID-19 – Mayor Casper stated the Eastern Idaho Public Health (EIPH) Regional Response Plan was officially retired at the June 3, 2021 EIPH Board Meeting.

There was no legislative update.

Liaison Reports and Councilmember Concerns:

Council President Dingman stated the new Alaska Airlines flight from Idaho Falls to Seattle received 56% booking in the first 30 days, the network average is 45%. Mayor Casper noted the Phoenix and Dallas flights have also launched, which are also going well.

Councilor Hally stated, per the Idaho Falls Fire Department (IFFD), there were 15,000 calls for calendar year 2020, 3,000 of these calls were medically related. He also stated there will be a push-in party occurring in the near future for the new ladder truck.

Councilor Burtenshaw had no items to report.

Councilor Freeman stated the canal trail project along Holmes Avenue has begun; and the splashpad is under way although the project is slightly behind schedule due to underground issues.

Councilor Francis stated, per the Parks and Recreation (P&R) Department, the parking lot and restroom base is occurring at the splashpad; the Pinecrest irrigation project began June 7; landscaping work with TNT Landscaping is occurring along some of the City's right-of-ways; and the War Bonnet Round Up Rodeo is scheduled for August 5-7 with a kickoff at Sandy Downs on August 4. He also stated, per the Library, the Summer Reading Program began June 7; the walkway rails have been removed; and the Sister Cities exhibit is moving forward. Mayor Casper stated a virtual tour for the Sister Cities 40th anniversary celebration will be held July 16.

Councilor Radford noted Barnes and Noble is involved with the Summer Reading Program. He suggested a ground-breaking event occur with the canal trails project. He briefly explained events regarding the APPA including grid security, electric vehicle infrastructure, and refundable energy tax credits.

Mayor Casper stated she distributed information regarding black start testing with Idaho Falls Power (IFP). She also stated a support letter has been submitted regarding a railway system.

Update: Greater Idaho Falls Transit (GIFT):

Council President Dingman reviewed the members of the GIFT Board including herself, Lisa Farris, Rick Cloutier, Arnold Cantu, and Michael Walker. She also recognized Ron Duran from the Idaho Transportation Department (ITD) as Transit Director. She briefly reviewed the Targhee Regional Public Transit Authority (TRPTA) Board's goals presented in January 2020. Outcomes of these goals: real property sold and closed for fair market value (Spring 2021); bankruptcy complete and creditors paid back at rate approved by the Courts; Board bylaws changed to reflect appropriate investment and leadership; ITD is "all hands-on deck" and assisting with Federal funding; and Community Transit Association of America (CTAA) was replaced with the Western Transit Institute (WTI) to assist with planning. Council President Dingman provided an update: the GIFT Board of Directors unanimously approved pursual of a two-year micro-transit pilot project with ITD; WTI has contracted with ITD to provide research and support to GIFT; micro-transit is "on demand" public transit similar to Uber or Lyft; and ITD, the City, and the Bonneville Metropolitan Planning Organization (BMPO) will all have involvement with this project. She stated the

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funding will be provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act in the Federal Transit Administration (FTA) budget as a pass-through to ITD. The City will accept the funds, on behalf of GIFT, once the plan is approved and ready to move forward. Council President Dingman stated the service area at this time will be within the City of Idaho Falls boundaries only although GIFT is hopeful to expand throughout Bonneville County. She also stated the pilot project, as submitted, would have no cost to the City, the GIFT Board, or any organizations for two (2) years. The project would also pay for a Transit Director who would lead the submittal and distribution of a Request for Proposal (RFP) to solicit a third-party contractor to provide micro-transit service. Once the third-party contractor is hired, service could begin 8-12 weeks from the contract date. Councilor Radford believes this service will meet the needs in an efficient way. He questioned the cost of service in the \$400,000 range. Council President Dingman believes it's closer to \$1M to run a transit service in the City, and the City has invested approximately \$140,000 annually. She stated the local matches are in all levels, with most matches at 50%; each type of expense qualifies for a different match; and the largest expense will be with a third-party provider, which is unknown at this time. Brief general comments followed. Mayor Casper confirmed the City has contributed \$140,000 for several years. Council President Dingman briefly reviewed the GIFT survey results stating the downtown area was the number one destination for transit stops. She believes the survey may need to represent low-to-moderate (LMI) income individuals. She also believes an additional survey, including a Spanish version, may need to be considered. General discussion followed including clearly marked vehicles and para-transit vehicles. Mayor Casper stated the Transit Coordination would be housed within the Public Works Department with a pass-thru of funds. Director Fredericksen stated the Public Works Department has previously worked with BMPO and ITD. He reiterated the first two (2) years would be no cost (estimated at \$95,000) to the City, and the cost thereafter would largely fall into the 80/20 match. He believes it would take approximately nine (9) weeks to hire a Transit Coordinator. Council President Dingman stated any expenses would not be the burden of the City, it would be the GIFT responsibility. Per Councilor Radford, Director Alexander confirmed the funding for this position. Council President Dingman indicated a Memorandum of Understanding (MOU) is forthcoming. It was then moved by Councilor Freeman, seconded by Councilor Francis, to facilitate the hiring of a Transit Coordinator managed by the ITD and the GIFT Board subject to ratification of the MOU between the ITD and the City of Idaho Falls and said employee would be paid with funds from the ITD for two (2) years. Roll call as follows: Aye – Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay – none. Motion carried. Council President Dingman expressed her appreciation to Director Fredericksen.

Update: Imagine IF Neighborhood Meetings Results--Survey Team Report:

Director Cramer stated the Community Development Services (CDS) Department was guided by *The 21st Century Comprehensive Plan* and *Sustaining Places: Best Practices for Comprehensive Plans* documents as the department is updating the Comprehensive (Comp) Plan which includes principles, outreach, and characteristics of the plan. He reviewed the Principles, Process, and Attributes of a best practices model. He expressed his appreciation to the other departments as he stated this cannot be written without inter-department coordination. Director Cramer stated Imagine IF Main Themes include housing, transportation and connectivity, employment and economic development, community design, and healthy community. He stated the Lean Startup Model includes build, measure, and learn. He believes this will be a product for the next number of years. He briefly reviewed documents informing the plan including Opticos, Healthy Community Assessment, Connecting our Community, BMPO Long Range Transportation Plan, P&R Master Plan, Idaho Falls Strategic Plan, Capital Improvement Plans, Connecting Us-Sustaining Progress (CUSP) reports, and Airport Master Plan. He reviewed the timeline of outreach and future milestones from 2020 through November 2021. Director Cramer stated a similar model was followed for the downtown plan, the south downtown plan, and the Northgate/1st Street plans. He also stated a case study approach will be drawn from this as well as element guide tables. He indicated staff is making sure the plan is user friendly and readable as possible. Per the Imagine IF survey, Director Cramer stated all results and comments were identified

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by the area. He also stated the themes repeat themselves which indicates the efforts have been valid. He then turned the presentation to Ms. Hansen. Ms. Hansen believes a survey is mass-scale listening. She stated there were 670 responses, and a 95% confidence level, although she believes the Spanish demographic was under-represented. She also stated the survey was disseminated in a variety of ways. She believes there was a high level of consistency across the neighborhoods. Ms. Hansen stated the three (3) big areas were character, housing, and transportation. She also stated robust and thoughtful comments were received, and multiple individuals want to remain engaged. Ms. Hansen noted quotes received by individuals are embedded throughout the report. She indicated the overview of the report included gender, age, ethnicity, income, education, and key observations.

Ms. Hansen reviewed the executive summary report with general comments as follows:

- Character – relationships and lifestyle, attitudes toward growth (1/3 of respondents agree or strongly agree that the character and feel are in jeopardy due to the rapid growth), and vision for the future (most individuals like the direction of extending the greenbelt, improving healthy outdoor activities, improving opportunities for outdoor family activities, and creating more green spaces throughout the City).
- Housing – cost of housing (a lot of concern), shortage of housing (including types and location of housing), and the need for foresight (infrastructure, education, taxes, and safety).
- Transportation – biking and walking (factors that could increase), driving and traffic (strong concern about growing traffic and traffic management), and public transportation.
- Observations – residents value engagement (residents appreciate the opportunity to be heard), specific area survey data can guide communication (recognizing the difference in sentiment from area to area can facilitate better communication), more diversity is generally desired (residents tend to welcome the diversity growth brings, however, some residents believe “outsiders” threaten their way of life), and capitalize on existing resources (residents have innovative ideas how to capitalize existing resources to increase connectivity).

Director Cramer noted the full document is included on the website. Per Councilor Freeman, Ms. Hansen stated the survey was open for approximately six (6) weeks. Director Cramer stated neighborhood meetings/conversations were also being held. General discussion followed including the length of residence in Idaho Falls, the differences of neighborhoods, and neighborhood meetings. Director Cramer indicated there was a broad geographical approach. He stated he is happy with these results.

Discussion: Water Meter Pilot:

Director Fredericksen stated because the City is largely unmetered it is unknown how much water is being used in the residential areas. He also stated a water conservation pilot program would gain an understanding of the types of water uses on various lots, and the pilot program would allow participation for flow-saving devices. Director Fredericksen stated this pilot project would be proposed for Council approval at the June 24 City Council Meeting. He then turned the presentation to Mr. Richards.

Mr. Richards stated the Water Facility Plan was approved in August 2015 which contained an evaluation of City-wide metering. He noted no action was taken at that time to meter residential customers. He also stated metered customers have increased from 261 to 621. Mr. Richards reviewed billable water accounts (25,934), residential pit without meter (2,966), non-residential pit without meter (259), and percentage of non-metered accounts (12.7%).

Mr. Richards reviewed the Pilot Project Objectives with general discussion throughout:

- Install water meters on 100 random residential homes (with existing water meter pits, including varying neighborhoods, differing ages, variety of lot sizes, and outdoor watering method: hose or automated)
- Incorporate a water conservation component for customers selected (City pays to install meter, no change to current bill, City offers water fixture replacement rebates with a maximum of \$1,000 per household,

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Smart Meter customer portal, billing comparisons, metered water use will be monitored for a 2-year period, fixtures to be replaced must be inspected and approved by Water Division personnel, new fixtures must provide a water savings over those being replaced, replacement fixtures must be installed prior to reimbursement, and newer homes with existing water-saving fixtures can purchase Smart Irrigation controllers)

- Collect residential water use data before and after conservation component (new Smart Meters will allow collection of data on 15-minute intervals, meter reading system will allow personnel to collect water use data, and analytics will allow direct comparisons of water use)
- Apply data to City's computerized water system model (data collected will allow for fine-tuning of existing water model by applying collected data to existing system)

Per Councilor Radford, Mr. Richards stated discussions have occurred with the City of Ammon. He also stated this pilot project will solely be for collecting data. Director Fredericksen believes this pilot project will identify which fixtures works best. He also believes this data will provide better information. Per Councilor Burtenshaw, Director Fredericksen stated funds for this project will come from the water conservation fund, which will continue to be set aside.

Discussion: Water Tower Relocation and Timeline Review:

Mayor Casper believes all public information regarding the water tower may not be correct. She indicated there was difficulty having previous dialogue, including discussion with newly appointed Councilor Burtenshaw, due to the Board of Adjustment (BOA) process. Mr. Richards presented the following Water Tower Recap, noting this information was presented to the Council at the May 18, 2020 Work Session:

- Existing water tower deficiencies (base coat paint issues, seismic concerns, cracking foundations, deterioration of welds, corroding pipe, undersized to support future growth, spatial constraints, not compliant with current codes)
- Additional water tower considerations (overall age and anticipated design life, cost to refurbish, establishes pressure benchmark for entire water system, provides reliable water in needed times, prevents contamination of water system)
- Four (4) types of water towers (the composite tower was recommended due to the concrete pedestal and lower cost over the life cycle)
- Siting analysis (six (6) preferred sites were reduced to three (3) feasible sites)
- Renderings of the composite tower at the three (3) feasible sites (South Capital Park, parking lot south of Chesbro, and parking lot behind Willow Tree Gallery)
- Public outreach (public presentations, open houses, and public comment period) with media, social media, and internet
- Public comment results including total comments received (85); commenter residence; method of comment; and site preference/comment. Mr. Richards noted per the public comments "no impact to parking" votes can be considered votes for Site 1 as it is the only location that does not impact parking.
- Water tower construction schedule – this has been updated per current events. Mr. Richards indicated it will take two (2) construction seasons (April 2022-October 2022 and April 2023-October 2023) to complete the project due to weather. He also indicated removal of the existing tower is scheduled for spring 2024.

Mr. Richards stated the City has expended approximately \$120,000 into design fees. Mayor Casper stated barring Council action, the final design and schedule would proceed. She believes time is of the essence. Council President Dingman stated her decision has not changed for the location. She believes the public comment and outreach process was sound and staff moved forward with this location due to this sound process. She reiterated the amount of money expended, stating the City does not spend taxpayer dollars lightly. She believes there must be an urgent,

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legal, or ethical reason to waste \$120,000 without no new information. She does not believe the water tower will ruin South Capital Park. Councilor Hally believes a new water tower is overwhelmingly needed. He also believes a new water tower in the minimal land in the park will be a plus, being along the Snake River. Councilor Freeman compared the number of responses received for this project with the previous Imagine IF survey. He believes a decision may have been made without all available information. He noted there were compliance issues with the Land and Water Conservation Fund (LWCF), and it appears there are mitigation issues with the location of the water tower in South Capital Park. He expressed his concern with the lack of compliance with the LWCF as the City is missing an opportunity to apply for matching funds. He believes he should not support this location. Councilor Freeman read an excerpt from the Idaho Parks and Recreation rules concerning the LWCF, noting the City has not received the required approvals. He also noted the P&R Commission was never informed of the potential park location. He stated he is reconsidering his decision based on current data. Councilor Freeman indicated, per an overhead view of downtown, there are more parking spaces per block south of Broadway than any other part of downtown, yet the closest spaces are taken by employees. He stated, per the recent report by the Idaho Falls Downtown Development Corporation (IFDDC), downtown parking is adversely affected by downtown employees. He noted there are many parking lots, with no time restrictions, across Yellowstone Avenue, which are less than two (2) minutes away. He believes, per the survey, the parking issue was heavily favored although most advocates of South Capital Park didn't respond to the survey as they indicated they were unaware that comments were being taken. He does not believe the concerns should be ignored, and it should never be too late to change a bad decision. Councilor Freeman stated the City does its best to minimize all construction impacts. He expressed his concern about the responsibility to maintain the integrity of the Snake River corridor. He indicated he can no longer support the South Capital Park location until the LWCF is resolved, the site selection was made on incomplete data, and the site selection should be revisited. Councilor Francis stated the Council has made a decision and have pushed the site forward twice. He believes no site was ideal, although he believes South Capital Park will work; he agrees that construction will be impacted although the construction will go away; and he expressed his concern about the design not being historical. He agrees with Councilor Freeman regarding the LWCF, stating the City should not move forward until the conversion is done as it would be irresponsible to construct and knowingly violate the LWCF, however, he believes the plan should move forward with this site and he is still in favor of the current location. Councilor Francis stated there are two (2) parcels that the City owes mitigation on – one (1) of which occurred unknowingly at Esquire Acres 24 years ago, and the Dora Erickson building. He indicated these properties can be mitigated with land that the City currently owns. Councilor Radford stated he did not want to see the current water tower moved. He questioned the need for a water tower. Mr. Richards stated the elevated tower maintains water pressure and any lag of pressure may require a City-wide boil order. He believes other cities are gambling and are putting their faith in mechanical means with the lack of an elevated tower. He also stated the City is one (1) pressure zone. Per Councilor Radford, Director Fredericksen stated there is concern with an electronic system, and Mr. Richards indicated the costs are comparable after the 80-year lifecycle. Councilor Radford believes the River Walk defines the City; the green space on this park will be gone forever; and the City identity is tied up in this decision. He also agrees with the LWCF issues. He indicated he values public spaces, he believes this should be reconsidered. He also believes there was a lack of public data although he does not believe this was a staff issue. Councilor Burtenshaw does not want to address the site location although she also believes the LWCF should be resolved prior to any construction as she does not want to get out of compliance again. Mr. Fife stated discussions have occurred regarding getting into compliance with the LWCF although a City cannot get more out of compliance. He indicated getting into full compliance will require clean-up of other properties. Mayor Casper stated the LWCF has been a concern of the previous and current P&R directors for some time. She noted there has not been a discussion regarding the LWCF in the previous budgets. Councilor Radford clarified he addressed the LWCF in several budget sessions. Director Holm indicated the LWCF has a conversion process to allow flexibility. He stated he has been in conversations with the LWCF representative. He indicated the City has been out of compliance for 25 years and he

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has every intention of getting the City back into compliance. He stated the LWCF started in 1964 and it has taken 55 years to get the fund fully funded of \$900M for investment into communities. He also stated this a strict and long process; the LWCF is a 50% match grant which will take City money to match (this is not free money); and the State of Idaho is currently out of compliance. Director Holm stated if something is taken out for the good of the community, something is offered back as conversion property and is not location-to-location based. Councilor Radford questioned a potential lawsuit. Mr. Kirkham believes this would be considered an agency interpretation, and decisions cannot be made that are arbitrary or not based on the law. He stated the benefit of the program is targeted to specific organizations, and individuals would have to challenge a decision made by the administrator. Director Holm stated the first grant was received in 1967 for Freeman Park, and the final project was in 1988 for the east side River Walk across from Civitan Park. In 1996 the City became out of compliance due to a property owner building into Esquires Acres. Director Holm noted between 1967-1988, \$2.7M of grants was received through the LWCF. He stated Dora Erickson and Esquire Acres must be mitigated which includes development of outdoor property, with an equivalent value of \$76,000. He noted because South Capital Park was acquired by LWCF funding, the City must buy other equivalent appraised land and turn it into a recreational opportunity, in this case it is .3 acres at \$3.80 square foot (per Yellow Book appraisal) which totals \$48,001. He stated the City has not filed a plan due to the BOA and review process. Mayor Caser indicated former P&R Director Greg Weitzel believed Heritage Park could be used as conversion property. Director Holm stated this was not the case. Brief comments followed regarding public comments/outreach and a public survey. Director Fredericksen emphasized this was an important project and Public Works did not want to fast track the project without public input. He believes the groundwork for the project was laid out in the public outreach and public meetings followed by public comment, which was all completed. He reminded the Council that the initial discussion was replacement of the water tower, not the location. Director Fredericksen stated Public Works was aware of the mitigation no matter the location, and part of the Enterprise Funds will pay for mitigation. He noted the water tower did not put the City out of compliance. He reiterated it was known these issues would need to be mitigated from the beginning. He expressed his frustration that decisions in May 2020 are being discussed again as he believes the public comment period, which was solicited for two (2) years, was well defined. Councilor Francis reiterated the conversion should be completed prior to construction. He believes Council must make a reasoned judgement. Per Councilor Francis, Director Fredericksen stated the other sites were passed on due to other reasons. Mayor Casper expressed her concern for the process as she believes the City complies over and beyond the spirit of the law for notices, and the City tries very hard to have robust public outreach. She believes the Council wants to be eligible for the LWCF, and she believes in the power of landscaping. She noted the pathways and playgrounds will not be displaced, and geography and gravity are in the City's favor. She stated the Councilmembers have the responsibility to make informed decisions, although these decisions can be difficult. Per Councilor Francis, Mr. Fife stated a level of the landscaping was described in the CUP. He also stated an update could be requested at any time. Councilor Burtenshaw believes the community would become divisive by reopening the public comment. Following additional comments/discussion, Mayor Casper stated the original decision will carry and staff can move forward with the project.

Per Mayor Casper's request, it was moved by Council President Dingman, seconded by Councilor Freeman, to postpone the (Public Works) item, Connecting Our Community Bikelanes and Sharrows to a future agenda. This item will be discussed at the June 28, 2021 Work Session. The motion carried by a unanimous voice vote.

There being no further business, the meeting adjourned at 7:24 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor