

July 11, 2022 Council Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, July 11, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call

There were present:

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

Also present:

Pamela Alexander, Municipal Services Director
Stephen Boorman, Idaho Falls Power Assistant Director
Chris Fredericksen, Public Works Director
Kade Marquez, Transit Coordinator
Bryce Johnson, Police Chief
PJ Holm, Parks and Recreation Director
Ronnie Campbell, Parks Superintendent
Eric Grossarth, Public Information Officer
Randy Fife, City Attorney
Robert Wright, Library Director
Beth Swenson, Assistant Library Director
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:04 p.m. with the following items:

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that council receive the recommendations from the Planning and Zoning (P&Z) Commission meeting of July 5 pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay – none.

Calendars, Announcements, Reports, and Updates:

Mayor Casper stated, following discussion of the audit report at the June 6, 2022, City Council Work Session, a special Council Meeting may be held in August regarding the audit software system. She distributed a calendar of items for July and August, information regarding the Federal Reserve Bank of San Francisco, and four samples of a lapel pin with the city logo for council consideration. She provided a brief update on the Mongolia Cultural Envoy project, stating Zoo Director David Pennock is currently in Mongolia. She also stated there were no major injuries/incidents at the 4th of July events, and future conversations will occur regarding any improvements to the 4th of July events.

Liaison Reports and Councilmember Concerns:

Council President Dingman had no items to report.

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Councilor Hally had no items to report.

Councilor Radford stated he will be attending a Policymaker's Council Meeting in the near future. He also stated, per Parks and Recreation (P&R), Wines in the Wild will be held July 15.

Councilor Burtenshaw stated, per Public Works, the prequalification for the water tower will be distributed in the next several weeks; there may be two separate bids for the de-watering project; and the Public Works Annual Utility Meeting will be held on July 13.

Councilor Francis stated, per the Idaho Falls Police Department (IFPD), the African American Alliance picnic will be held July 23; and a group of representatives of historical Black colleges and universities will meet on July 18 with the INL (Idaho National Laboratory) regarding images and recruitment.

Councilor Freeman stated the Idaho Falls Police Complex is underway; and a regional qualifier race recently occurred at the BMX Track at Sandy Downs.

Idaho Falls Power (IFP) and Municipal Services/Discussion: Disposition of City-owned Property:

Director Alexander described the property, known as the Sugarmill to Paine Line River Crossing (west side), stating the property was purchased for a 161kV transmission lines and associated towers, poles, equipment, and facilities; the 10-acre rural residential parcel property was purchased from a private owner in 2012 for \$250,000; the recent survey was completed in June 2022 by the city; and IFP is recommending a minimum bid of \$400,000. She also provided general background, stating the property was purchased for easement for power line construction; the owner was willing to sell the property in order to move forward with the project; and IFP had very limited options due to the Ririe Outlet Channel alignment. Mr. Boorman concurred IFP's preference is to sell the property as there is no purpose for the property. Per Councilor Freeman, Mr. Boorman stated the easement would need to be accessible for IFP. Director Alexander stated selling the property would also ease IFP of the ongoing maintenance. Director Alexander briefly explained the two exhibits, one for the property, and one for the power easement. She reviewed the procedures for sale of property as well as proposed next steps which include authorization for a public hearing on July 14, 2022, publish notice of public hearing on July 19, 2022, public hearing to be held on August 11, 2022, and property auction to be held on August 19, 2022. Per Councilor Francis, Director Alexander confirmed any funds from the sale of property would be returned to IFP. Per Councilor Radford, Director Alexander stated the city has access to a variety of realtors to assist with the sale of property. Brief comments followed regarding appraisals and market values. Mayor Casper stated a formal appraisal has not occurred on this property. Mr. Boorman indicated sale of the property is not urgent. Mayor Casper stated this item will be included on the July 14 City Council Meeting agenda.

Public Works/Update: Greater Idaho Falls Transit (GIFT) Service/Progress:

Mr. Marquez presented an interactive map of pick-ups and drop-offs within the city. He stated there is a wide demand of services across the city, and every neighborhood in Idaho Falls is represented. He also stated the number one destination is the Center of Hope, a nonprofit community recovery center. Mr. Marquez provided a ridership report, stating there were just under 4,000 passengers for June. Of those 4,000 passengers, there were 2,599 rides (a number of passengers ride with other individuals (such as Beer Fest)), nearly 5% are wheelchair-specific rides, and the early data is on pace to double in July. Mr. Marquez stated the passengers per revenue hour is 2.2, noting the industry standard is approximately 4, although he emphasized one month is not enough data for analysis. He also stated the personal goal is 7.7 (passengers per revenue), noting Jackson, Wyoming, is in the 12's. He indicated if the level of ridership is not received, adjustments will need to occur. Mr. Marquez noted out of 1,850 accounts for the month of June, only 528 passengers actually used the service. He believes this is a matter of opportunity. He also noted the average rating is 4.9, with more than 600 individual reviews. Mr. Marquez stated fares collected in June amounted to \$3,800, discount fares are nearly 40% of ridership, the number of rides through the call center are nearly 40%, and 132 accounts have ridden the equivalent every day and are considered regular users. Per Mayor

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Casper, Mr. Marquez indicated language should not be an issue due to a phone app; and he is hoping to have marketing material completed soon. He stated he meets monthly with groups that represent the Spanish community. Per Councilor Francis, Mr. Marquez stated there are currently six vehicles operating, with a seventh vehicle as an emergency reserve. Councilor Radford questioned getting the app on individuals' phone. Mr. Marquez stated this is more of a service, noting many individuals have already downloaded the app. He also noted more advertising is/will be occurring throughout town. Per Councilor Burtenshaw, Mr. Marquez stated there are daily requests for service outside of city limits. Per Mayor Casper, Mr. Marquez stated the data reporting is required within the contract. Director Fredericksen believes Mr. Marquez has created a very good relationship in the community. Brief discussion followed regarding the frequency of reporting. Council President Dingman stated she is impressed that the map is city-wide, not just focused on specific areas. She commended Mr. Marquez for all his efforts. Mr. Marquez indicated other large municipalities are moving toward on-demand services versus fixed routes.

City Attorney, Police, and Parks and Recreation/Discussion: Public Use of City Spaces—Case Law, Current Practice Policy, etc.:

Mayor Casper stated it appears and is being interpreted that homeless individuals have decided to use the space in the gazebo area of the Friendship Garden at Petersen's Sportsman Park. She also stated the simple idea of taking care of individuals without homes and resources can involve legal decisions. She indicated libraries are also public spaces that attract individuals. Mr. Fife believes, as legal counsel, it's important to recognize individuals' humanity who may have different challenges. He stated the police interject/interact when there's a legal reason, noting it's not illegal to be a person, and the government does not regulate the status of an individual. He also stated there are no laws against vagrancy, loitering, or camping or sleeping in public, however, there are laws that regulate behaviors and where or when an individual can be. He indicated other cities have tried to sort this out, although he is unaware of any city that has been successful. He also indicated a city cannot/should not create a governmental action against a group when there's no need to do so. Mr. Fife shared an experience with the City of Boise regarding individuals camping in Julia Davis and Ann Morrison Park. He stated Boise tried to redirect those individuals to the shelters, however, these individuals sued the City of Boise, and the litigation lasted for numerous years, which resulted in many negotiations. He also stated many individuals are not accessible to shelters as they can't keep the rules of the shelters. Due to the Ninth Circuit decision, Mr. Fife stated Boise amended their camping ordinance and their disorderly conduct ordinance, they changed their Police Manual, they established a homeless outreach unit, they funded a Boise homeless initiative, and amounts were paid to plaintiffs and the plaintiff's attorneys. Mr. Fife explained private property versus public property, stating private property owners can decide what is allowed on their property. He also stated if a public space is open to the general public, that space can be used by anyone unless there is enforcement that limits the space (fees, hours, etc.), and a true public concern can be addressed. Mr. Fife explained the first amendment rights, stating the government needs to be careful of free speech. He also stated parks can be regulated, although the individual behavior needs to be monitored, not the park itself (the skate park, shelters, etc.). He also explained personal items are not normally regulated by an ordinance, however, officers can engage individuals about their behavior and their safety. He also stated vehicles are regulated by traffic and zoning laws and cannot be used as long-term living spaces. Mr. Fife stated the city can provide support/assistance/resources, can create living spaces, supply porta-potties, provide services (food, health, church, shelter), give notice of change, and provide training on homelessness. He believes issues to avoid include over-regulating harassment, unreasonable time limits to comply, using government authority inappropriately, and moving/destroying personal property. He indicated homeless individuals are all over the U.S. Discussion followed regarding the timeframe when homelessness became an issue, cases including homelessness, the closure of institutions, individuals removed from the State building (Mr. Fife believes this was a safety concern), panhandling (not illegal in Idaho Falls), stealing electricity (Councilor Freeman noted electricity is being given away to charge vehicles), penalties for trespassing,

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parks closures and the city providing camping locations, and camping/overnight camping versus curfew. Council President Dingman prefers public spaces be allowed for equitable use/opportunities. Councilor Burtenshaw agrees, stating she would also support curfew for vandalism. Councilor Francis questioned Tautphaus Park not being closed. Mr. Campbell believes this was a director decision as enforcement did not occur. He provided a recap of the current homelessness in the parks. Director Holm stated South Tourist Park has been a safety issue. He also stated once an individual leaves a 'camp' area there is a safety aspect for employees for any items that may be left behind. He believes the intended use and equitable use of shelters are a concern. Mr. Campbell stated other cities are going toward a reservation only for their shelters, however, Director Holm expressed concern for this. He stated he has worked with legal for signage of abandoned property. He also stated he wants to see residents, tourists, and staff feel comfortable and have equitable use. Chief Johnson reiterated being homeless is not illegal, however, it's not an excuse to break the law. He believes those citizens who are most victimized are homeless. He provided crime data of the previous several days of homelessness. He believes everyone wants to do what's best for these individuals. Chief Johnson stated the IFPD formed an adhoc squad for the Friendship Garden, noting several citations were issued. He also stated the IFPD wants to partner with service providers/outreach when enforcing homelessness. He is in favor of a park curfew ordinance, however, he believes enforcement could be an issue. He prefers to make sure a shelter is available and would actively make transportation arrangements. Chief Johnson explained the camping ordinance in Juneau, Alaska, stating officers responded as they were able. Per Mayor Casper, Chief Johnson stated curfew ordinances have been set in different ways, including specific times, darkness, etc. Mayor Casper stated, per a recent meeting with the Idaho Falls Rescue Mission, the goal of the Mission is to have response teams for individuals who appear to need assistance. She questioned the outreach services provided by the Behavioral Health Crisis Center. Chief Johnson believes the service providers could be used to educate individuals prior to enforcement of park closures. Per Councilor Burtenshaw, Director Holm clarified the Friendship Garden gazebo was recently cleaned. Councilor Francis believes the volunteers could perform some restoration work at the Friendship Garden during a temporary closure. Chief Johnson recommended a lead time prior to closing a park. Discussion followed regarding closing shelters for a business reason, dispersing individuals to other locations, safety of residents, a task force (including Boise's Task Force), and recommendations. Councilor Radford believes there are real costs associated with these problems, and, due to the State legislators, the city needs to find more ways for revenues. He supports a balance of the public space, although he does not believe individuals have a right to take public space as a home. He also believes this is a multi-factor problem, and this is a community process. Director Wright stated library staff is sent to homeless training. He indicated chronic homeless individuals look ahead for a short timeframe (24 hours). He also stated the library has dealt with homelessness for a number of years. He believes the training would be very beneficial. Mayor Casper questioned an occurrence with a juvenile homeless individual. Chief Johnson indicated the juvenile was sent to the system, released, and returned to the homeless. Following brief comments, Mr. Fife stated staff could coordinate and present some draft curfew suggestions at a future meeting.

Mayor Casper announced Council Budget Session on July 12.

There being no further business, the meeting adjourned at 5:44 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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