

August 6, 2018

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, August 6, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Jim Francis
Councilmember John Radford (arrived at 3:03 p.m.)
Councilmember Michelle Ziel-Dingman (arrived at 3:03 p.m.)

Also present:

Brad Cramer, Community Development Services Director
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with the following:

Calendar, Announcements and Reports:

August 7, Regulatory and Legislative Developments/Wireless and Public Power Utilities Webinar; and, Community Night Out
August 9, Idaho Falls Power (IFP) Board Meeting; and, City Council Meeting
August 12-15, Utah Associated Municipal Power Systems (UAMPS) 23rd Annual Member Conference
August 16, City Employee Picnic; and, Special City Council Meeting
August 20, City Council Work Session
August 21, Idaho Falls Police Department (IFPD) No-Alcohol Night at the Chukars
August 23, City Benefits Fair; and, City Council Meeting

Liaison Reports and Concerns:

Councilmember Hally stated an upcoming Bonneville County Heritage Association event will commemorate veterans. He also stated an IFP Assistant General Manager and a Human Resources (HR) staff member have been hired.

Councilmember Smede stated numerous Community Development Services (CDS) items will be included on the August 9 City Council Meeting agenda.

Councilmember Freeman stated construction projects are continuing, while additional construction projects are forthcoming.

Councilmember Francis stated confirmation of the Fire Engine purchase from the July 30 Council Meeting was received. He also stated the Senior Citizen Center is reviewing an energy audit.

Councilmember Radford reiterated the IFP Assistant General Manager.

Councilmember Dingman expressed her appreciation to those who attended the War Bonnet Roundup Rodeo. She indicated ticket sales significantly increased from the previous year. Staff will have an after-event meeting including discussion regarding the over-selling of seated tickets. Councilmember Dingman stated a Request for Qualifications (RFQ) for the Comprehensive and Strategic Master Plan for the Parks & Recreation (P&R) Department has been submitted, the proposal deadline is August 31. The P&R Commission will then make recommendations from the RFQ for future Council approval. She also stated new signs were recently installed at several parks.

Annexation Law, Procedures and Purposes Discussion:

Mayor Casper stated during public hearings decisions need to be made on the central question and for the benefit of the entire City, not by the emotion in the room. Therefore, she believes in the importance of regular training that may

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help the process become more efficient. Director Cramer concurred. He briefly reviewed previous Area of Impact (AOI) discussions with Bonneville County regarding City services. He stated approximately 300 parcels studied were receiving at least one (1) City service. Some parcels had agreements, some did not. He indicated the parcels receiving utilities was a starting point for annexations.

Director Cramer presented the following with general discussion throughout:

Purposes of Annexation (State Code) –

- To assure orderly development
- Allow efficient and economically viable provision of tax and fee supported services
- To enable orderly development of private land with access to services
- To equitable allocate the costs of public services
- Manage development on the urban fringe

Summary of Annexation Statute (Idaho Code § 50-222)

- Category A: All landowners consent OR enclaved residential and <100 parcels.
- Category B: <100 parcels regardless of whether landowners consent OR >100 parcel and owners of >50% (based on land) have consent AND annexed land is subdivided into lots of five (5) acres or less, or owner has begun to sell land in parcels of five (5) acres or less OR annexed land is completely surrounded by the City. Director Cramer stated there has to be proof that the owner was trying to sell the land.
- Category C: >100 parcels and owners of >50% (based on land) have not consented at outset.

All annexed land must be contiguous or adjacent to City (regardless of category). Director Cramer is hopeful there will be no Category C annexations. He indicated Category A and Category B annexations could occur at the same time. Councilmember Hally believes, from previous Councils discussion, annexation is the right thing to do. Director Cramer believes there was not previous staff capacity as annexations require an enormous amount of staff time prior to any presentation before the Council. Mr. Fife stated additional regulations were made by the State to prevent City annexation without the proper procedures. Councilmember Francis questioned Category B annexation. Director Cramer stated Category B requires a higher standard. He reviewed Implied Consent (State Statute) related to the utility. He also briefly reviewed the publication requirements for annexation. He indicated the City cannot promise power buyout with Rocky Mountain Power (RMP). Mr. Fife stated the City can explain the process of electric services. He briefly reviewed pirating with other power utilities as well as the buyout process with RMP. Councilmember Radford stated a recent buyout has occurred with the Prestwich Estates annexation. Director Cramer stated that particular buyout process has been extremely helpful as additional annexations occur. Mayor Casper stated the working agreement with RMP recently changed prior to these annexations. She indicated utility rates cannot be determined, although she believes the value remains. Mr. Fife stated regardless of annexation, residents do not lose their electric service. Director Cramer stated with regard to Category B, the City must annex if there is anything other than residential land use that doesn't consent. He also stated implied consent helps. If properties are not completely surrounded by the City, staff must prove there was intent to develop at urbanized standard. Such information will be provided by staff. Councilmember Cramer believes benefits of annexation may not be a new benefit as properties already benefit from the City. He stated annexation is a legislative issue/decision. Questions directed to a particular property or property owner are quasi-judicial matters, annexation is not. The annexation benefit is meant to be a community decision, although there are individual benefits to a property owner.

Benefits of Annexation:

- Access to fee-supported services maintained by the City rather than by private entities
- Road maintenance by the City of Idaho Falls
- Service by the Idaho Falls Police Department
- Reduction in fire insurance rates
- Provision and maintenance of Parks and Recreation facilities
- Access to Idaho Falls Library
- Street lights
- Storm drainage and management system
- Consistent building, zoning and code enforcement regulations and enforcement

Consequences of Not Annexing:

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- When development continues to happen in the County now and be entered into the City later:
 - More private investment is made on the private property, causing concerns about raised taxes
 - Roads have deteriorated, while the City has not received tax dollars to maintain them
 - Different development standards
- Creates inefficient services
 - Sherriff’s Office must serve County islands
 - Public Works Departments have to agree to servicing the other jurisdiction’s roads
- Creates inequity in taxation
 - Neighboring properties in the City pay for City services, but also as County taxpayers have to pay for the County to serve their neighbors
 - Community facilities have more users who don’t contribute to the cost of maintenance

Mayor Casper reminded the Council that the public hearing is to only receive comments. Director Cramer believes Bonneville County supports these island annexations. Councilmember Radford believes the momentum for annexation needs to continue to make as equitable as possible for all taxpayers although he also believes the annexation process may be difficult for some citizens. Director Cramer stated following the upcoming annexations, 70% of annexation will be completed. He noted any current land use will not change upon annexation. He stated the annexation process is the most challenging task for staff. Councilmember Francis questioned future annexation beyond the AOI. Director Cramer stated caution should be used when extending City services.

Public Hearing Procedures Discussion:

Mayor Casper stated the State has recently required adoption of consistent standards for public hearings. Mr. Fife stated the Local Land Use Planning Act (LLUPA) also requires some form of procedures. The City typically holds quasi-judicial hearings and legislative hearings:

Quasi-judicial – ex parte contacts, personal investigation, or research are prohibited in this type of hearing

Legislative or Informal – ex parte contacts are not prohibited in this type of hearing

Mr. Fife stated legislative hearings will include broad input from many sources, including cities, counties, etc., to ensure proper regulation. After the law is created and applied, it becomes a quasi-judicial matter in which the Council then becomes the judge. At that point, the Council needs to ensure the same evidence and facts are seen prior to making a decision which should be included in the official record. Those laws are then applied as development occurs. Mr. Fife recommended flexibility for a good decision product. He stated the general rules have been included in a resolution and any changes could be made as needed. The resolution also includes a substantive and procedural due process of law. The procedures would clarify the guidelines for everyone involved. Following brief comments, minor edits were made to the procedures. Mr. Fife reviewed the connection of the Planning & Zoning Commission minutes, Reasoned Statements of Relevant Criteria and Standards, and the public hearing procedures. General comments followed regarding staff reports and Reasoned Statements of Relevant Criteria and Standards. This item will be included on the August 9 City Council Meeting agenda as a resolution.

There being no further business, the meeting adjourned at 4:38 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR