



City Council Meeting Minutes

680 Park Avenue
Idaho Falls, ID 83402

Thursday, August 10, 2023,

7:30 PM

City Council Chambers

1. Call to Order

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

Also present:

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

2. Pledge of Allegiance

Director Pam Alexander led those present in the Pledge of Allegiance.

3. Public Comment

No one appeared for public comment.

4. Consent Agenda

A. Municipal Services

- 1) Annual Renewal of Customer Information System (CIS) Support and Maintenance
- 2) Idaho Falls Civic Center for the Performing Arts Gala Orchestra Pit Lift Repair

B. Idaho Falls Power

- 1) IFP 21-38 Fiber Optic Cable Installation Services with Wheeler Electric, Inc.
- 2) IF 21-37, Additional Spending Request for Fiber Micro duct Deep-Drop Installation Services
- 3) IFP 23-25 Paine South Feeders Construction

C. Office of the City Clerk

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

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

5. Regular Agenda

A. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Southbridge Division NO. 1

Burtenshaw stated there was a mistake that is in the packet it says the connection of the sewer is to Higbee but that is Ally Rose Lane which is where this is located so that was just a mistake from using a past template. Councilor Burtenshaw stated that the private street will be owned and maintained by the developer and the reason that this is not a PUD is because there is not an HOA. She said this is one lot and the developer is the owner and will maintain and retain ownership of it.

Radford asked if they sell then what is the process to ensure the next owner knows it is their responsibility. Councilor Burtenshaw stated that it is only one single lot. Councilor Radford asked if there is some kind of process with the title work when selling it so that the owner will know they are responsible for maintaining that road. Director Sanner agreed.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to Approve the Development Agreement for the Final Plat for Southbridge Division NO. 1 and give authorization for the Mayor and City Clerk to sign said agreement. The motion was carried by the following vote: Aye – Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay – None

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to accept the Final Plat for Southbridge Division NO. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. 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 Southbridge Subdivision NO. 1 and give authorization for the Mayor to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay – None

B. Parks and Recreation

1) Resolution to Waive Certain 2023 Fourth of July Celebration Fees

Director Holm appeared to present the Resolution to Waive Certain Fees for the Fourth of July Celebration.

He stated that we came before the Council just before the Fourth of July with an indemnification and that memo also included some fees to be waived but the resolution was not included showing all those fees. Director Holms stated that they worked with the legal department to develop that resolution and is now being presented tonight.

It was moved by Councilor Radford, seconded by Councilor Hally to approve the Resolution to waive certain 2023 Fourth of July fees for services performed by the City of Idaho Falls to assist in the free, public Fourth of July activities and give authorization for the Mayor and City Clerk to execute the

necessary documents. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay – None

RESOLUTION NO. 2023-15

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, WAIVING CERTAIN CITY FEES FOR SERVICES IN SUPPORT OF THE 2023 COMMUNITY FOURTH OF JULY CELEBRATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

C. Municipal Services

1) Public Hearing for the Tentative 2023/24 Fiscal Year Budget

Mayor Casper opened the hearing and asked all items presented become part of the official record.

Pam Alexander presented. She stated that we had the budget kick-off on March 31 and we also had a City Council Budget Workshop on April 21, and Budget Sessions on July 11, 18, and 25th. The Tentative Budget was Published on July 29th and August 5th. Director Alexander stated that all the documents were posted on the city's website as well. Director Alexander pointed out some of the Budget Highlights as follows:

Total not to exceed budget - \$339,533,522.

Includes a 3% statutory property tax levy of \$1,295,633.

Includes new growth and annexation of \$933,602.

Does not include a 1% or 3% forgone levy. City contribution to the city's Health Insurance plan of \$1,000,000, in addition to plan redesign. A wage adjustment of 2% for non-union city employees is estimated at \$600,000. Funding for 7 new positions for Police, Parks and Recreation, and Community Development of \$367,872. Funding for 3 positions was funded through grants, fees, and/or reprioritization of ongoing budget operating dollars for \$198,407. Funding for two one-time capital requests for Parks and Recreation of \$250,000. Proposed Expenditures totaling \$339,533,522 for 12 city departments including Airport, City Attorney, Community Development, Fire, Human Resources, Idaho Falls Power, Library, Mayor and City Council, Municipal Services, Parks and Recreation, Police, and Public Works. Director Alexander stated that 100% has been allocated by the function. Approximately 18% is salary and wages and 44% is for current operating Expenses. The difference between the current proposed total expenditures and 2023 Adopted Budget Total Expenditures from last year is a difference of \$6,117,220 more and shows the differences between the two budgets. Total Expenditure Proposed Budget by Function City-Wide = \$339,533,522. Current Operating Expense 43% Capital Outlay 30% Salary and Wages 18% Benefits 8.55% Depreciation 1.36% Debt Service .96% and Interfund Transfers

The proposed Budget by the General Fund of \$72.4M is approximately 21% of the total budget and the Police, Fire, and Parks General Fund allocation total is 78% and is consistent every year.

The proposed budget by special Revenue funds is 16% of the total budget and amounts to \$55.7M and the Revenue Forecast is what we expect to receive in revenues to help fund the operations is \$32.2M Proposed budget by impact fees approximately 1% of our total budget is on the impact fees for our Fire, Parks and Recreation, Police, and Streets. The revenue forecast is \$3.2M and is the same as the proposed budget. Capital improvement funds are approximately 5% of our total budget and the total budget is \$18.2M and the revenue forecast is about \$15.5M Enterprise Funds are app 54% of our total budget including Airport, Electric, Fiber, Sanitation, Water, and Wastewater totally \$183.7M and the revenue forecast estimated at \$153.4M.

Property Tax Allocation (Proposed) – Director Alexander stated that what we do every year is when there is a decision made to levy a property tax, we allocate it out to eligible departments or activities. Current Allocation is based on the funds, Fire Capital Improvement Fund, General Fund, Library Fund, Municipal Capital Improvement Fund, Recreation Fund, and Street Fund. Director Alexander indicated the proposed Allocation for 2023/2024 is \$44.9M and is an increase of \$2.2M from last year.

Property Tax Table – Director Alexander stated that the valuation has increased as we talked about in our budget session and she said is forecasted at about \$8.3 billion and the certified property tax is about \$44.9M. She noted that we must give whole dollars when we levy a property tax so that is the whole dollar value that we are expecting to certify through the County and that will decrease our levy rate from the current year of 0.00603 to 0.00539. Director Alexander stated that the reason that went down is because the evaluation went up.

Property Tax Preliminary Analysis- Estimated 18% increase in residential evaluation and a 3% increase in commercial evaluation. She indicated that the evaluation is going to go up and there will be an increase in the property taxes and we are anticipating a cost per month of \$13.57 for a residential home taxable value of 170 thousand dollars. She stated that these are not final numbers but a forecast based on previous fiscal years and any information we can get from our County and the analysis that we do in-house. Mayor pointed out the last slide. She asked about the last three columns in blue indicating the property tax forecasted to be paid by a business. She pointed out that they will be paying less this year than they did last year. Mayor Casper wanted to clarify that this is not a decision that the city made. She stated that this comes to us based on the way the Legislature has determined that they will not index residential for inflation and because of that the businesses which are not appreciating are paying less in tax. Director Alexander agreed; she said it is a tax shift from residential to commercial. Mayor Casper pointed out that if taxpayers are feeling a pinch, it is not something the city has done. Councilor Hally stated that the bottom line is that the revenue from the state includes a portion of the liquor tax and a portion of the sales tax by formula. Councilor Hally asked Director Alexander if she could explain what has changed in the last two years in the formula for the sales tax. Director Alexander did not have that information prepared for this evening. Councilor Hally stated that the shift in the formula has changed. He says all the sales tax revenue used to be in the formula. Councilor Hally stated that the state excludes cities that portion of the sales tax which is online and has increased significantly and is become the larger share of the sales tax revenue. He said a lot of people asked him how the State has a surplus of over a billion dollars. He said part of the reason is that they take all the sales tax that is online sales and don't allocate any to the cities where most of the sales tax revenue is generated. Councilor Hally stated that with that surplus they provided property tax relief. Director Alexander agreed she said there has been a tax shift for a number of years and it is out of the City's hands to be able to do anything about it. She said we don't do the evaluation and that is something that happens in the County Assessor's office and Director Alexander stated that it is her understanding that the formulas are already set based on the Legislature.

Public testimony.

Brandi Newton 293 Westmoreland Drive, appeared. Ms. Newton is the Executive Director for the Idaho Falls Arts Council who are the owner and operators of the Willard Art Center as well as the ARTitorium on Broadway. She said she is also a board member of the Idaho Falls Downtown Development Corporation. Ms. Newton is here to support the portion of the budget pertaining to the police department and their request for a position that would cover our downtown area. Ms. Newton says she is happy, and impressed with Chief Johnson, Captain Marley, and Council Member Francis because they have attended meetings and have come to seek information as well as share information with us so that we can understand the safety and concerns of the downtown business owners and participants. Ms. Newton stated that for the last ten years, we have had very little vandalism or damage. She says as we

have watched our community grow and the participation in downtown grow with different businesses and activities, we have seen an increase in vandalism. Ms. Newton stated that in the last year, they have had two windows that have been vandalized. Ms. Newton feels that our neighbors are doing a great job and feel they are following all the rules and want their establishments to be one of safety and provide a sense of community as we do at the Colonial Theater. Ms. Newton stated that Chief Johnson shared at a recent IFDDC (Idaho Falls Downtown Development Corporation) meeting that the presence of the police force does make a difference and feels grateful to have that put forward as part of this budget and would like to formally support that and hope that it passes. Ms. Newton stated that she has some letters that she would like to submit to the City Clerk that are from constituents. She said they are from several of our board members as well as one of our strong supporters with Teton Toyota.

Kris Taylor is a downtown business owner who is excited to grow this town and loves this town. He said his kids are the seventh generation here and he is very dedicated to this downtown. Mr. Taylor stated that he and his partner Jace Howell have added about 100 jobs over the last year and the next two years will probably add another 200 more jobs. Mr. Taylor said a lot of their goal is we need stuff to do. He said we are lacking and feels that downtown leads the way for any town. Mr. Taylor stated we work with INL and the biggest part is recruitment as INL (Idaho National Laboratory) brings people here they try to tell folks why they want to live here and move here and take this job. Mr. Taylor says it has been working well with INL and pharmaceutical companies, medical companies, and traveling nurses. Mr. Taylor stated that we are one stabbing away from getting a bad name. Mr. Taylor said he cleans the streets every day; he said on a normal Saturday and Sunday morning he picks up thirty to sixty broken beer bottles and cans. He said that night the police were downtown there were only three pieces of garbage to pick up the next day and pointed out that it was a massive difference. Mr. Taylor stated that the goal is preventive maintenance. He said just to be able to have police present to walk around and tell somebody that they will get a drinking ticket if they are drinking in the streets. Mr. Taylor said he feels it only takes one person to enforce that and if the City or County does not want to pay for it, they are more than willing. Mr. Taylor stated that the biggest thing for the INL is a vibrant downtown community and we have to have it because it's the only way they can recruit as well as other companies. Mr. Taylor stated they shut down some of the establishments early because it gets too dangerous late at night. He said there is an uptick in crime going on and the drinking downtown is constant. Mr. Taylor stated they have about 40 cameras downtown and he has seen video of cops taking selfies with people that have beer in their hand. He says it has gotten very lax. The police will come to break up a fight and clean up the blood and there are fifty people around them drinking in the street and tailgating. He said they will get kicked out of the bar so they will just come and party outside and there has been no enforcement for any of it. Mr. Taylor stated that he was given a proposal for police presence but it would have to be a guarantee of 24 hours a week for 2 policemen at 40 dollars an hour. Mr. Taylor stated that they have to buy police presence for downtown because he was told they cannot moonlight but our other counties can. Mr. Taylor stated that we need to get ahead of this and we need police presence downtown because that would be huge and it has just gotten too lax. Mr. Taylor stated with the growth we are about to have and with the INL (Idaho National Laboratory) we need this for our town. He said he would appreciate the police presence and if the City can't pay for it, we will pay for it downtown to fund a police officer and doesn't want to have another county do it.

Jace Howell appeared. Mr. Howell is an owner of a property management company and has an interest in business in downtown Idaho Falls.

Mr. Howell stated that he is grateful to have City Council members that care and appreciate all they do. Mr. Howell says his brother is a police officer and understands a lot of the good that comes with that job and knows there is a lot of bad that a lot of us don't realize. Mr. Howell stated that he knows how much

respect that these men in blue have for our chief and feels if there is any way possible to enhance that budget and the safety of our community downtown it will help because it is the heartbeat of our town and sets the stage. He says getting ahead of that sends the message that we are not going to put up with violence and crime. Mr. Howell says that at one bar downtown, as he began taking over the property management, there was a gunshot just across from the Mayor's office about 15 months ago. He says that kind of thing you would not think would happen but when it does it hurts a lot of people and people don't feel safe. Mr. Howell says they decided to mitigate and did put up some bright lights in front of the Mayor's office in the parking lot and the bar hired a security company and that has changed the shape of what goes on in the evenings. Mr. Howells says it's not perfect but we have mitigated some of that and that was a small thing to do to prevent something from happening. Mr. Howell stated that it is in our best interest for all of us to do that because in his opinion we have some of the best police officers in the nation so anything we can do, we want to help and we don't want to complain we want to take action. Mr. Howell stated we love it here and was born and raised here and feels we need to change a lot of things for a lot of things not to change and that is what we are trying to do. He said anything you can do to help push that along that would be great.

Cindy Keller appeared. Ms. Keller owns a small club in downtown Idaho Falls. Ms. Keller says she has run the Samoa Club for 44 years and when she was first there all they dealt with was sheep herders and drunks. She said there were no drugs at that point and things have changed. She said her employees are all females and have no bouncers. Ms. Keller has seen good change and says her dad started the Samoa in 1934 and had restaurants in town before that. Ms. Keller says she is very passionate about it and she says it's historical and there are lots of pictures on the wall her parents are on the wall. Ms. Keller says she cannot be there all the time to deal with the problems and feels the police presence is a great idea and will make her people safe too because they are all women. Ms. Keller addressed the outside drinking, she says yes, some people do go outside the club with a drink in their hand but it's true that because of COVID we all got lax on that because people started to come out. Ms. Keller pointed out that we have three licenses, from the State, the County, and the City, and if somebody downtown is not taking care of their business the way they should and you have issued them a license and you have had a meeting with them and have told them that what they are doing is not right and need to do something different. Ms. Keller asked don't you have the right to pull that license? She said they cannot operate. They can have the State and the County but if they don't have the city they cannot operate. Ms. Keller stated that these are the consequences and that is how we teach our children isn't it? Ms. Keller says she has great clientele and great people and loves her place and doesn't have many problems but has seen a lot of change in the past 5 years.

Mayor Casper closed the hearing for the 2023/24 Budget.

2) Public Hearing for the Proposed Fees for Fiscal Year 2023/24

Mayor Casper opened the hearing and asked all items presented become part of the official record.

Director Alexander appeared, she stated that this item is for new fees and fee increases of more than 5%. Director Alexander has outlined the page numbers on the different areas that are asking for new fees and fee increases greater than 5% and has been also added to the city website. Mayor Casper stated that she had heard that perhaps not every fee was included and asked Director Alexander how she would address that and what the process is if we have found that something has been excluded. Director Alexander explained that if a fee has not been included in what has been published in the newspaper, we have to start the process all over again including a public hearing. She said we would post a public hearing notice at least 14 days before the public hearing just for the fees that may not have

been added to this fee schedule. Mayor Casper stated that it is not unusual to see the fee schedule change throughout the year is that correct? Director Alexander agreed. City Attorney Randy Fife stated that typically you see the fee schedule with the budget because it seems like the appropriate time to do it but there is not any particular time that fees have to be renewed or reviewed except for if an increase is 5% or more. Mr. Fife stated that it has been the practice in this city to do it with the budget so that you can see how the fee interacts with the budget that you are considering.

No one appeared and Mayor Casper closed the public hearing.

Mayor Casper closed the hearing for the 2023/24 fee schedule.

6. Announcements

Mayor asked Council members if they would like to have a meeting tomorrow to discuss the public comment shared tonight. Council members agreed unanimously to cancel the meeting posted for Friday, August 11th, budget session.

Mayor said today is the kickoff for Roaring Youth Jam and will continue through Saturday.

Idaho Falls Rotary Duck Races this weekend and will kick off on Friday night with a car show, boat races, and concessions on both sides of the river.

Saturday is the grand opening for Fun Land open during the day however from 7-9 pm it will be \$5 for a wristband for unlimited rides. There will be free popcorn and they will bury a time capsule.

UAMPS on Sunday – Tuesday next week

BMPO (Bonneville Metropolitan Planning Organization) meeting on Wednesday and our regular Council meetings on Monday and Thursday.

Councilor Francis stated that on Saturday the 19th Sister Cities City Committee organized a booth at the farmer's market to promote the program and have some exciting things to give away and looks like a good way to promote Sister Cities and how it fits with Idaho Falls

Councilor Freeman wanted to speak about Councilor Hally's comments and wanted to inform the public a little more about how it works. Councilor Freeman stated that Speaker Moyle likes to profess that the State does not set the levy rates and the State does not collect the taxes so it's like they wipe their hands free of the tax burden but there has been a significant tax shift from commercial to residential properties. He said even though they don't collect the taxes they make the rules by which we collect them and therefore our hands are tied by the state Legislature so they are not free of blame regarding property taxes. Councilor Freeman pointed out that on the fee schedule, our fees are not set to make money or subsidies for departments in the city. He said there are some significant fee increases.

Councilor Freeman stated that we set fees to collect money to provide the service and we don't collect money to make a profit because it is illegal to do that.

Councilor Hally said the public should know there is construction on 65th North by Sage Lakes Golf Course and wants the public to know it is still open for business and to allow an extra 5 minutes to get through the construction.

7. Adjourned

There being no further business, the meeting adjourned at 8:32 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

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