

September 10, 2018

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, September 10, 2018, 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:

Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember John Radford
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Mayor Rebecca L. Noah Casper

Also Present:

Bear Prairie, Idaho Falls Power General Manager
Stephen Boorman, Idaho Falls Power Assistant General Manager
Pamela Alexander, Municipal Services Director
Ed Morgan, Civic Center for the Performing Arts Manager
Greg Weitzel, Parks and Recreation Director
Rob Harris, Holden Kidwell Hahn & Crapo, PLLC
Ronnie Campbell, Parks and Recreation Superintendent
Scott Davis, Cemetery Sexton
David Pennock, Zoo Superintendent
Chris Fredericksen, Public Works Director
Bill Squires, Police Captain
Melody Burnham
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Pro Tem Hally stated Mayor Casper is attending a National Clean Up Workshop. He called the meeting to order at 3:00 p.m. with the following:

Acceptance and/or Receipt of Minutes:

There were no minutes to accept.

Calendar, Announcements and Reports:

September 20, City Club
September 24, City Council Work Session
September 25, City Club; and Chamber Distinguished Under 40 Awards
September 27, Idaho Falls Power Board Meeting; Chamber CEO Speaker Series; and, City Council Meeting
September 28, Hoe Down for Habitat for Humanity; Maeck Ribbon Cutting
October 5, Policeman's Ball

Liaison Reports and Concerns:

Councilmember Dingman stated a ribbon cutting for the pathway renovations will be forthcoming. Parks and Recreation received Request for Proposals (RFPs) for a Comprehensive Plan, finalists have been interviewed. The Airport Open House was well attended.

Councilmember Radford believes the Parks and Recreation Department needs a Comprehensive Plan for the entire City. He expressed his concern regarding the S. Boulevard project and questioned the process on the striping.

September 10, 2018

Following lengthy discussion, there was consensus to include 'Discussion of recommendations to staff regarding the form of communication on the South Boulevard project' to the September 13 Council Meeting Agenda.

Councilmember Francis stated Fire Station 1 is a finalist for a top project in the State. He also stated a cooperative meeting regarding Fire Department Training will be held on October 16.

Councilmember Freeman stated the construction season is ongoing, he briefly reviewed construction projects. He also stated the Idaho Falls Police Department has hired two (2) new dispatchers and four (4) new police officers.

Councilmember Smede stated School District 91 is excited to have an additional School Resource Officer. She also stated Community Development Services (CDS) staff will be attending the Idaho American Planning Association (APA) Conference in October. The Library Board Meeting will be held September 27, the Library is moving forward with building renovations.

Power Easement Assignments:

Director Prairie introduced Mr. Boorman. He stated in the past Idaho Falls Power (IFP) had the need to build two (2) new distribution lines out of the Westside Substation. West 17th South has Bonneville County on the south side and City on the north side. Director Prairie stated options have been discussed including an overhead line versus going underground, and joining with Rocky Mountain Power (RMP) on the south side. He indicated RMP didn't have enough easement to accommodate both lines, therefore the City obtained easements to accommodate both lines. Mr. Fife clarified that RMP will be given a portion of the easements so they can accomplish work within the easement. Director Prairie indicated IFP will be installing new poles. Mayor Pro Tem Hally stated this item will be included on the September 13 Council Meeting agenda as a Consent Item.

Child Care Ordinance Revisions:

Director Alexander briefly reviewed Title 6, Chapter 3, which currently allows the City to offer a temporary child care license. She stated the State now requires a cleared criminal background check prior to licensure and the State is now requiring the City to have the same stringency. Therefore, Title 6, Chapter 3 will be amended to remove the temporary child care licensing component to be compliant with the State Statute. Councilmembers Radford and Dingman indicated the City must comply with State Statute. Councilmember Radford questioned repeal of the ordinance and just refer to the State Statute. Mr. Kirkham indicated that particular discussion can occur at a future Work Session. Councilmember Freeman expressed concern regarding the upcoming appeal hearing. Mr. Fife reiterated the need for additional Council discussion regarding the child care ordinance. This item will be included on the September 13 Council Meeting agenda.

William J. & Shirley A. Maeck Family Foundation Pledge Idaho Falls Civic Center for the Performing Arts:

Director Alexander stated the Maeck Family Foundation has requested to pledge no more than \$257,000 to help install a gala mechanical orchestra lift at the Civic Center for the Performing Arts. She indicated the mechanical lift was not included on the list for renovations for the facility. Director Alexander stated the Civic Center is approximately \$46,000 ahead of renovations with current bids, therefore those savings can also be applied to the gala lift. This item will be included on the September 13 Council Meeting agenda.

Noise Park Water Rights Purchase Agreement:

Director Weitzel introduced Mr. Harris. Mr. Harris reviewed a water rights map and indicated that moving the water rights will work well. He stated the Purchase and Sale Agreement purchases 15 acres of water which is important for the future of Noise Park. Mr. Harris stated a 10% down payment is required at which time the application will be submitted to the Department of Water Resources. The water rights have to be moved without protest or other issues in order for the agreement to close. The agreement also includes provisions to allow the City to withdraw if there are issues or protests that are too great to overcome. Mr. Harris stated water is important to the State and he believes this is a good opportunity. Mr. Campbell stated Noise Park is currently limited to dust abatement only, and the future of Noise Park is dependent upon water. Director Weitzel stated the 15 acres of water rights will be adequate for the next 10-20 years of development at Noise Park, including an RV park. Councilmember Dingman stated water is the foundation for any growth at Noise Park and amenities, such as an RV Park, and is needed to draw people. Mr. Harris stated the water right will be included in the City's portfolio of Water Rights. He also stated the 10% down payment and the closing won't occur until all the improvements are completed, this will allow flexibility with the budget as

September 10, 2018

the final funding will not occur until the following year. Director Weitzel stated this item was not included in the current year's budget although there are savings in the budget for the 10% down payment. He indicated the final payment will be included in next year's budget.

Comprehensive and Strategic Master Plan:

Director Weitzel stated the Comprehensive and Strategic Master Plan is the combination of two (2) plans with the purpose to guide development and the management of parks, recreation programming, open space, trails, and facilities. He also stated this plan will give data driven recommendations so the Council has the data to make the decisions that are necessary for the community, as well as identifying partners that can assist with the financial burdens. Director Weitzel stated the Comprehensive Plan is the long-term vision (20 years) and the Strategic Plan is the five-year guide with exact steps. He indicated this plan will lead to Commission for Accreditation of Park and Recreation Agencies (CAPRA) accreditation to ensure standards are being followed with respect to cemeteries, golf courses, park maintenance, recreation programs, etc. He emphasized this will be a public process. He indicated Parks and Recreation will begin the negotiation process with the most qualified firm following a RFP. Brief discussion followed regarding the Tautphaus Park Master Plan and the difference between the Master Plan and the Comprehensive Plan. Councilmember Dingman suggested publicizing what has been accomplished with the Tautphaus Park Master Plan. Director Weitzel indicated this plan will be similar to the Connecting Our Communities Plan. This item will be included on a future Council Meeting agenda.

Zoo Education Center Change Order:

Director Weitzel briefly reviewed the 2015 resolution regarding change orders and the amount required for Council approval. He stated Mayor Casper previously signed a change order for \$68,089 and because it is over the amount specified in the resolution, the Council will need to ratify the change order. This item will be included on the September 13 Council Meeting agenda. A discrepancy in the amount presented was noted, Director Weitzel will review the amount. Director Weitzel indicated there are funds available in the budget for the change order. Mr. Pennock noted construction has been delayed due to the storm water issue.

Cemetery Discussion and Ordinance Review:

Mr. Davis stated changes to the cemetery ordinances have not occurred for several years. Director Weitzel stated new definitions and procedures have been included in the ordinance revision. Mr. Davis stated the amended ordinance will give control back to the City and the sexton. He also stated the ordinance will clarify new burial procedures, decorations, burial protocol, etc. Director Weitzel stated the revision has been distributed to all the funeral homes. Mr. Davis stated he has been working on this revision for more than a year which has included research on other cemeteries and discussion with staff. He has also researched potential cemetery software. A request for this software will be included in next year's budget.

Snow Removal Funding Resolution Review:

Director Fredericksen stated there are different components associated with snow removal, including the Street Division. He indicated there is an annual fund of \$525,000 set aside to hire contractors for snow removal efforts. The budget line item hasn't changed from 2008-2017 although the actual expenditures increase or decrease, depending on the snow year. Director Fredericksen stated \$918,000 was expended in 2017. He also stated it would have been easier to fund the 2017 snow year if there was a resolution to set aside the funding for the excessive snow years. Director Fredericksen stated the intent of the resolution would be to achieve \$1m in the fund that is dedicated for contractor snow removal, and Public Works would continue to budget \$525,000 annually. He indicated once an excess of \$1m is reached, and it's a light snow year, the resolution would allow the excess funding to be disbursed to the General Fund after May 1 of each calendar year. This item will be included on a future City Council Meeting agenda.

Child Care Worker License Denial Appeal:

Councilmember Hally opened the appeal hearing for Ms. Melody Burnham. Captain Squires stated during Ms. Burnham's background investigation for a Child Care Worker license, it was discovered an item revealed precluded her from receiving a license. Ms. Burnham stated in 2008 she was arrested for possession of a controlled substance with intent. She indicated she received intensive rehabilitation and successfully completed probation and received a

September 10, 2018

withheld judgment. She also indicated she has worked in the health care field for the past five (5) years and was surprised when this item was still on her record. Captain Squires indicated the statute doesn't have a time limit. Councilmember Dingman briefly reviewed the code, stating "the license 'may' be denied, suspended or revoked . . ." She believes the "may be denied" legally gives the Council the ability to accept or deny the license. Mr. Fife believes the code should say "shall be denied" so there is not inconsistent application. Councilmember Francis questioned the incorrect completion of the Self Declaration statement. Councilmember Smede expressed concern by the lack of honesty in filling out the application. Ms. Burnham indicated she was instructed from Health and Welfare that she did not have to disclose the withheld judgment as it had been move than seven (7) years ago. Ms. Burnham's criminal history was briefly reviewed by Captain Squires. Following general discussion and comments, it was moved by Councilmember Freeman, seconded by Councilmember Radford, to grant Ms. Burnham's appeal. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Dingman, Hally. Nay – Councilmember Francis. Motion carried. Appeal granted.

It was then moved by Councilmember Freeman, seconded by Councilmember Francis, to adjourn the meeting at 5:20 p.m. and move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into regular Work Session. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Monday, September 10, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 5:26 p.m.

There were present:

Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Thomas Hally

Also present:

Chris Fredericksen, Public Works Director
Greg Weitzel, Parks and Recreation Director
Randy Fife, City Attorney

This Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the Executive Session adjourned at 5:37 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR