

## October 25, 2021 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, October 25, 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 Jim Freeman  
Councilor Jim Francis  
Councilor Lisa Burtenshaw  
Councilor John Radford (arrived at 4:25 p.m.)

Absent:

Councilor Thomas Hally

Also present:

Rick Cloutier, Airport Director  
Brad Cramer, Community Development Services Director  
Stephen Boorman, Idaho Falls Power Assistant Director  
Sam Ellsworth, Citizen  
Michael Kirkham, Assistant City Attorney  
Chris Canfield, Public Works Assistant Director  
Kent Fugal, City Engineer  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:05 p.m. with the following items:

### Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council receive the recommendations from the October 19, 2021 meeting of the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilors Francis, Dingman, Burtenshaw, Freeman. Nay – none. Motion carried.

### Calendars, Announcements, Reports, and Updates:

October 28, Idaho Falls Power (IFP) Board Meeting, and City Council Meeting  
October 28-30, Boo at the Zoo  
October 29, Regional Economic Development for Eastern Idaho (REDI) What's Up in Eastern Idaho Annual Conference  
October 30, Real Heroes' Trunk or Treat  
November 9, Distinguished Under 40 Luncheon sponsored by the Chamber of Commerce  
November 15, Association of Idaho Cities (AIC) Fall Academy  
December 3, AIC Legislative Preview

Mayor Casper stated an AIC Board Meeting recently occurred regarding requested items for potential legislation. Items include annexation, broadband within cities, definition and requirement for retaining records, and

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standardizing the information to be released pertaining to a criminal investigation of a victim. Mr. Fife noted this request is not just limited to victims, it would also include other involved individuals. Mayor Casper noted the legislators are working on refinements of House Bill (HB) 389, she will distribute additional information regarding the Opioid Settlement, and she noted the Memorandum of Agreement for the Greater Idaho Falls Transit (GIFT) has been signed by all parties. Mayor Casper announced Eastern Idaho Public Health (EIPH) will be holding an update/briefing on November 4 regarding Coronavirus (COVID-19), and Rosanna Christopherson, dispatch employee, received Telecommunicator of the Year award for 2021. Mayor Casper stated an employee at the AIC has written a book titled 'Friends at City' that will educate school children about cities. She also stated a program, Readers to Leaders, has been initiated per this book, and the book will be shared with all 3<sup>rd</sup> grade classes in each city with a workbook distributed to all 3<sup>rd</sup> grade students.

### Liaison Reports and Councilmember Concerns:

Council President Dingman expressed her appreciation to those individuals who are supporting the upcoming Monster's Ball for the Community Food Basket. She noted the mortgage for the Community Food Basket's warehouse is close to being paid off. She also noted GIFT will be releasing a press release in the near future.

Councilor Burtenshaw stated the Idaho Falls Fire Department (IFFD) recently used an alternate method to surplus a transport vehicle (truck), noting this specific truck was recently surplused for \$120,000. She also stated the former fire station on E. 8<sup>th</sup> Street was recently auctioned for \$252,000.

Councilor Freeman stated leaf collection is occurring, noting the schedule is located on the city's webpage. He also stated the irrigation system at Pinecrest Golf Course is anticipated to be operational by fall 2021.

Councilor Francis stated the Idaho Falls Police Department (IFPD) has recently been reaccredited by the Idaho Chiefs of Police Association, an awards ceremony will occur on November 1 to honor officers and citizens, and the chaplaincy program will be graduating new chaplains on November 11. He also stated the zoo is extending the season for October and November (pending snow), Boo at the Zoo tickets are available, and multiple irrigation systems in the rights-of-way and parks are being prepped for winter.

### Update: Air Service Development:

Director Cloutier stated the Idaho Falls Regional Airport (IDA) is currently served by five (5) airlines (American Airlines, Delta Airlines, United Airlines, Alaska Air, and Allegiant Air) with 13 non-stop destinations. He noted a non-stop flight to Boise will begin June 11, 2022. He reviewed destinations by map including year-round and seasonal destinations. He displayed a picture of the typical morning airplanes at IDA. Director Cloutier reviewed Total Monthly Passenger Traffic as a comparison for 2019 and 2021 and Yearly Passenger Traffic through the end of September comparison for 2019 and 2021. He noted there are close to 92,000 departing seats scheduled for the rest of the year, which is an average of 85% capacity. He anticipated there will be more than 400,000 passengers for the year. Director Cloutier reviewed Car Rental Revenue from January through September comparison for 2019 (\$6,635,388) and 2021 (\$8,825,146). He noted year end 2021 will surpass 2019. Director Cloutier provided a construction update, stating construction began in June of 2020. He displayed photos of the restaurant area stating the restaurant has invested approximately \$200,000 of private funds for a kitchen update. He noted restaurant items will be available 24 hours per day. Director Cloutier displayed additional photos of construction including the Transportation Security Administration (TSA) checkpoint area, the jet bridges (IDA has spent approximately \$175,000 annually for the previous ten (10) years on jet bridge repairs), and gate holding areas (IDA is working through the furniture issues). Director Cloutier believes IDA is the best choice for air travel in eastern Idaho. Per Councilor Freeman, Director Cloutier stated the trigger for the Federal Aviation Administration (FAA) rating is around 225,000 'passengers going' enplanements. He believes IDA will have 250,000 enplanements in the coming year which will change the Category Level of IDA. He noted TSA may have the most impact with the general user/general aviation users. Per Councilor Francis, Director Cloutier gave a brief update of the Seattle flight, noting

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IDA has more than \$500,000 in overage credit at this time. He indicated IDA's rolling 7-day average for Alaska Air is 83% and the rolling 30-day average is 70%, as compared to most of Alaska Air's rolling 7-day average of 70% and rolling 30-day average of 50%. He stated Alaska Air is looking to add additional frequency to Seattle in summer. Per Mayor Casper, Director Cloutier stated there is a joint pledge from the Idaho Falls and Boise's Chamber of Commerce for the Boise route, and this is on a one-year trial beginning June 11. He believes the Boise route will sustain itself. He noted fares are anticipated to be approximately \$100 each way. Council President Dingman believes the community is seeing a tremendous response to the Boise route, and the community will or will not support the route. Mayor Casper noted an Airport Leadership Workshop is tentatively scheduled for December 21.

### Discussion: Local Improvement Districts (LID):

Per Councilor Francis, Mr. Fife indicated there is no conflict at this point for a proposed LID in Councilor Francis' neighborhood. Director Cramer stated the city has not used LIDs for quite some time although they are referenced in various plans, and there has been a request to create a LID. He also stated LIDs are governed by Idaho Code Title 50, Chapter 17, and recent plans, including City Core, Northgate/1<sup>st</sup> Street, and Imagine IF recommend the city consider LIDs as a tool to finance certain projects. He noted a LID is a multi-departmental process which includes IFP, Public Works, Legal, Community Development Services, and Municipal Services. Mr. Fife explained development in cities typically occur through the subdivision code and any standards that apply so that development pays for itself. He also explained when cities mature and start to replace the infrastructure that burden falls on the general tax public. The LID allows the city to focus on a smaller district within the city to provide bond financing for those improvements through the individuals who receive the improvement. Mr. Fife indicated it's rare that the city would initiate a LID, however, he believes this is a good tool for small projects if a city is unlikely to do those improvements pending timing of the project. He explained the process stating the group would approach the city to establish a district and the district boundaries and identify the types of public improvements which are typically street, curb, sidewalk, gutter. He noted there is no minimum size or maximum size for a LID. He also explained that the city would do the bond financing and then the benefited group would pay a self-imposed tax over increments of the bond period until the city gets their money back. He noted a property owner must pay the LID in full if that owner sells the property. Mr. Fife further explained if the project appears to be viable and there's enough motivation, then a petition is passed around which requires 60% of support. He stated the benefit of the property and calculation of the property would need to be determined for the property owners' percentage of costs. Following the petition, the city would complete designs and cost estimates per property, the council passes a resolution of intent to create a LID with the appropriate public hearings, and the district is created. The city then puts in the public improvements, the bonds are sold to fund the improvements, LID assessments are added to the property owners taxes, the property owners pay the assessment (upfront or over time with interest), and there is a lien on the property until the property is paid in full. Mr. Fife stated a LID is not limited to street, curb, sidewalk, gutter improvements, it can be used for other public improvements. He noted the City of Ammon has allowed a LID for fiber provisions. Discussion followed regarding increasing the value of the property, exclusion of properties, and the petition process. Director Cramer stated an additional step in the process has been added per staff which includes city staff and citizens meet to ensure Council is comfortable with the steps for a LID prior to staff investing a lot of time. He explained the proposed LID by Mr. Ellsworth which includes adding streetlights to a neighborhood. He indicated this neighborhood will be having streetlights replaced in the near future. Mr. Boorman noted this subdivision has approximately 20 lights, and the proposed lights, similar to the downtown lights, would maintain the historic look of the neighborhood. He indicated it would cost approximately \$100,000 to replace the entire lights and poles. Per Mayor Casper, Mr. Boorman stated the city is not dark skies compliant. He indicated these lights are designed to shine down. He also stated the lighting in this neighborhood is aged and would be upgraded with current lights from IFP noting there would not be additional cost for the normal upgrade. He believes the lights would be appropriate time for this neighborhood. Director Cramer stated, per the proposal, a list of property

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owners would be provided to Mr. Ellsworth. Mr. Ellsworth would then attempt to obtain 60% of signatures for a petition. Per Councilor Freeman, Director Cramer believes the only previous LID was a sewer line north of town. Discussion followed regarding the petition, including the method of calculation being included on the petition, the public hearing, previous LIDs, all costs being included in the bond sale, and the effects of property valuations. Councilor Freeman believes the opportunity should be given if residents are willing to tax themselves. Councilor Radford believes this is a democratic process, he also believes there are a lot of opportunities to improve neighborhoods. He stated he is in favor of the concept. Council President Dingman and Councilor Burtenshaw also stated they support the process.

### Follow-up Discussion: Neighborhood Meetings:

Director Cramer stated Mr. Kirkham has re-drafted the ordinance per discussion at the October 14 City Council Meeting. Mr. Kirkham noted amendments in the proposed ordinance include the removal of the public hearing requirement during a preliminary plat, and the language regarding a petition for a public hearing has been clarified. He also noted the requirements for a neighborhood meeting and the requirements of items submitted to the city by the developer regarding the neighborhood meeting has not changed. Councilor Burtenshaw questioned a public hearing for a final plat. Director Cramer stated that right currently exists through State Code. Per Council President Dingman, Director Cramer indicated public hearings for preliminary plats varies in other Idaho cities, there is no consistency. He noted these are not required for Bonneville County, and the City of Ammon's Planning and Zoning Commission decides on their own whether to hold a hearing or not. Mr. Kirkham stated there is a lot of flexibility in the State Zoning Code/LLUPA. Councilor Burtenshaw believes this could still be streamlined. Council President Dingman stated, per applications received by developers, she is unsure if the entire Council prefers to have the public hearings removed. Per Councilor Radford, Director Cramer stated staff notified several engineering firms and developers and no comments were received. He also stated the concern was not the timing of the process, the idea was to move the conversations where they can be the most meaningful. Council President Dingman stated she could support the removal of the public hearings as she believes there seems to be inconsistencies at the decision-making level of what and what cannot be allowed and considered. Per Mayor Casper, Mr. Kirkham stated a neighborhood meeting would only be required when a use is changed, and it would be unlikely a neighborhood meeting would be required for the construction of a single residence. Director Cramer stated the focus was on quasi-judicial hearings. He also stated there is no guarantee a preliminary plat would flow easily through the process. He briefly explained the hearing and appeal(s) process. Per Councilor Francis, Mr. Kirkham believes a neighborhood meeting is the wise thing to do although it's not required to submit an application. He also stated a hearing must occur but not necessarily in a 6-week timeframe. Director Cramer explained the application process and the potential hearing and/or appeal timeline. Mr. Kirkham further explained that part of the application would include results of the neighborhood meeting. Councilor Freeman believes there would be less delay and dissent if the neighborhood meeting occurred up front. Councilor Radford believes the developer wants predictability although there's risk with predictability. Mr. Kirkham reminded the Council that the scope of review at the preliminary plat and final plat is limited per law, it's to ensure city rules are being followed. Councilor Burtenshaw questioned if a developer could not request a hearing himself. Mr. Kirkham indicated the right is to the public. Director Cramer believes appeals may occur because a citizen receives a notice in the mail indicating a preliminary plat hearing will be occurring although those citizens do not see what the plat looks like, and they only see this information at that hearing. He stated the idea is to inform citizens before the application happens. He also stated staff reviews items that can be appealed with those citizens, therefore an appeal can be difficult per the requirements. He also believes, per experience, if a citizen wants to hold a hearing, they will find a way to do so. Mayor Casper questioned the amount of notice beyond 300'. Director Cramer believes State Code is adequate, and Mr. Fife stated the State has broad input from all cities in the State which has been vetted. Per Mayor Casper, Mr. Fife believes legitimate developers see a benefit in the neighborhood meetings so things can be compromised at a

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cost they are accountable with in the development. He also believes this makes them better neighbors. He indicated the process is to be fair. Discussion followed regarding the conduct language included in the proposed ordinance. This item will be included on the October 28 City Council Meeting agenda.

Update regarding the formation of an Eastern Idaho Regional Wastewater Authority (EIRWWA) Taxing District:

Mayor Casper stated the city received information from the EIRWWA moving from a Joint Powers Agreement (JPA) to becoming an Authority. She noted an Authority can tax, a JPA does not allow the opportunity to tax or bond. She believes this will impact the city as the city may expand into this territory and may be annexing land that is served differently from the current system. Mr. Kirkham stated the current JPA is between the counties of Bingham and Bonneville and the cities of Shelley and Ammon. He indicated the city has worked on several other JPAs although the joint power organization has no more authority or power than their constituents. He also stated an election would be required by the majority of individuals who own property within the district to approve the creation of that district, and the first step would be to form a petition that has 10% or more of said individuals to have interest in creation of the district. Mr. Kirkham stated the city received notice from the Authority as the city has two (2) city-owned parcels that are being contemplated to be annexed into the district's boundaries – Sandy Downs and the lower southern end of the city to Ryder Park. He stated the city responded to the letter stating the city would not grant permission for these city properties to be included in the district. He does not believe it's wise to have city properties within another political subdivision boundaries. He noted this refers to property that the city owns outright, this property is not within the geographical boundaries of the city's governing authority. Mr. Canfield identified an additional parcel that was not previously included on the parcel map. Mr. Kirkham reviewed the process for filing and being placed on the ballot, noting a majority vote of the property owners is required. This would then allow the power for a levy of tax and the power of bonding for capital projects. Mr. Kirkham noted due to the proposed boundaries being so close to the city, the question is who would have the right to serve wastewater to these parcels as they annex into the geographical boundaries of the city. He stated it is not easy to de-annex or withdraw properties from the district. He explained the three (3) methods to de-annex or withdraw. He believes changing the boundaries would be difficult. Mayor Casper believes the city's rates are preferable, although per Mayor Casper, Mr. Kirkham stated the Authority's annexation authority is not the same as the city as the city requires contiguous and an adjacency to expand the city's geopolitical boundaries whereas the district code refers to as adjoining or close proximity. Mr. Kirkham believes this may encourage development outside of the city boundaries. Councilor Burtenshaw believes this would create an opportunity to develop outside the city. Councilor Freeman believes the Shelley facility may have to expand as they're running out of capacity. He doesn't see a reason to have city property being served by a different entity as the service would cost more. Discussion followed regarding those voting individuals, property taxes, the inclusion of Ammon and Iona, and the Iona Bonneville Sewer District (IBSD). Per Councilor Freeman, Mr. Canfield stated city service could be extended to the city properties by using the right-of-way (ROW). Mr. Kirkham stated it would be more difficult to get out once wastewater service is being provided. Mr. Fife stated the city has a variety of agreements with other counties and cities. He also stated the city has been reluctant to provide city services outside the city limits although other tools could be considered. Councilor Radford agreed, stating there are options to be proactive. Additional discussion followed including capacity, rates, and the request for a more detailed map.

Councilor Radford announced a recent shooting incident at the Boise mall.

There being no further business, the meeting adjourned at 6:00 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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