



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

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Thursday, January 13, 2022

7:30 PM

City Council Chambers

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### Call to Order.

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

### 2. Pledge of Allegiance.

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

### 3. Public Comment.

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Robert Jacob Percival III, communicated via telephone. Mr. Percival stated he was deployed to Iraq several years ago. He believes the Chief of Police was having an affair with his wife which has triggered a lot of things. He also believes the chief should have a DNA test. Mr. Percival stated he has tried to call the Mayor's Office and has left messages. He believes this has gone way too far. He indicated these actions have disgraced the Police Department in Alaska, although the chief has the option to not do anything. Mr. Percival questioned who he can complain to for the chief's behavior, as he believes the chief has no ethical morals. He does not understand how there is no investigation. He stated the chief worked for the Juneau Police Department as well as the gym where he gave massages. Mr. Percival reiterated he doesn't know where to go with this, and the chief needs a DNA test. He believes the chief should be fired for multiple infractions. He reiterated this has gotten out of hand, and the Police Department is out of control. Mayor Casper stated staff will reach out to Mr. Percival.

Police Chief Bryce Johnson appeared. Chief Johnson stated this is unfortunate for an individual who struggles, and this is the first time Mr. Percival has been given a public format. He also stated Mr. Percival has threatened him and his children. Chief Johnson is unhappy that Mr. Percival was allowed the public forum as this puts his family and his children at risk. He stated Mr. Percival has been calling for the previous 4½ years, including many media outlets who have informed Chief Johnson of the contact, and has caused safety concerns for his children's schools. He also stated there is a lengthy 6-year history with this issue. Chief Johnson stated he trusts and loves his wife with all his heart.

### 4. Consent Agenda (2021 Business - "Concluding Fiscal Matters")

#### A. Idaho Falls Power

- 1) Idaho Falls Power Board Meeting Minutes - November and December 2021

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The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

**B. Municipal Services**

**1) Treasurer's Report for October 2021**

A monthly Treasurer's report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending October 2021, cash, and investments total \$134.6M. Total receipts received and reconciled to the general ledger were reported at \$25.6M, which includes revenues of \$23.2M and inter-departmental transfers of \$2.4M. Total distributions reconciled to the general ledger were reported at \$27.3M, which includes salary and benefits of \$8.7M, operating costs of \$16.2M and inter-departmental transfers of \$2.4M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$127.1M.

**2) Treasurer's Report for November 2021**

A monthly Treasurer's report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending November 2021, cash, and investments total \$124.1M. Total receipts received and reconciled to the general ledger were reported at \$14.7M, which includes revenues of \$14.2M and inter-departmental transfers of \$0.5M. total distributions reconciled to the general ledger were reported at \$25.2M, which includes salary and benefits of \$5.8M, operating costs of \$18.9M and inter-departmental transfers of \$0.5M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$117.9M.

**3) Minutes from Council Meetings**

December 6, 2021 City Council Work Session; December 9, 2021 City Council Meeting; December 13, 2021 County-City Growth Discussion; December 13, 2021 City Council Work Session; and December 16, 2021 City Council Meeting.

**4) License Applications, all carrying the required approvals**

***Recommended Action:***

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

**5. Regular Agenda.**

**A. State of the City Address**

A video was presented followed by Mayor Casper's State of the City Address.  
*The entire State of the City Address is available by video archive.*

**B. Mayor's Choice Awards Presentation**

Mayor Casper presented the following awards:

David Manson, Ariel Jackson, and Claudia Pine for Humanitarian Service - these individuals were recognized for their

efforts regarding food insecurity and hunger in the community through the Idaho Falls Soup Kitchen, the Community Food Bank, and Happyville Farm.

Jessica Cardon and Chad Murdock for Outstanding Community Commitment - these individuals were recognized for their efforts informing and educating the community about local businesses, goods, services, activities, and events around town through their video series "The Knowsy Neighbors". These videos are filmed and streamed free of charge.

East Idaho News for Community Spirit Award - the East Idaho News staff was recognized as part of their annual Secret Santa Program. This Secret Santa Program began in 2015 and has become one of the area's most heart-warming traditions. The East Idaho News staff and their anonymous financial benefactor have distributed approximately \$3M in furniture, vehicles, gift cards, and other gifts to those in need at the holidays.

Jeff Newgard for Outstanding Philanthropic Commitment - Mr. Newgard of the Bank of Idaho was recognized for his philanthropic work in the community and his service on numerous local boards, commissions, and charities including the city's War Bonnet Roundup and the newly established Greater Idaho Falls Police Foundation. Caleb Dimick accepted the award on behalf of Mr. Newgard.

Chris Pelkola Lee for Community Enrichment Award - Ms. Lee was recognized for her efforts to help build and enhance the community. Ms. Lee is the 2022 national Women's Council of Realtors President-Elect and has served on the ad hoc committee which studied and recommended the creation of Idaho Falls' first police station as well as the IdaHome Committee.

American Legion Post 56 for Field of Dreams Award - the American Legion Post 56 was recognized for their support and sponsorship of American Legion baseball and the Idaho Falls Bandits baseball team. The Bandits won back-to-back American Legion World Series Championships, and the American Legion made that accomplishment possible. Bob Skinner accepted the award on behalf of the American Legion Post 56.

**C. Installation of Newly-elected Mayor and Council Members (Administration of Oaths of Office and Presentation of Certificates of Election)**

Ms. Hampton administered the Official Oath of Office to Mayor - Rebecca L. Noah Casper. Mayor Casper then administered the Official Oaths of Office to Council Seat 2 - Councilmember Lisa Burtenshaw, Council Seat 4 - Councilmember Jim Francis, and Council Seat 6 - Councilmember Jim Freeman.

**D. Council Reorganization**

1) Election of Council President:

Councilor Francis submitted a nomination of Michelle Ziel-Dingman for Council President. He stated Councilor Dingman has been dedicated to problem solving, has a strong wise voice for the community, and is very responsive to the councilmembers' requests. Councilor Radford seconded the nomination. Councilor Dingman stated she is proud to accept the nomination. There were no other nominations from the Council. It was moved by Councilor Francis, seconded by Councilor Radford, to elect Michelle Ziel-Dingman President of the Idaho Falls City Council. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none. Council President Dingman stated she is honored to continue to serve in the capacity of Council President and never take for granted the trust that is put in her individually and as a team. She expressed her gratitude to learn from each of the councilmembers. She also expressed her appreciation to Council Francis' comments and she hopes to continue to be responsive to the councilmembers' needs and support the Mayor in her role.

## 2) Council Liaison Assignments:

Mayor Casper announced the Council Liaison Assignments as follows:

Seat 1, Michelle Ziel-Dingman - Fire, Municipal Services, Idaho Falls Regional Airport (IDA), Greater Idaho Falls Transit (GIFT), Library Board, and Public Works

Seat 2, Lisa Burtenshaw - Community Development Services, Human Resources, Police, Bonneville Metropolitan Planning Organization (BMPO) Policy Board, and Youth Involvement

Seat 3, Tom Hally - Parks and Recreation, Public Works, Idaho Falls Redevelopment Agency (IFRdA), Investment/Finance Committee, and Chamber Advocacy

Seat 4, Jim Francis - Community Development Services, Police, BMPO Policy Board, Sister Cities, Idaho Falls School District 91, IdaHome, Idaho Falls Downtown Development Corporation (IFDDC), and Citywide Plan Integration

Seat 5, John Radford - Legal, Parks and Recreation, Power, Sr. Citizen Center, IdaHome

Seat 6, Jim Freeman - Fire, IDA, Power, BMPO Policy Board, Veteran's Affairs

Councilor Radford expressed his appreciation to Mayor Casper for her team building and her leadership.

## 6. Consent Agenda (2022 Business)

### A. Idaho Falls Power

#### 1) Sole Source Purchase of a Hydro Electric Governor Upgrade

Hydro plant upgrades are part of IFP's 2021/22 capital improvement plan (CIP), which includes upgrades to the programmable logic controllers (PLCs) in the governor at the lower plant. The governor is the device that determines the water flow into the generator. IFP's governors are made by American Governor and the upgrade consists of the physical replacement of parts and programming of the PLCs. Due to the proprietary nature of IFP's governors, IFP is recommending that American Governor Company be considered a sole source for this procurement.

### B. Municipal Services

#### 1) Bid IF-22-08, Purchase One Replacement Fire Apparatus for Fire Department

This purchase will replace unit #457, a 1995 Pierce Arrow Pumper that has reached its useful life and scheduled for replacement.

#### 2) Bid IF 22-05, Purchase New 30-Yard Refuse Containers for Public Works

Public Works is requesting purchase of 20 new 30-yard steel refuse containers for the Sanitation division.

#### 3) Bid IF-22-06, Purchase 3-Yard and 1.5-Yard Refuse Containers for Public Works

Public Works is requesting purchase of 120 3-yard and 6 1.5-yard refuse containers for the Sanitation division.

### **Recommended Action:**

It was moved by Council President Ziel-Dingman to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Councilor Francis noted three (3) discounts were

received for the fire apparatus purchase, he believes reserves build tax savings. The motion was seconded by Councilor Radford. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

## 7. Regular Agenda.

### A. Public Works

#### 1) Easement Vacation - Book 18 of Leases and Contracts, Page 138 Instrument No. 268792

The city possesses an easement for constructing and maintaining an interceptor sewer line in Book 18 of Leases and Contracts, Page 138, described as Instrument no. 268792. The city has abandoned the sewer line in that easement. Vacating the easement will not adversely affect the city and will aid developers in developing those properties.

Public Works Director Chris Fredericksen stated this item will accommodate development.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve the easement vacation ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3435

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE VACATIONS OF EASEMENT LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENT SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

#### 2) Iona Bonneville Sewer District (IBSD) - Request for Sewer Service Area Expansion

Public Works is in receipt of a request from the IBSD to increase the District's sewer service area boundary by 51.75 acres. The proposed expansion area is for inclusion of property located generally east of North 45th East and north of East 49th North as depicted in the attached exhibit.

Section 8 of the Cooperative Agreement for Sewage Collection and Treatment between Idaho Falls and the District requires that enlargements to the sewer service area be approved by the City of Idaho Falls. The City had previously requested that the District not expand its sewer service area unless alternative means were secured for sewage to reach the Wastewater Treatment Plant. Currently, the Sunnyside Sanitary Sewer Trunk line carries all flow from the District to the Plant. The District did reduce its service area in response to our request and is approximately 166.58 acres smaller than when originally requested by the City.

The District's sewer service area would still be approximately 114.83 acres smaller than it was in 2016,

if this request is approved.

Per Councilor Francis, Director Fredericksen stated the IBSD acreage could be zero (0) and still be in compliance with the original agreement. Councilor Hally expressed his appreciation to Director Fredericksen and the Public Works staff for their time and negotiations on these agreements.

It was moved by Councilor Hally, seconded by Councilor Radford, for approval of request to expand the Sewer Service Area for IBSD. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

**3) Joint Powers Agreement with Bonneville County for the Intersection of East 49th South and South Holmes Avenue**

Attached for your consideration is a JPA with Bonneville County for the improvements to the intersection of East 49th South and South Holmes Avenue. The County intends to apply for Local Highway Safety Improvement Program funding and the JPA has been developed to memorialize county and city responsibilities should the grant be awarded.

Public Works has concluded that coordination for the development of this intersection is in the best interest of the public. Currently this intersection has three corners that are in the county and one corner that resides within the city. The JPA stipulates that the county and city would share equally in the project match requirements and that the city will annex the intersection and maintain the traffic signal upon successful conclusion of the project.

Director Fredericksen stated Public Works submitted a grant application in the previous year to address two (2) problematic intersections - 49th S and Holmes, and 49th and S 15th E. He indicated the grant application was not picked up, therefore, the JPA was developed per discussion with the county. Director Fredericksen stated the project application amounts to \$1,455,150, with total match requirement of \$106,808, and city amount of \$53,404. He also stated the county recently approved the JPA and has requested the JPA be approved prior to application submittal which is forthcoming. Per Councilor Freeman, Director Fredericksen explained the proposed project would include sections as required in the Access Management Plan. He indicated 49th S is planned for 3-lane facility likely with a right-turn bay onto Holmes in both directions. He also indicated Holmes would be developed to five (5) lanes south of the intersection, and the traffic signal installation would be for the full urbanized section. He noted right-of-ways (ROW) will need to be acquired with assistance from the county. Director Fredericksen believes the public will benefit from this project well into the future. Mayor Casper questioned the property acquisition for the ROW. Director Fredericksen believes these property owners are aware of the development expansion although he does not believe acquisition conversations have occurred with these specific owners. He emphasized these are unsafe intersections. He stated the city has agreed to work with Bonneville County to assist with property acquisition. Councilor Freeman noted a horrible accident occurred at this intersection that included fatalities, he is pleased to see this project being completed. Councilor Hally stated this area has experienced a tremendous amount of growth. He believes it's important to fix the intersection. He also believes this will ease traffic within those neighborhoods.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, for approval of the Joint Powers Agreement and authorization for Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman,

Burtenshaw, Freeman. Nay - none.

**8. Announcements.**

Mayor Casper announced January 17 as a city holiday for Idaho Human Rights Day/Martin Luther King Jr.; January 19 Water Summit sponsored by the Association of Idaho Cities (AIC); January 20 AIC City Officials Day at the Capital; and January 21 grand opening for a Museum of Idaho exhibit and the annual Martin Luther King Jr. banquet. Councilor Francis stated he has served as liaison for the Idaho Falls Police Department for the previous two (2) years and he respects Chief Johnson at the exemplary level including his integrity and his courage. He noted Chief Johnson helped organize a stand-together rally for the community in 2020. Councilor Francis also stated Chief Johnson has made sacrifices of his time and is open to ideas and suggestions. He reiterated he respects Chief Johnson's character. Councilor Radford stated he agrees with Councilor Francis. He expressed his gratitude to Chief Johnson as a public official and is supportive of him. Mayor Casper stated she is torn between honoring the law and listening to someone's opinion regarding a public official. Council President Dingman announced the 17th annual Souper Bowl with Idaho Falls and Skyline High Schools will be occurring January 24-February 4. She noted this is the second largest community-wide food drive.

**9. Adjournment.**

There being no further business, the meeting adjourned at 9:30 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor