

March 7, 2022 Council Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, March 7, 2022, 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:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw
Councilor John Radford (arrived at 3:38 p.m.)

Also present:

Pamela Alexander, Municipal Services Director
PJ Holm, Parks and Recreation Director
Chris Horsley, Parks and Recreation Superintendent
Roxane Mitro, Alderson Karst and Mitro Architects
Chris Fredericksen, Public Works Director
Kade Marquez, Transit Coordinator
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:07 p.m. with the following items:

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Council President Dingman, that council receive the recommendations from the March 1, 2022 Planning and Zoning (P&Z) Commission meeting pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay – none.

Calendars, Announcements, Reports, and Updates:

March 10, City Council Meeting
March 11, City Club
March 15, Idaho Falls Regional Airport (IDA) Board Meeting
March 16, Bonneville Metropolitan Planning Organization (BMPO)
March 21-25, Spring Break for School District #91 (Mayor Casper noted due to Spring Break, meetings* were moved to the following week to accommodate those who may be out of town)
March 28, City Council Work Session*
March 30, Idaho Falls Power (IFP) Board Meeting*
March 31, City Council Meeting*

Mayor Casper stated volunteers are being requested for clean-up of the Friendship Gardens. She also stated the election for the supplemental plant facility levy (for School District #91) will be on March 8, this will not affect current property taxes. She distributed two (2) handouts regarding Airports outlining misleading claims of the

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Passenger Facility Charge (PFC), and 2022 Airport legislative priorities. She stated there will be an American Association of Airport Executives (AAAE) Board Training in April, indicating travel arrangements will need to be made ASAP. Council President Dingman believes this will be great training for the IDA Board Members.

Liaison Reports and Councilmember Concerns:

Councilor Hally stated per Public Works, water meters presentations have occurred for data and information processing. He also stated he is pleased the dispatch bill (regarding the Public Employees Retirement System of Idaho (PERSI) Rule of 80) passed overwhelmingly. He indicated if the asset of property is replaced with a 2% increase in sales tax, it appears the sales tax money goes to legislators to divvy anyway they want.

Council President Dingman reiterated the IDA Board Meeting. She stated, per IDA, there will be a direct flight from Idaho Falls to Orange County, California beginning May 18, and Allegiant has introduced additional routes. She also stated, per the Idaho Falls Fire Department (IFFD), it was an extremely busy weekend with incidents.

Councilor Francis reiterated the school levy election. He stated, per the Idaho Falls Police Department (IFPD), a gathering/conversation event will be held on March 22 regarding homelessness.

Councilor Freeman stated he recently attended a Veterans Foreign Wars meeting per his liaison assignment, and he will attend an American Legion meeting in the near future. He noted, per the February 24 City Council Meeting, the city grew by 75 acres.

Councilor Burtenshaw further explained the March 22 homelessness event which will address urgent needs--stabilization and growth, police safety and support, and addiction resources and recovery.

Municipal Services and Parks and Recreation/Update: Aquatic Center Dehumidification Project:

Director Alexander expressed her appreciation to the Aquatic Center and Building Maintenance staffmembers for their work in the Aquatic Center during the closure. She recapped the following:

Life Safety Concerns from 2020 Facility Assessment –

- Humidity
- Indoor Air Quality
- Replacement of the dehumidification (dehyde) system
- Upgrade of electrical bonding grid

2020 Facility Assessment Cost Estimate –

Total = \$1,018,160 (study estimated based on June 2020 opinion of probable costs)

Revised Project Timeline (November 7, 2021 – End of May 2022)

Director Alexander stated the end date has been changed from 'by or before mid-April' due to the requested Change Order in the amount of \$36,227.

Director Holm reviewed the Project Costs to Date including Consultant Cost Phase #2, the dehyde system, ducting removal and installation, automatic sliders, south ductwork, digital direct control, Consultant Project Management, Change Order #1, and pending Change Order #2.

Total project cost to date = \$1,219,741

Project Budget \$1,159,000 (\$1,018,000 original budget plus \$141,000 savings from Heritage Park power poles authorized by Council on 10/12/2021)

Revised Project Overage Estimated to Date \$60,741

Director Alexander requested the amount of Change Order #2 be rounded to \$70,000 to allow some leeway. She reviewed the summary of requested action which includes P&R proposal to fund the change order and overage to

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the project by: \$50,000 savings in tennis court repairs but cancelling the Tautphaus Park overlay and scheduling a full rebuild in 2023; and a \$20,000 reduction to Operations and Maintenance (O&M) throughout the Parks budget. She confirmed the Recreation Fund has enough funding to cover the Change Order.

Director Holm reminded the council that one (1) of the core values is data driven decision making. He stated \$300,000 was approved as a line item for the replacement of the Skyline High School (SHS) tennis courts, which will be reimbursed 50% from School District #91. He indicated a total of \$350,000 was placed in this line item as the O&M repairs typically cost \$50,000. He also indicated Tautphaus Park was only scheduled as an overlay this year so two (2) tennis courts (Tautphaus Park and SHS) would not be out of service at the same time. However, the consultant recommended a rebuild or renovation of Tautphaus Park instead, therefore, the proposal is to move \$50,000 to the dehyde project. Per Councilor Radford, Director Holm stated the tennis court at SHS will be a post-tension court. He explained how cables will be stretched underneath the concrete so the court can contract/move per the fluctuating temperatures. He believes this should extend the overall life of the tennis court. Per Mayor Casper, Director Holm stated this type of court is usually seen in colder weather.

It was then moved by Councilor Radford, seconded by Councilor Hally, to approve a cash transfer from the General Fund to the Recreation Fund. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay – none.

Public Works/Update: Greater Idaho Falls Transit (GIFT):

Director Fredericksen introduced Mr. Marquez as the newly-hired Transit Coordinator for GIFT. He stated three (3) Request for Proposals (RFPs) have been received for a micro transit vendor. He also stated the recommendation from the committee is to move forward with a contract with Downtowner. Director Fredericksen reminded the council there is approximately \$4.1M of direct federal funding, without match, to stand up these services, along with an additional \$327,000 from the Idaho Transportation Department (ITD). He stated the next steps would include staff to negotiate the contract for future council approval. Councilor Radford believes this is an amazing program, however, he questioned the cost for a ride once the federal funding has been utilized and how that cost will be communicated. Council President Dingman stated this is a 4-year model with a roll-over of any remaining funds. She also stated this provider came under budget, and GIFT will be able to apply for additional funds, local match, sponsorship, and local contributions from other entities, etc. She believes GIFT is financially sound, although, she stressed the importance to communicate the pricing and to keep this affordable as possible, even in the short-term. Councilor Radford also questioned the use of electronic vehicles (EVs). Council President Dingman stated Downtowner was able to introduce EVs within a short timeframe. She believes EVs can be negotiated into a future contract. Mr. Marquez believes EVs are an advantage although there is currently an absence of this in the community. He noted significant savings for this program will be non-essential medical transport for emergency services. He also noted all vehicles will have wheelchair access, all drivers will be trained for door-to-door service, and there is the ability for reimbursement from various programs. Per Councilor Radford, Mr. Marquez stated these vehicles will be strictly within city limits. Per Councilor Francis, Mr. Marquez believes the demand may be higher than anticipated. Council President Dingman believes the seven (7) vehicles/14-hour day model is a mid-range launch. She also believes the final pricing model will determine usership. Director Fredericksen believes addendums may be needed per the demand and pricing. Councilor Freeman questioned if GIFT could take some demand from the IFFD. Council President Dingman believes this service could be marketed and promoted as a non-life threatening situation. General discussion followed regarding the services and availability, EVs, and the algorithm of services, including the estimated time of services. Mr. Marquez further introduced himself. Council President Dingman believes GIFT will be in good hands with Mr. Marquez. She expressed her appreciation to the Public Works staff. She indicated GIFT should be operational by the end of May.

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Office of the Attorney, with other departments/Discussion: Noise Ordinance Introduction:

Mr. Kirkham stated the city has not had a noise ordinance for decades. However, he indicated disruptive events have occurred which has been difficult for the IFPD to determine how to address, noting the most appropriate charge at this time is disturbing the peace. Mr. Kirkham stated discussion has been occurring with IFPD for some time regarding the right way to respond to noise complaints, including the type of the complaint. He indicated most incidents are occurring at night. He stated the proposed ordinance focuses on public nuisances, construction, loud music or parties, landscaping, and it will provide a tool for the IFPD. He also stated the proposed ordinance broadly regulates noise between the hours of 9:00 p.m. through 7:00 a.m., noting there are a few exceptions in the ordinance with a process described for these exceptions. Discussion followed regarding modifying the timeframe for seasonal, penalties, and timeline for adoption. Mr. Kirkham stated there is no urgency for adoption, additional discussion could occur as needed. Councilor Burtenshaw stated she has philosophical issues with this ordinance. She does not believe there will be significant enforcement as compared to the traffic ordinance. She believes there should be exemptions for construction. She also believes the disturbing the peace ordinance should be reviewed. Council President Dingman believes ordinances are put in place to create the type of community that we want, and lives in a way that respects other individuals. She believes the timeframe should be extended. She doesn't believe ordinances should not be passed pending unknown enforcement from the IFPD. Per Councilor Freeman, Mr. Kirkham stated the penalty could be reduced from a misdemeanor to an infraction with a level of fines. Mayor Casper suggested the council submit any feedback to the City Attorney's Office before April 4 with potential approval prior to summer activities. She believes the IFPD should have tools, however, she does not want to create undo pressure on the IFPD or create false expectations for the community. Councilor Francis stated, per the IFPD Chief, this ordinance should not be created to address the fireworks issue. Councilor Radford expressed his concern for the fireworks, he believes fireworks may need to be addressed outside of the noise ordinance. Councilor Freeman agreed. He stated the current rules for fireworks can't be enforced as it's difficult to respond to those calls. Councilor Hally believes 'noise' may be a judgement call. Per Councilor Freeman, Mr. Kirkham stated discussion for this ordinance has been occurring for approximately two (2) years, the timing of this discussion was not prompted by recent public comments.

Legislative Update:

Mayor Casper stated House (H) Bill HB618 (Idaho Falls standardizing to release victim information) will not proceed this year. She also stated the Association of Idaho Cities (AIC) will get involved if a Bill involves a city or if a Bill preempts. She briefly reviewed Senate (S) Bill S1261 (parental rights on smartphones), H0531 (monuments), H0550 (property tax rebate program), H0621 Public Records (cybersecurity), S1283 (Medicaid), H0635 (Annexations), H0636 (Accessory Dwelling Units), S1339 (Public Records submittal), S1342 (alcoholic beverages, liquor licenses), federal funding opportunities, H714 (increase sales tax and eliminate primary residence property tax; Mayor Casper believes H714 is a very complicated approach, she requested the council submit their comments to the legislators), and H735 (county indigent fund).

There being no further business, the meeting adjourned at 4:52 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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