

## March 28, 2022 Council Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, March 28, 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 John Radford  
Councilor Jim Freeman  
Councilor Jim Francis  
Councilor Lisa Burtenshaw

Absent:

Councilor Thomas Hally

Also present:

Pamela Alexander, Municipal Services Director  
Michael Kirkham, Assistant City Attorney  
PJ Holm, Parks and Recreation Director  
Brad Cramer, Community Development Services Director  
Caitlin Long, Planner  
Naysha Foster, Planner  
Bill Squires, Police Captain  
Joel Tisdale, Police Captain  
Jeremy Galbreath, Police Captain  
Chris Fredericksen, Public Works Director  
Kade Marquez, Transit Coordinator  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

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

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

April 5, Combined City/County Meeting  
April 6, State Superintendent of Public Instruction candidates' debate; and Mayors' Scholarship Fund Awards Ceremony  
April 8, Budget Workshop  
April 9, Zoo Clean-up Day  
April 11, City Council Work Session  
April 12, Association of Idaho Cities (AIC) Spring District Meeting  
April 13, Idaho Falls Power (IFP) Board Meeting; and Bonneville Metropolitan Planning Organization (BMPO)  
April 14, City Council Meeting  
April 18, City Council Work Session (was moved per the Airport Board Training)  
April 24-26, American Association of Airport Executives (AAAE) Board Training  
April 26, Citizen Advisories Board (CAB) Meeting  
April 27, Administrative Professionals Day

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April 28, City Council Meeting; and Special IFP Board Meeting (tentative)

April 29, National Arbor Day (will be commemorated with tree planning at a later day)

Mayor Casper noted ribbon cuttings for the splash pad and IFP Paine Substation will be forthcoming, the American Rescue Plan Act (ARPA) funding committee meetings are on-going, and she recommended budget conversations occur per liaison assignments. She also stated the legislators have stopped legislating although they intend to reconvene for any vetoes.

### Liaison Reports and Councilmember Concerns:

Council President Dingman stated she will be absent from the March 31 City Council Meeting.

Councilor Freeman stated an Idaho Falls Fiber (IFF) Open House will be held March 30, applications are still being accepted for the IFP Energy Resource Advisory Committee, and (a section of) Park Avenue is under construction.

Councilor Francis stated City Club on March 30 will address the Ukraine/Russia situation.

Councilor Burtenshaw stated, per Director Fredericksen, the Idaho Transportation Department (ITD) received no bids for the 17<sup>th</sup> Street and Woodruff Avenue project. She noted Director Fredericksen is currently in conversation with ITD, noting the project may not occur for summer as scheduled.

Councilor Radford stated the homelessness event held by the Idaho Falls Police Department (IFPD) and Eastern Idaho Public Health (EIPH) was very successful. He also stated fundraising is continuing for Funland, and the zoo opening is scheduled for April 13. He noted federal funding for the Small Modular Reactor (SMR) in the amount of \$1.4B was re-approved in the budget.

### Municipal Services/Discussion: City-owned Property:

Mayor Casper indicated parties are interested in this particular property, and she is aware of a particular group who is willing to pay market value for the property. Director Alexander recapped the property description (from the February 22, 2022 Council Work Session) which consists of four (4) parcels of land (totaling 8.6 acres) adjacent to Pinecrest Golf Course, the property was donated to the city in November 2016, and appraisal Market Value "as is" at \$610,000. She stated an updated property appraisal value of land is in process. She also stated the property interest is from Elevate Academy Charter School which is a network of year-round 6<sup>th</sup> to 12<sup>th</sup> grade Career Technical Charter Schools in Idaho. She indicated Elevate Academy has requested to be on-site for property investigative work which includes survey, Phase 1 environmental, and geotech investigation. She also indicated once results from this investigative work are received, Elevate Academy will then decide if they wish to proceed forward with the property purchase.

Director Alexander reviewed the next steps, including determining the path to move forward pending the results of the on-site investigative work. She also recapped the steps for sale or conveyance of real property, including:

- Exception to convey property to a "tax supported government unit"
- Sale or conveyance of real property
  - Fair market value
  - Less than fair market value
- Lease property

Mayor Casper reviewed the next steps required by the city, including a public hearing to potentially be held April 28, pending council's decision. Per Council President Dingman, Director Alexander stated the property was donated to the Parks and Recreation (P&R) Department to be used as a retention pond for Pinecrest Golf Course. Also per Council President Dingman, Director Alexander stated the funds could be directed per council. Councilor Radford questioned if the entire parcel must be sold as he believes the city already owned a section of the parcel. He believes

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if the city is going to sell property to generate revenue this property should go to public auction. Discussion followed regarding charter schools being a tax supported governmental entity, noting schools can receive their charter from a school district. Mr. Kirkham explained a tax supported entity, stating this particular school does have a charter. Per Councilor Radford, Director Holm stated two (2) additional parcels in this area have recently sold. Councilor Radford prefers a portion of these parcels be used for a pocket park. Mayor Casper indicated conversation has occurred with Elevate Academy regarding some horticulture activities, which could include a community park. Per Council President Dingman, Director Holm stated the road along the parcels (Vernon Avenue to Bennett Avenue) is paved. Brief discussion followed regarding the potential nuances/environmental issues on the property. Council President Dingman stated she would be in favor of selling the property at the 2022 fair market value to this entity, and potentially keeping a section as suggested by Councilor Radford, or have an alternate option for public auction. She hopes the dollars are retained in P&R. Councilor Radford prefers the property go to auction. He also prefers this area connecting to other pathways. Councilor Francis agreed with Council President Dingman, although he wants to ensure there is enough area for a park if Elevate Academy does not want the entire parcel. He also wants to ensure there is an easement. Councilor Burtenshaw prefers the higher market value amount, with \$610,000 being the minimum, with the funds going toward P&R. Councilor Radford believes potential revenue could be lost if this property is sold to Elevate Academy as schools don't benefit the city in future tax revenue, noting municipal buildings could bring in revenue every year in perpetuity. Mayor Casper believes the workforce provided by Elevate Academy benefits the community. Director Holm believes the appraisal in 2016 was performed by the seller and may not be worth what the actual amount indicated in 2016. Mr. Fife stated the city's practice has been to not access a donation for a tax benefit, and there would not have been negotiations regarding the value. Councilor Freeman believes this is an opportunity for development, which has not been previously presented. Following additional brief comments, Mayor Casper stated the city will move forward with the next steps to sell the property.

#### Community Development Services/Discussion: Rezone of Park Property:

Mayor Casper stated the property (as previously discussed) had been zoned Limited Commercial (LC) but was changed to Parks when the city obtained it. She believes it would benefit any potential buyer if the zone was changed back to LC. Director Cramer believes there are advantages to rezone the property if the city's intent is to dispose of the property. He noted the current zone would not allow any building, and a rezone would be required if Elevate Academy were to acquire the property. He stated LC, as one of the most flexible zones, is an option for a zone, although, he cautioned the council that they must be comfortable with everything allowed in that particular zone. He also stated there are a lot of options for the rezone of the property. Director Cramer indicated the property has been platted, although, he reiterated due to the current zone, no structure could be built on the property. Per Councilor Freeman, Director Cramer stated this property was annexed numerous years ago. He reviewed the previous zones of the property. Discussion followed regarding a buffer to Pinecrest Golf Course, Coca-Cola, and the adjacent houses as well as leaving a section of the parcel zoned as Parks to allow a pocket park. Per Mayor Casper, Director Holm stated staff is currently maintaining park facilities in the adjacent area although funding for the development of a park would need to be allocated from council. Councilor Burtenshaw clarified she is not committing the city for development of a park. Brief comments followed regarding zoning options for the parcels. Mayor Casper indicated an action for this property may be forthcoming.

#### Community Development Services/Discussion: Proposed Accessory Dwelling Unit (ADU) Code:

Director Cramer stated housing was thoroughly discussed during the neighborhood meetings for Imagine IF, including a variety of housing types that made sense 'anywhere', 'at all', and 'somewhere'. He indicated ADUs were the only housing type that at least 50% of respondents in every neighborhood stated they would be okay with, except for one (1) area of town which was a 50/50 split. He also stated ADUs are currently allowed in most zones, and the proposal is to allow ADUs in all zones. Director Cramer reviewed Standards for Allowed Land Uses, including

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the clarification of caretaker's residence in Industrial Zones. Additional review: recreational vehicles will not be permitted for use as an ADU; clarification of parking on the lot to include a driveway; ADUs will not be counted towards density calculations; and discussion of removing the requirement of one (1) bedroom per suggestion by Community Development Services staff. Brief discussion followed regarding the maximum size of an ADU of 750 square feet as well as utilities. Per Councilor Radford, Director Cramer stated an ADU would be included in impact fees as they are an added load to the system. Councilor Freeman expressed his concern for ADUs being built for potential Airbnb's. Council President Dingman believes short-term rentals are controlled by household size and lifestyle. She also believes the allowance of separate structures could create challenges. Director Cramer stated the State has preempted the ability to regulate short-term rentals. He believes there are pros and cons to short-term rentals in terms of filling housing needs. He also stated, per ADUs, the owner is required to live on site in the main residence or the ADU. He also believes, due to the housing shortage, he is not as concerned for short-term rentals. He reiterated there is broad community support for ADUs. Councilor Radford believes those individuals concerned with housing shortage should be open to ADUs as these could solve problems as short-term rentals. He also believes this could bring individuals into walkable centers. Discussion followed regarding attached and detached ADUs, the impact to the property, the setback, neighborhood covenants, parking spaces, the use of the structure, any adjustments, lot coverage (40% maximum in the R1 zone), and separation to the adjacent property line. Mayor Casper stated this item will be included on the March 31 City Council Meeting agenda.

### Parks and Recreation/Land and Water Conservation Fund (LWCF) Discussion: Conversion Site Proposal:

Director Holm stated getting back into compliance with LWCF has been a priority with the P&R Department and the administration. He realizes this is a funding mechanism, and the city has been non-compliant for more than 25 years. He indicated it has been a battle, although, he believes there have been positive steps forward. Director Holm provided an update regarding the LWCF: the city's internal LWCF conversion group has been meeting to work through the LWCF conversion process; 2016 Yellow Book appraisals have been updated and will be in hand soon; a Yellow Book appraisal has been started on the Meppen Field area, although the appraisal has been stopped pending council and National Park Service (NPS) approval; P&R representative Kathy Muir will be meeting with NPS's Seattle Office LWCF Compliance Manager in the near future, this meeting will be an introduction to the LWCF projects and concerns that are currently being worked on; Ms. Muir will be in Idaho Falls mid-April, Director Holm will have discussion regarding the proposed conversion site; and Ms. Muir and Director Holm will have a conference call with the LWCF Compliance Manager during the week of April 20.

Director Holm reviewed the non-compliant properties –

Esquire Park – funding used for park development in 1983: \$26,000 from LWCF

Director Holm stated in the late 1980's the city sold a piece of property to the neighbor for an extension of a garage, and another neighbor added a fence.

Yellow Book appraisal conversion amount: .183 acres @ \$20,000/acre = \$3,660 (2016 appraisal)

Conversion requirements: development of property appraising at a minimum of \$3,660

Dora Erickson – funding used for park development in 1973: \$68,858 from LWCF

Director Holm stated this area contained playground equipment as well as baseball and soccer fields. He indicated when the school was reconstructed it was built over the top of this area.

Yellow Book appraisal conversion amount: 3.618 acres @ \$20,000/acre = \$72,360 (2016 appraisal)

Conversion requirements: development of property appraising at a minimum of \$72,360

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Director Holm explained the equal fair market value, stating a Yellow Book appraisal must be done for conversion that will then give NPS the ability to approve or not to approve. He indicated the market value of conversions is approximately \$76,020 (2016 appraisal) in land development.

Director Holm stated the proposed conversion property is Meppen Field, which is just north of the College of Eastern Idaho (CEI) and is adjacent to a storm drainage pond and the eastside community garden. He indicated a previous proposal from CEI included a preference by the city to keep the community garden and adjacent property. However, Director Holm believes the conversion property in this location will need to be closer to 2.5 acres. Therefore, Director Holm stated another area, which is south of the community garden, is being looked at. He indicated this property would be a connection to the proposed canal trail system in 2024. He believes this property would be a good conversion piece due to the adjacent single-family housing that has no greenspace in the area. He presented a very rough conceptual design which could include many options. Director Holm stated he is hoping to move forward with minimal space as needed while getting into compliance with the LWCF. Per Councilor Freeman, Director Holm stated mitigation is an old term, it is now all considered conversion. He also stated the property could not have been previously designated as park property, which this is not. Following brief comments, there were no concerns by the council.

### Police Department/Review: Crime Statistics and Data:

Mayor Casper stated there are trends with crime and hiring that needs to be discussed prior to budget discussions. She noted a recent article that indicated the city was high ranking in crimes. Captain Squires reviewed the following with general discussion throughout:

Group A – Person Crimes for the previous five (5) years

- +15% Overall
- +20% Aggravated Battery (doubled from 2019 to 2020)
- +40% Assault
- +10% Sex Crimes (+22% 2020 to 2021)

Group A – Person Crimes Clearance Rates for the previous five (5) years for Cleared, Active, Inactive (investigation closed but remains unsolved), and Unfounded (false report/a crime did not occur).

Other Crime Categories for the previous five (5) years –

- -16% Group A Property
- -17% Group A Society (+17% overall one (1) year, Weapons Violations +58%)
- -33% Group B (Quality of Life crimes) (+13% overall one (1) year)

Captain Squires stated these groups are officer self-initiated/officer availability/unassigned time. He noted the use of Narcan is becoming a daily occurrence for overdoses.

IFPD Calls for Service for the previous five (5) years –

Captain Squires stated there is a 5% increase in incidents/calls for service (this does not include false calls), and a 25% increase in 911 calls. It was noted there was an increase of calls during Coronavirus (COVID-19).

Traffic for the previous five (5) years for Vehicle Collisions (includes four (4) traffic fatalities), Traffic Stops, and Driving Under the Influence (DUI) Arrests.

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Captain Squires stated it's difficult to balance the traffic enforcement with other calls. He noted there are four (4) traffic officers although there must be a priority on 911 calls. He believes the IFPD is doing the best they can. He also noted there are several hit-and-run calls.

Other for the previous five (5) years –

- Mental Health Incidents, +32% increase
- 2017 Arrests in 2021, -25% (+17% one (1) year)

Captain Squires believes there is better follow-up of mental health cases with the Crisis Intervention Teams (CIT) Detective, although there is still an increase. General comments followed.

Mayor Casper believes there may be inconsistencies in State-wide reporting. Captain Tisdale agrees there may be nuances, although, he stated the Federal Bureau of Investigation (FBI) sets a standard/mechanism for reporting certain crimes.

### Police Department/2022 Idaho Falls Police Department (IFPD) Staffing Outlook:

Captain Squires stated in the Patrol Division there are nine (9) vacant non-deployable positions, six (6) more officers are under administrative review and/or are undeployable, and three (3) officers are injured, which amounts to approximately 27-30% of authorized sworn patrolmen. He also stated he is aware of three (3) potential retirements, and three (3) officers have accepted positions in other departments. He is not aware of this low number of deployable officers since the early 1990's. He believes if the departures continue this will force the IFPD to prioritize in ways they don't want, and potentially cutting services. Captain Tisdale stated there are three (3) lateral officers in the hiring process noting two (2) of these officers may not get hired, and there are no other applicants for lateral positions. He also stated there are currently 25 individuals signed up for entry-level officer testing. He indicated it typically takes approximately 40 entry-level applicants to equal one (1) hired officer, and two (2) hired officers are needed for one (1) deployable officer. Captain Tisdale stated large agencies are sending recruiting teams across the country and are offering bonuses including recruiting bonuses, moving expenses, wage increases, incremental wage increases, paying entire pensions, different pay scales, paying benefit packages, and housing reimbursement (Captain Tisdale noted applicants are withdrawing due the housing shortage). He noted two (2) officers (one (1) was lateral, one (1) was entry-level) were recently hired. Per Councilor Radford, Captain Tisdale stated the city has an in-house academy. Captain Tisdale stated the quality of control has not changed for the IFPD. He reviewed the steps the IFPD is taking to hire officers, stating the process has been reduced from 130 days to 90 days. Mayor Casper noted there are 98 sworn authorized officers with only 75-78 officers anticipated by year end. She stated a lengthy discussion will occur on April 8 regarding recruitment retention city-wide.

### Public Works/Review: Law Enforcement Complex (LEC) Bid:

Director Fredericksen recognized Assistant Public Works Director Chris Canfield for his work on this item. He stated bids for the LEC opened on March 23. He indicated those bids came in just over 102% of the engineers estimate. He also stated two (2) bids were received – Valley Design and Construction (\$23,372,000.00) and Ormond Builders (\$23,847,576.00). He indicated Valley Design and Construction was the apparent low bidder at the time, however, the naming convention of their electrical contractor with the actual licensing did not match in the bid package, therefore, Valley Design and Construction was deemed non-responsive so the single bid from Ormond Builders will be recommended. Captain Tisdale explained Alternate 1 items, Director Fredericksen explained Unit Price 1 and 2. General comments followed regarding those companies that declined to bid. Per Councilor Freeman, Director Fredericksen stated Ormond Builders is a local company, and he believes Valley Design and Construction is out of Utah. Per Councilor Radford, Director Fredericksen explained the naming convention discrepancy. Director Fredericksen stated construction costs submitted in September 2021 are in-line of anticipated costs. He also stated

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the Furniture Fixture and Equipment (FFE) (\$1,705,690) and soft costs (\$2,405,769) were not inclusive of this bid. The total amounts to \$27,959,035, with remaining funds (\$2M) as contingency, for a total budget amount of \$30M. Mayor Casper stated this item will be included on the March 31 City Council Meeting agenda.

**Public Works/Discussion: Microtransit Contract and Bid Award:**

Director Fredericksen provided a recap of the Request for Proposal (RFP), stating the city received three (3) responses to the microtransit proposals, staff reviewed and scored each proposal per the criteria announced in the RFP and following the independent scoring, staff recommended Downtowner. Since that time, Director Fredericksen stated one (1) of the entities, River North Transit, LLC requested a debriefing of the rating process, which occurred online. Following this debrief, River North Transit LLC submitted a dispute letter of the evaluation process which staff and legal counsel reviewed. Director Fredericksen believes the committee responded adequately, therefore, staff's recommendation is to move forward with Downtowner. He requested approval to proceed with the consideration to enter into a contract with Downtowner. Councilor Freeman does not believe this process should be stalled. Council President Dingman believes everyone receives a good faith effort per the listed criteria. She also believes this was fairly evaluated per the listed criteria and she sees no reason to delay approving the contract. Per Councilor Radford, Director Fredericksen indicated there were a number of concerns, and it is not unusual to review the RFP. Per Mayor Casper, Mr. Kirkham explained the process for a potential lawsuit. He believes the city followed the purchasing rules and State Code regarding RFPs. Council President Dingman believes staff should move to proceed with the contract for Downtowner. Councilors Freeman and Burtenshaw agreed. Councilor Burtenshaw believes the criteria is subjective, and there were qualified scorers. Mr. Marquez noted Downtowner was the lowest bidder. Mr. Fife stated the lowest bidder is the typical process. Brief discussion followed regarding signage on the vehicles. Director Fredericksen and Council President Dingman commended Mr. Marquez. Per Councilor Burtenshaw regarding other microtransit contracts, Mr. Marquez believes this is a good contract. Brief comments followed regarding any potential changes to the contract. This item will be included on the March 31 City Council Meeting agenda.

Councilor Radford announced a Funland presentation at Winnie & Mo's Bookshop on March 29.

There being no further business, the meeting adjourned at 6:29 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

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