

April 18, 2022 Council Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, April 18, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:30 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 Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Also present:

Bryce Johnson, Police Chief
Joel Tisdale, Police Captain
Jeremy Galbreath, Police Captain
Kayla Castillo, Appellant
Brad Cramer, Community Development Services Director
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Calendars, Announcements, Reports, and Updates:

April 17, Administrative Professionals Day

Mayor Casper stated the Idaho Falls Power (IFP) Board Meeting tentatively scheduled later this month will not occur; she challenged the council to use beverage containers that only have a city logo; she requested council's preference for a July 4 parade entry; she stated a neighborhood meeting, as a requirement for the Conditional Use Permit (CUP) regarding the location of the water tower in the library parking lot, will be held April 26, noting Public Works intends to hold additional meetings in May; she provided an update of the recent water shed report for the Upper Snake River system; and she stated a Net-zero event was recently held by the Idaho National Laboratory (INL), brief comments followed regarding this event including the need for future conversations.

Liaison Reports and Councilmember Concerns:

Councilor Hally provided an energy update on liquefied and natural gas per his recent research; he believes the city needs to set a good example for water usage; the splash pad ribbon cutting will be held May 31; and a bathroom at Sandy Downs has been donated by the county.

Councilor Burtenshaw had no items to report.

Councilor Radford stated a rodeo social is being held by the War Bonnet Round Up Association on April 22.

Councilor Francis stated the police facility ribbon cutting will be held April 28.

Councilor Freeman stated the Idaho Falls Regional Airport (IDA) is seeing an excessive number of individuals, it is recommended to arrive early for any flights.

Council President Dingman stated the US District Court has vacated the CDC (Centers for Disease Control and Prevention) mask mandate in public transportation, however, the mask mandate for airport facilities is ongoing due to unknown mandates with TSA (the Transportation Security Administration). She noted appeals have been filed.

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Police Department/Discussion: Naming Conventions for Idaho Falls Policing Facility:

Chief Johnson stated the Idaho Falls Police Department (IFPD) feels very strongly that the name on the side of the new building be Idaho Falls Police. He believes this should be consistent with other city-wide buildings, and it has a public safety reason. He indicated the current name for the facility has been Idaho Falls Community Policing Facility, noting there have been many different names in the construction documents. Mayor Casper noted, per the committee, the facility had been referred to as the Law Enforcement Complex (LEC). Chief Johnson believes the LEC does not identify the Idaho Falls Police as there are many law enforcement agencies in town (Idaho State Police, Forest Rangers, Bonneville County Sheriff), and he does not prefer Headquarters as the vast majority of the building is very operational and only a small portion is for administrative functions. Mr. Fife stated there is nothing unusual to have the name on the building different than the documents, although, he believes there should be consistency for best practices. Councilor Burtenshaw prefers Idaho Falls Police Facility. Councilor Francis prefers including Community as he believes this facility was built by the community for the whole city, noting acronyms seem to be used. General discussion followed regarding modifiers of Complex, Facility, Community Facility, and Station. Mayor Casper believes naming rights could come into play pending a sizable donation. Chief Johnson clarified there would be no advertising on the building with a large donation or there would be no favorable treatment. Following additional discussion, there was consensus for the facility to be known as the Idaho Falls Police Complex (IFPC).

Police Department/ Discussion: Police Vehicle Replacements:

Captain Tisdale stated he's had discussion with Municipal Services Director Pamela Alexander, Controller Mark Hagedorn, and Accountant Derick Sorensen regarding recommendations, noting staff has not signed off on the numbers. He also stated he's been in discussion with GM (General Motors), Fiat Chrysler, and Ford manufacturers regarding fleet, noting the manufacturers provided very similar information – future police fleet sales are uncertain (profit margins on police vehicles are next to zero due to supply concerns), the purchase availability might be open in May-July, the order window will likely be short, expect limited availability (the availability is unknown), and expect long build times/schedule (at least 6 months). Per Councilor Freeman, Captain Tisdale stated the costs are not the same between manufacturers, and resale may be higher with GM. Captain Tisdale reviewed the State bid contract information, noting no vehicles are available or they have been built out. He believes a solution needs to be decided quickly due to the build time and the availability. Captain Tisdale reviewed depreciation resources. He also reviewed the upfitted Durango value, noting there are incentives to maintain the value, however, the equipment is not valuable in resale after five years. He believes by holding onto a vehicle for five years there could be the option to resale and recoup over half of the cost. He indicated the current projections indicate a 10-year-old police vehicle could resale for a few thousand dollars.

Captain Tisdale reviewed the following with general discussion throughout:

Current Fleet – 28 vehicles 10+ years old; 47 vehicles 7+ years old; 60% of the 124 fleet = 74; Currently leasing 40 vehicles = 32% of fleet; 60 leased cars = 48% of fleet. Captain Tisdale stated the industry standards, per the Office of Justice Programs (OJP), has indicated that a 70,000-mile police vehicle is at the limit of its reliability and safety for a police agency. He also stated the IFPD tends to reach 70,000 miles at a 7-year-old vehicle. He believes there should be a 50/50 split of purchased/leased vehicles. He indicated Mr. Hagedorn agrees that the entire fleet should not be made up of one option or another, diversity allows the options to deal with the IFPD needs, and the upper limit recommendation of leasing should be at 65%.

Cash Purchase Options – 7-year rotation = 17 cars/year = \$958,715 per year; add \$159,800 age-related maintenance costs for all cars over three years old; subtract \$331,636 from the sale of 17 cars @ \$19,508 each; annual vehicle cost = \$786,879. Captain Tisdale stated this would be the amount if all cars were on this rotation, which is not the case.

5-year Lease (same principles except on a lease purchase, noting leasing police vehicles are different than leasing private vehicles) – 5-year rotation = 24 cars/year @ \$12,369 (\$61,845, 5-year cost) = \$296,856; total amount fleet

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payment = \$1,484,280; add \$88,800 maintenance for cars over three years old; subtract \$850,000 from sale of 24 cars @ \$35,425 each; annual vehicle cost = \$722,080. Captain Tisdale stated there would be lead-up years to accomplish this.

3-year Lease – 3-year rotation = 40 cars/year @ 19,465 (\$58,395, 3-year cost) = \$778,240; total annual fleet payment = \$2,324,280; add \$0 maintenance costs; subtract \$1,734,480 from sale of 40 cars @ \$43,362 each; annual vehicle cost \$589,500. Captain Tisdale stated this would save money on financing although the annual cost is higher and would recoup a larger number in the resale (although unknown due to market-dependence). He indicated this would be the least expensive option as the market would affect all resale value of all vehicles.

Hybrid (this is Captain Tisdale's proposed plan as it follows staff's guidance) – current MERF (Municipal Equipment Replacement Fund) balance = \$1.1M, current MERF contribution for vehicles = \$450,000 (the current MERF contribution does not cover the current lease payments, this is purposeful); 5-year lease 20 vehicles now = \$247,380 (the only police vehicles available at this time); 7-year purchase 11 vehicles as soon as available = \$620,345 (includes vehicles that are 10 years old); total current expense = \$867,725; end of FY MERF balance = \$203,275; FY2023 MERF contribution with 20 new vehicles 50/50 split = \$1,414,020 (can begin to sell off currently leased vehicles in the next 1-2 years).

How to arrive at 7-year purchase – current MERF balance \$1.1M; current MERF contribution \$450,000; purchase 31 vehicles as soon as available = \$1,748,245; current shortfall -\$677,245; FY2023 MERF contribution, 20 new vehicles + current lease \$1,606,900 (this would drop to \$1.1M at the end of the current lease payments). Captain Tisdale stated he prefers the 3-year lease although he is unsure if this is the most viable way, and this would go against guidance from Mr. Hagedorn.

Councilor Burtenshaw believes policy issues should be considered on affordability, which comes down to the MERF contribution, and rotation. She also believes there is an advantage of purchase and lease options. She indicated MERF is already falling short every year in contribution, noting a lease of 20 vehicles would decrease the MERF. She also noted MERF is not currently in the Police budget and would be a General Fund ask of up to \$.5M if in a 7–10-year rotation. Councilor Radford stated a previous analysis indicated everyone should have a vehicle, he questioned if the price of vehicles changes that analysis. Captain Tisdale believes individual vehicles continue to be the most reasonable and cost-effective way due to the growing life expectancy of a vehicle, the resale value staying intact, the readiness, and the morale boost in a competitive environment. Chief Johnson explained a fleet car system, noting most positions have a take-home vehicle. Captain Tisdale stated the total number of department police vehicles also includes code enforcement, animal control, specialty vehicles, administration, and fleet vehicles. Discussion followed including detectives utilizing their own personal vehicles (Chief Johnson stated this is not a cost savings, Captain Tisdale believes the availability and readiness of the detectives/officers would suffer dramatically), the value of used cars, the cost of new cars versus used cars, and MERF contribution and personnel costs. Councilor Burtenshaw believes it's important to get to the 10-year rotation. She proposed leasing 20 vehicles at a 5-year lease, noting the MERF money will be spent with current leases and the new leases if no new MERF money is contributed. Captain Tisdale indicated the vehicle information was requested by the ARPA (American Rescue Plan Act) Committee. He believes the 7-year rotation should be the target. Per Mayor Casper, Captain Tisdale stated there would not be funded vehicles for vacant positions in the hybrid proposal. Additional discussion followed including the market trend for purchasing vehicles, interest rates, and impact fees. Chief Johnson stated the original 40 leases with The Bancorp were part of a pilot program as an add to fleet. He believes add to fleet is advantageous with the lease option. He also believes ARPA money as well as impact fees would help, stating he is anticipating higher revenue next year due to an agreement with the county regarding dispatch funding which will decrease the General Fund ask. Following additional comments, there was consensus for a 5-year lease of 20 vehicles now in the amount of \$247,380. Councilor Freeman noted the city will own the vehicles at the end of the lease. Captain Tisdale stated

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with the current contribution this will give four years of no changes, this will leave several vehicles on the 10+ years, and it would be another 1-2 years for another purchase cycle.

Police Department/ License Appeal Hearing and Council Deliberation:

Mayor Casper opened the appeal hearing and ordered all testimony be included in the record. She read the following information provided by the city's legal counsel: *According to the Idaho Falls City Code, the council reviews appeals for staff error. The burden for proving that city staff erred in applying the city's ordinances is on the appealing party. There are, generally speaking, two kinds of errors, an error in fact or an error in applying or interpreting the city's ordinances. In this appeal proceeding, the council is limited to reviewing staff's decision for error. Council cannot waive or modify the application of the current City Code in this proceeding. If council determines that city staff correctly determined the applicable facts and correctly applied or interpreted the relevant ordinances, council must deny the appeal. However, if council determines that city staff made an error, council must grant the appeal and direct staff to correct the error.*

Mayor Casper requested appellant presentation. Ms. Castillo stated her charge occurred four years ago, it has changed her life in many ways, she has been denied other job positions since this has happened, and she came across this position at Smarts Starts while looking for childcare. She also stated she is currently training in the toddler room at Smart Starts Childcare while being supervised. She read a letter provided by her boss at Smart Starts Childcare. Ms. Castillo expressed her gratitude to Smart Starts Childcare, stating she wants to move forward, and Smart Starts is giving her that chance. Per Mayor Casper regarding the city's mistake, Ms. Castillo stated she thinks about this event all the time, and she does not believe this should affect her ability to work with children. Mayor Casper requested staff presentation. Captain Galbreath reviewed the application process stating during the review of the background Ms. Castillo was convicted of petit theft on July 13, 2018. He read the excerpt of City Code 6-3-8(C) regarding crimes within a five-year period immediately preceding the date of application, stating this crime occurred within that timeframe. Per Councilor Freeman, Ms. Castillo stated the theft was money from a company. Per Councilor Francis, Captain Galbreath confirmed the conviction date. Mayor Casper closed the hearing. Councilor Hally does not believe there is a lot of leeway to see that an error was made. It was moved by Councilor Francis, seconded by Councilor Freeman, to deny the appeal on the basis that no error has been identified and staff proceeded appropriately. The motion carried by the following vote: Aye – Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay – none. Mayor Casper briefly reviewed process and policy, noting the council could make policy changes. Mr. Fife clarified the council could only make policy changes more stringent than State policy. It was noted Ms. Castillo could reapply for the Child Care Worker Certificate after the five-year timeframe. Councilor Francis recommended Ms. Castillo explain this charge on the application. Mayor Casper suggested an appellant have conversation with legal staff to discuss the options or process prior to paying the fees for a hearing. Brief comments followed regarding State Code.

Community Development Services and City Attorney/Training: Best Practices for Land Use Hearings as required by Idaho's Local Land Use Planning Act (LLUPA), Idaho Statutes, Title 67, Chapter 65:

Director Cramer stated, per the LLUPA, legislative hearings typically have broad implications (code changes, Comprehensive Plan changes, ordinance adoptions) to the taxpayers and ratepayers of the city, and these are not site-specific except for annexations and initial zonings; quasi-judicial hearings are more narrow (CUPs, rezones), and these are site specific with impacts to that site. He also stated the rules for the hearings are slightly different in terms of notice, although the hearings within the meeting are largely conducted the same. Director Cramer explained, per legislative hearings, notice to the newspaper is required 15 days in advance, however, there is no notice requirement to the surrounding property owners; quasi-judicial hearings also require notice to the newspaper 15 days in advance, notice is required 10 days in advance to all property owners within 300', and there

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is requirement to notify subdivisions and media outlets. He stated conversations can occur prior to legislative hearings; all evidence, testimony, and emails must be taken within a quasi-judicial hearing. He believes there was confusion at the April 14, 2022, City Council Meeting because even though that was a legislative hearing regarding the Accessory Dwelling Units, the hearing had been closed except for questions to staff. He indicated other options could allow testimony to be taken but this would require the hearing to be reopened. Mr. Fife stated the council is a representative body with one of the functions being legislation. He explained the council can receive information at any time if there is not an associated hearing, however, once it's applied to property there are different rules and the LLUPA regulates what can be done to property and land uses, including any side boards so all individuals can see and hear what occurred, noting facts must be added as needed. He also explained the Reasoned Statement of Relevant Criteria and Standards which states the council's decision. Mr. Fife reiterated annexation, initial zoning, and Comp Plan map designations are legislative, so hearings are required with a decision based on the input. He noted most of these legislative hearings are approved in the same evening. He explained the process when the three readings are not waived, and he believes it tends to create fairness problems when the hearing is re-opened. He cautioned all governing boards to make a decision on the night the hearing occurs or isolate themselves so the process is not tainted which causes the recusal of a councilmember. Discussion followed regarding not being able to respond to constituents. Mayor Casper suggested forwarding any suspicious emails to another staff member for review. Director Cramer noted Community Development Services staff will identify the type of hearing in future meeting memos. Brief general comments followed including a reminder process for first or second readings only, receipt of Planning and Zoning recommendations (Mr. Fife noted these recommendations must be accepted by the council prior to determining a hearing date), and an all-purpose statement prepared by staff.

There being no further business, the meeting adjourned at 6:16 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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