

April 19, 2021 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, April 19, 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 (departed at 4:15 p.m./joined via WebEx at 4:48 p.m.)

Councilor Thomas Hally

Councilor Jim Freeman

Councilor Jim Francis

Councilor Lisa Burtenshaw

Councilor John Radford (via WebEx at 3:08 p.m.)

Also present:

Chris Fredericksen, Public Works Director

Chris Canfield, Assistant Public Works Director

Brad Cramer, Community Development Services Director

Michael Kirkham, Assistant City Attorney

Bryce Johnson, Police Chief

Josh Deede, Police Sergeant/Animal Control Supervisor

Robert Wright, Library Director

Mary Lund, Library Board Chair

Randy Fife, City Attorney

Kathy Hampton, City Clerk

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council receive the recommendations from the April 6, 2021 meeting of the Planning and Zoning Commission, pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilors Freeman, Burtenshaw, Francis, Dingman, Hally. Nay – none. Motion carried.

Calendars, Coronavirus (COVID-19) Update, Announcements and Reports, and Legislative Update:

April 22 and April 29, Idaho Falls Auditorium District (IFAD) Meetings

April 21, Administrative Professionals Day; Bonneville Metropolitan Planning Organization (BMPO) Policy Board Meeting; and clean-up project with Rotary and the Parks and Recreation (P&R) Department

April 22, Idaho Falls Power (IFP) Board Meeting; and City Council Meeting

April 23, SAUSA (Special Assistant United States Attorney) Meeting (virtual); and Association of Idaho Cities (AIC) Board Meeting (virtual)

April 26, Mayor's Office staff will begin the Mayor and Council budget

April 28, AIC Spring District Meeting

April 30, Arbor Day

May 1, Workers Memorial Day

May 4, Energy Communities Alliance (ECA) Webinar

May 6, Eastern Idaho Public Health (EIPH) monthly Board Meeting; and National Day of Prayer

May 10, City Council Work Session

August 11, City employee picnic

August 19, City employee benefits fair (tentative)

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Mayor Casper noted the May 10 Council Work Session will include some budget items discussion, the May 24 Council Work Session will include a Connecting Us – Sustaining Progress (CUSP) Steering Committee report, and Council photos will be taken at the May 13 City Council meeting.

COVID-19 – Mayor Casper stated there were 167 active cases in Bonneville County, which is more than half of the entire district; Bonneville County is in the moderate risk level; and Bonneville County has twice the number of total cases as compared to Bannock County, which has had more stringent mask requirements. She noted Idaho currently has 2017 COVID-related deaths.

Legislative Update – Mayor Casper noted Senate Bill (SB)1111aa passed earlier in the day. She expressed her dismay and frustration with this bill as she believes this bill will directly impact cities. She indicated this bill will move Idaho municipal elections to even-numbered years – the 2021 and 2023 elections will be for three-year terms. Mayor Casper stated the sub-agenda will also make City elections partisan. Councilor Freeman believes this bill will make it politics and not policy. Council President Dingman believes there may have been additional confusion about the editing for cities less than 100,000 population. She also believes this bill may include district-wide cities elections. Mayor Casper noted 75-80% of Idahoans live in cities. Brief comments followed. Mayor Casper stated the legislative session is anticipated to be concluded by May as other bills are still being discussed.

Liaison Reports and Council Concerns:

Council President Dingman had no items to report.

Councilor Radford had no items to report.

Councilor Hally stated the Idaho Falls Fire Department (IFFD) has received a new ladder truck. A formal ceremony will be forthcoming.

Councilor Francis stated Beth Swenson, Idaho Falls Public Library (IFPL) Assistant Director, received Librarian of the Year award from the Idaho Librarian Association.

Councilor Freeman had no items to report.

Councilor Burtenshaw had no items to report.

Discussion: Wastewater Rate Connection Fee Study and Iona Bonneville Sewer District (IBSD) Sewer Service Contract and Sewer Service Area:

Director Fredericksen stated the City entered into negotiations with the rate designer, Galardi Rothstein Group, to establish proposed connection fees for the City and IBSD. He noted the agreement with IBSD was extended through May pending these negotiations. Director Fredericksen stated the Wastewater Rate Study was to update the wastewater financial plan; evaluate Idaho Falls connection fees; develop new IBSD connection fees, and simplify IBSD rate design and implementation. He indicated the existing connection fee = \$1,107 and the proposed connection fee = \$1,285, which is a difference of \$178 or a 16% increase. He also indicated this proposed fee has been discussed extensively with the IBSD. Director Fredericksen reviewed connection fee comparison (of the proposed \$1,285) with Ammon – \$6,939 (\$1,300 Ammon and \$5,639 Eastern Idaho Regional Waste Water Authority (EIRWWA)) and IBSD – Class I, \$1,850; Class II, \$2,850; Class III, \$3,650. He stated the proposed fee for IBSD only had a Wastewater Treatment Plant (WWTP) component as IBSD does not benefit as much as regular customers from the collection system, therefore, the proposed connection fee for IBSD is \$582. He also stated the vast majority of connections to the City are on a 1" water service line, although fees increase per the size of the meter. Director Fredericksen reviewed the rate calculation, noting there was preference to simply the methodology. He stated one (1) monthly bill is sent to IBSD, which IBSD then bills their customers. He reviewed the calculation of Cost Category, Revenue Requirement (\$88,373.80), and Credits (\$16,068.70) for IBSD stating the credit percentage is 18.18%. Director Fredericksen stated additional rate alternatives were discussed, and, preference of staff and IBSD was for Alternative #2:

Existing Rate: \$2.90 per 1,000 gallons

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Proposed Rate: \$3.53 per 1,000 gallons
\$0.63 per 1,000 gallons (22% increase)

Director Fredericksen stated, per IBSD negotiations, there was agreement for the proposed rate and the proposed connection fee, however, there was disagreement on applying a 10% outside the City billing rate. He noted the October 2020 Fee Resolution indicates Outside of City Billing Rate is 110% of metered rates or non-metered rates as set. He reviewed the current sewer map, stating additional risks and costs are incurred as connections are further from the City's collection system. He also reviewed the proposed 10% increase/surcharge for IBSD which then totals \$0.98 per 1,000 gallons (34% increase). Director Fredericksen stated, also per IBSD negotiations, IBSD has requested to forgo an approved sewer boundary in lieu of flow-based restrictions. He indicated there is not existing capacity in the Sunnyside trunk line to fully serve the entire service area of IBSD and any expansions to the system need to be met with reductions to the system. He reviewed the urbanized development stating approximately 1,000 acres have been developed over the previous 8.5 years. He also stated there is excess capacity at the WWTP, and the Sunnyside trunk line is the only conveyance from the IBSD service area to the WWTP. Councilor Hally believes the City is selling an asset that is leveraged to IBSD customers. He questioned the disparity. Director Fredericksen stated he is unsure of the rates used by IBSD. Per Mayor Casper, Director Fredericksen stated proposed rates will be discussed with the City of Ucon in the future. Per Councilor Francis, Director Fredericksen stated the intent is to maintain the IBSD system to the same extent as the City's system. He also stated maintenance concerns have worked well in the past. Per Mayor Casper, Director Fredericksen explained the cost comparison of City versus IBSD customers stating City customers are billed on a monthly fee not based on a gallonage flow, and IBSD is based on actual use and flow through the meters. Councilor Freeman stated there have been numerous conversations regarding this item. He believes this Council wants to discourage urban sprawl, which he believes IBSD is doing. He believes the taxpayers/rate payers need to be protected. Councilor Radford agreed. He believes infill should be managed. Councilor Hally believes there are several entities that want to hook onto the sewer system. He is not willing to have the rate payers/taxpayers create an asset than someone else can leverage for their own growth or funding. He is in favor of the 10% and against growth. Council President Dingman believes the geographic area is how services are calculated and how cities are populated. She does not believe it's in the best interest to incentive development outside of the City. She believes a fair premium should be paid; the policies need to be consistent; the connection fees are fair and competitive, and it's time to right-size these relationships to ensure the City residents are not subsidizing any other City. Per Councilor Burtenshaw, Director Fredericksen explained the difference of the rate increase and the maintenance costs. Councilor Burtenshaw believes the sprawl should be geographic as capacity should be for infill. She agrees with the additional 10% for non-City entities. Councilor Francis believes the 10% makes sense as this is part of the operation of the system. Mayor Casper stated an agreement will be presented at a future Council Meeting.

Discussion: May Fee Resolution Request:

Director Fredericksen briefly reiterated/reviewed the proposed Wastewater Service Connection fees. Director Cramer stated the proposed Residential Plan Check Fee is trying to match the fee resolution that has been charged for a number of years. He is unsure when the mis-matched occurred although he noted the 25% has been charged since the inception of the TRAKIT software system in 2016. Per Mayor Casper, Mr. Fife stated cities have given rebates as requested and any overcharge could be considered, although he believes this should only go back contractually for four (4) years, per the statute of limitations. Mr. Kirkham stated prior to the City adopting a fee resolution in 2016, fees were contained in a variety of other City documents. The fee resolution was designed to contain all fees into one (1) document and to avoid any mischarge of fees. Per Councilor Freeman, Director Cramer confirmed this fee is based on a percentage. Mayor Casper noted a fee resolution is typically approved during the budget process. Per Councilor Burtenshaw, Director Cramer stated the amount of fees are unknown although he does not believe it will be an astronomical amount. Mayor Casper noted these are costs that have been

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incurred/expended. Mr. Kirkham stated the public hearing for these proposed fee increases is scheduled for the May 13 City Council Meeting. Councilor Francis believes any over-charge of fees should be discussed at another time. *As follow-up, Mayor Casper noted, per Director Cramer, the difference of charges amounts to approximately \$52.00 per permit.*

Discussion and Consideration: Animal Ordinance Amendments:

Mayor Casper cautioned the Council to be careful of passing ordinances where enforcement may take precious Idaho Falls Police Department (IFPD) resources. Mr. Fife stated Councilor Radford expressed his interest in the ordinance regarding 'fowl' and if the ordinance could be expanded beyond chickens. He noted other proposed changes include regulations of raising of chickens, ducks, and geese, it also regulates turkeys and quail and raising of rabbits. These features in this proposed ordinance would allow female domesticated birds in urban/outdoor backyard gardening, performed in a safe and hygienic way, and allows a certain number of birds or rabbits based on percentage. This does not allow slaughtering or the sale of eggs or meat, which is consistent with the zoning code. This proposed ordinance considers the number versus noise, smell, or other nuisance problems, and does not affect the dog ordinance. Mr. Fife stated he has worked with the IFPD and the Public Health District on the proposed ordinance. Councilor Hally indicated there have been numerous previous discussions regarding animals. He prefers the IFPD services be used elsewhere. Per Councilor Burtenshaw, Mr. Fife stated the definition of 'wild animals' has not changed, only the formatting has changed. Per Mayor Casper, Mr. Fife briefly reviewed ordinances in other cities. He stated he did not want to change the tradition of animals within the City. Councilor Radford believes there was interest across the board for more variability. He noted he has not received any complaints regarding chickens. He expressed his appreciation to the IFPD and Mr. Fife. Per Councilor Francis, Sgt. Deede believes this draft ordinance addresses the concerns of slaughtering of animals. Also per Councilor Francis, Mr. Fife stated his discussion with the Public Health District addressed the concern of slaughtering - he noted slaughtering is not allowed without a license; and, he is hopeful City residents do not abuse the sewage treatment with slaughtering. He believes it is unlikely that a public health risk would be created. Councilor Francis stated he is reluctant with these changes. Per Councilor Freeman, Sgt. Deede stated, regarding enforcement from Animal Control Services, 'we don't know what we don't know'. He also stated Animal Control Services tries to error on education versus citation and legal correction. Councilor Radford believes this may be educational for youth. He does not foresee much change. Mayor Casper stated this ordinance will be included on the May 13 City Council Meeting agenda. Chief Johnson believes there was collaboration with this ordinance and the process worked well although he believes any additional regulation generally creates the potential for additional work/enforcement.

Update: Idaho Falls Public Library (IFPL) Director and Board Chair:

Mayor Casper stated all employees of the Library are City employees although the governance of the Library, per State Statute, is relegated to a Board of Trustees which are appointed by the Mayor and approved by the City Council. She also stated Director Wright is hired by the Board of Trustees. Ms. Lund reiterated that the Library Board takes care of the library, however, the City funds the library. She also noted Councilor Francis attends all Library Board Meetings. Ms. Lund reviewed circulation by residence per City and County, noting circulation is lower due to COVID. She stated the Iona and Swan Valley branches are funded by Bonneville County based on usage. Ms. Lund also reviewed a comparison to other libraries by population served, staff expenditure, employees, materials budget, collection size, circulation, budget, percentage of staff expended, and percentage of materials. Director Wright noted 65% of expenditures nationwide are for employees. Ms. Lund reviewed the IFPL website as well as several presentation links that were created for National Library Week, April 4-10, 2021 with general comments throughout. She stated Kinderprep, Story Time, and other in-person events exceeding 50 individuals have been stopped at this time due to COVID. Councilor Burtenshaw questioned a partnership with the schools for these resources. Ms. Lund stated staff visited schools prior to the pandemic. She also stated electronic flyers have been

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distributed to the schools for the summer reading program. Director Wright stated, pre-pandemic, the library sponsored summer reading programs at several local school libraries. He briefly explained the outreach program. Ms. Lund stated 81,000 individuals attended programs at the IFPL, 1,890 programs were offered, and 58,000 children attended programs in 2019. She also stated there were 394,603 collection items in 2020. She believes the IFPL is an amazing resource in the community for items, services, education, facility, and is also a place for individuals that may be less fortunate. She indicated they are always trying to keep the IFPL fresh and new in some way. Per Mayor Casper, Director Wright is unsure at this point how the IFPL will move forward once the pandemic guidelines have been lifted. He noted there are more children's books checked out from the IFPL than all books checked out at the Pocatello Library. General comments followed. Councilor Burtenshaw believes the programming piece brings individuals into the IFPL. Councilor Francis believes the trustees are very dedicated. Ms. Lund stated the IFPL is looking at volunteers as more staff is needed.

Mayor Casper announced April 18 was Lineman's Day.

There being no further business, the meeting adjourned at 6:10 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor