



City Council Meeting Minutes

501 S Holmes Ave
Idaho Falls, ID 83402

Thursday, June 8, 2023

7:30 PM

Idaho Falls Civic Center

1. Call to Order

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor Radford, Councilor Hally, Councilor Freeman, Councilor Francis; and Councilor Burtenshaw

Also present:

All available Department Directors
Randy Fife, City Attorney
Corrin Wilde, City Clerk

2. Pledge of Allegiance

Mayor Casper led those present in the Pledge of Allegiance.

Public Comment

No one appeared.

Consent Agenda

A. Office of the Mayor

- 1) Appointments to City Boards, Committees and Commissions

B. Public Works

- 1) Bid Award - 65th North Water Main, Glen Abby Circle to Idaho Canal

C. Municipal Services

- 1) Fourth Quarter Impact Fee Report

D. Idaho Falls Power

- 1) IF 20-06, Additional Spending Request for Overhead Fiber Project

E. Office of the City Clerk

- 1) License Applications, all carrying the required approvals

It was moved by president Ziel -Dingman, seconded by Councilor Francis to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by

the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay – None

5. Regular Agenda

A. Idaho Falls Power

1) Sole Source Purchase of Electric Revenue Meters

Assistant General Manager Stephen Boorman appeared. Mr. Boorman stated the city made the decision in 2012 to purchase from Elster Meters which has since been bought out by Honeywell. He said we have bid this out, but there is only one vendor. Mr. Boorman stated it is more efficient to declare this sole source purchase because we must purchase them from this company for our AMI systems to work.

It was moved by Councilor Radford, seconded by Councilor Freeman Pursuant to State Code sole purchasing requirements, Council finds that the city's Elster AMI system is compatible with only Honeywell meters and because compatibly of equipment, component, accessories, computer software, replacement parts, or service is the city's paramount consideration of purchase of these meters, Council authorizes city staff to advertise the city's intent to make a sole source procurement pursuant to Idaho Code and authorizes staff to then issue purchase orders to Honeywell Corporation or their distributor for IFP's revenue meters. The motion carried by the following vote: Aye – Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman Nay – None

B. City Attorney

1) Day Care Ordinance - Background Check Alignment with State Code

City Attorney Randy Fife appeared. Mr. Fife stated for the past number of years there has been discussion about what is the difference between the city's daycare ordinance and the state's daycare ordinance. In the last discussion with council, it became clear to our office that what the council wanted to see was an ordinance that strips out all the disqualifications based upon criminal behavior that is not required as a minimum requirement by the state. Mr. Fife noted that it does not change any of the other requirements. He said the city ordinance still has differences between it and the state but when it comes to a disqualification because of criminal behavior it matches the state. Mr. Fife stated the city requires certain outdoor spaces, it regulates family daycare licensing, and we will still license the childcare workers.

Councilor Burtenshaw pointed out that on page 3 under section B (3) stating "Where a registered sex offender resides on the Premises where Day Care services are provided." and feels that sentence should be left in the ordinance. Councilor Burtenshaw is in favor of everything else that has been removed to get us more aligned with the state. Mr. Fife stated the council asked the attorney's office to strip out all things that were different from the state and that is why that sentence has been struck out.

Councilor Francis is concerned about the city aligning with the state and feels the state is not strict enough. He said he would rather go through the code and take out a few things rather than just align with the state. Councilor Francis gave examples on page 5 section F. He says things like Misdemeanor domestic violence, Misdemeanor Assault or Battery, and Stalking in the second degree, are all things that could put children at risk because you have someone that has anger management problems.

Councilor Francis referred to a conversation with Mr. Kirkham months ago and that we must be careful that we are not writing terms about behaviors we do not like, it must be behavior that threatens children when licensing a caregiver. Councilor Francis stated that based on some appeal hearings we have had, we may be uncomfortable with 5 years for Petit Theft and could take that to 3 years. Councilor Francis stated childcare is essential for parents in this community and there is no way a parent can investigate a caregiver and it is up to the representatives to provide that background licensing so the parents can trust the daycare center. Councilor Francis would like to hear from a Councilor member that favors going with the state and what their reasoning is.

Councilor Radford said he could speak to that and is in favor of getting rid of this ordinance completely because it has cost organizations, like I am involved with, millions of dollars over the last few years because of our standard in the City of Idaho Falls that does not allow anyone to work in childcare that does not have a background check completed and the State of Idaho does not require that. Councilor Radford stated we are one of only a few cities in the state that has made it difficult to hire people and it is a problem to staff the needed childcare in Idaho. He said the State allows people to work while they wait for the background if they are not alone with the children and are supervised. Councilor Radford feels putting 10 to 20 hours per week in the Clerk's office and all the time the Police Department puts in for this requirement is hurting hour childcare options and limiting our childcare options. Councilor Radford stated the requirements are onerous and are costing the city hundreds and hundreds of thousands of dollars per year just in employee pay and is in favor of getting rid of it altogether. Councilor Radford noted the Idaho Department of Health and Welfare are obligation to protect children, which is their role, and they do it very well. Councilor Radford said he sees inspectors at daycares, and he drives by one every day and sees the State of Idaho Health and Welfare vehicle there. Councilor Radford stated we have hundreds and hundreds of daycare workers that are paying an extra cost to have the privilege to work and are not paid very much, to begin with. Councilor Radford feels that it is onerous to us and is onerous to everyone involved and has not been a very effective model. Councilor Dingman does support the ordinance as presented and feels adding back in section 1 B (3) as referenced by Councilor Burtenshaw regarding sex offenders residing on the premises where the daycare services are provided would be good but would like clarification from city Attorney Randy Fife on what that sentence means. Councilor Freeman asked the councilor members who are liaisons to the police department if the police department is aware of these changes, and do they have any comment about this. Councilor Francis and Councilor Burtenshaw agreed that there has not been a specific conversation about this ordinance but that the consensus from the police department is that they will support whatever the council adopts. Mr. Fife offered clarification about the sentence on page 3 section 1 B (3) regarding sex offenders residing on the premises where the daycare services are provided will be denied, suspended, or revoked a license if this sentence is put back into the ordinance.

Councilor Francis feels that regarding section F, which is being eliminated, he would like to produce a compromise. Councilor Francis supports re inserting section B 3. Councilor Francis stated regarding section F he would take out numbers 1, 3, 7, and 8, and keep 2. Violation of a Civil Protection Order, 4. Misdemeanor domestic violence, 5. Misdemeanor Assault or Battery, and keep, 6. Stalking in the second degree in the ordinance. Councilor Francis feels these are important things to keep in the ordinance to protect children. Mayor Casper asked council members if anyone was interested in Councilor Francis making a motion? Councilor Radford suggested making a motion as it was presented. Mayor Casper agreed.



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It was moved by Councilor Radford, seconded by Council President Dingman to approve the amendments to Title 6, Chapter 3, Section 8 of the Idaho Falls city Code under a suspension of the rules requiring three complete and separate readings and to read the ordinance by title only and publish by summary. The motion is on the table. No roll call vote taken at this time.

Councilor Burtenshaw stated adding the sentence in section 1, B makes it clear in her opinion that someone could read the code and be clear that it is not permitted to have a sex offender living on the premises where a Day Care service is provided. Mr. Fife stated the city does license family daycares, and the state does not so to be consistent with the prohibitions with residents who are sex offenders then you would want to add the sentence back in. If you want to go with exactly what the state has, you will want to leave it out. Councilor Burtenshaw moved to amend the ordinance under consideration in the original motion.

It was moved by Councilor Burtenshaw, seconded by Council President Dingman to adopt the ordinance as presented with the addition of under section 1, B and move it to (#2) saying, where a registered sex offender resides on the Premises where Day Care services are provided. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Dingman, Radford, Freeman. Nay- Francis

Councilor Francis stated he misunderstood the motion and thought they were voting on the ordinance as amended. He said he wanted to vote yes to amend the ordinance.

It was moved by Councilor Burtenshaw, seconded by Councilor Dingman to reconsider that vote with the additional language from items 3 to 2 Where a registered sex offender resides on the Premises where Day Care services are provided. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay -None.

Councilor Francis wanted to present another amendment as follows:

It was moved by Councilor Francis, to amend section F making it 3 years instead of 5 years and illuminating all except 2. Violation of a Civil Protection Order, 4. Misdemeanor domestic violence, 5. Misdemeanor Assault or Battery and 6. Stalking in the second degree. Making those a 3-year limitation or restrictions since the motion itself would have 5 years for the previous section C and the language in F to comply with the header in number 6-3-8 A (1) as written. The motion died for lack of a second motion.

Mayor Casper asks the City Clerk to conduct the roll call vote for the original motion made, as amended. The motion carried by the following vote: Aye – Dingman, Radford, Burtenshaw, Hally, Freeman. Nay – Councilor Francis.

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

ORDINANCE NO. 3518

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6 CHAPTER 3, TO ALIGN CITY CRIMINAL DAY CARE DISQUALIFICATIONS WITH

THE STATE CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

2) Resolution - Clarification of Resolution 2021-11 and Resolution 2022-16 Condemnation of Property for Expansion, Improvement, and Protection of the Idaho Falls Regional Airport

On April 22, 2021, the city adopted Resolution No. 2021-11 to initiate legal proceedings to acquire property adjacent to the Idaho Falls Regional Airport (“Airport”) for the expansion, improvement, or protection of the Airport. Resolution 2022-16 was adopted in order to correct an obvious scrivener’s error to Resolution No 2021-11, to clarify the city’s legal authority, and did not substantively change any decision or action taken to date by Council. Both Resolution No. 2021-11 and Resolution 2022-16 identified that the land to be acquired was owned by Johnson Legacy, LLC, and identified that property by the correct Bonneville County tax parcel number (RP02N37E014248)

As the condemnation legal action proceeded, an error in the legal description of the property was discovered. This resolution corrects that error and includes the revised legal description in its Resolution No. 2021-11 and No. 2022-16 and, to such, reaffirms that the prior Resolutions authorized the acquisition of the entire parcel of land owned by Johnson Legacy, LLC, as identified by Bonneville County tax parcel number RP02N37E014248. This resolution does not substantively change prior Resolutions No. 2021-11 and No. 2022-16, or any decision or action taken to date by the Council related to them or their respective intent and, as such, will relate-back to the date of the original Resolution No. 2021-11

It was moved by Councilor Radford, seconded by Council Freeman to approval of the resolution and authorization for Mayor and City Clerk to sign the document. The motion carried by the following vote: Aye – Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay- None

3. Announcements

Councilor Francis stated the Teen and Child Crisis Center of East Idaho called Rise Up is having a ribbon cutting Monday June 12th at 1:30 located at 1140 Science Center Dr. Councilor Francis said Governor Little, Sheriff Hulse, and Director of Idaho Health and Welfare Dave Jeppesen will be speaking as well. He said because it is a state sponsored Crisis Center for young people, they would like to have elected official to attend. If the Crisis Center idea is not clear, it is a short-term safe place designed to provide a network of community support and a plan for people who voluntarily commit themselves to the center. Mayor Casper Stated Wednesday is flag day in the United States. Power board meeting is that morning. On Saturday June 17-21st is the American Public Power Association meeting in Seattle.

June 18th is Father’s Day.

Wednesday the 21st – 23rd is the Annual meeting for the Idaho Association of Cities in Boise. The city will receive an award for the GIFT program.

Saturday June 24th is Pride Day in Idaho Falls the parade is around 9am around part of the river.

June 26th is Work Session located at the Civic Center.

June 27th Grand opening for fire station seven. Later that that night is the Annual Employee picnic at the Ice Arena from 6pm to 8pm

Wednesday the 28th at noon there is a ribbon cutting for Heritage Park.



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Thursday June 29th City Council Meeting at the Civic Center.

4. Adjournment.

There being no further business, the meeting adjourned at 8:35 PM

s/ Corrin Wilde _____
Corrin Wilde, City Clerk

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

