



# City Council Meeting

680 Park Avenue  
Idaho Falls, ID 83402

## Minutes - Final

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Thursday, September 9, 2021

7:30 PM

City Council Chambers

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### 1. Call to Order.

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

**Absent:** Councilor Thomas Hally

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

### 2. Pledge of Allegiance.

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

### 3. Public Comment.

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Ellie Hampton, Idaho Falls resident, appeared. Ms. Hampton stated she was raised that your word means something, commitments should be honored, and just because others can do it doesn't mean you should. Ms. Hampton is referring to the commitment made by the city when they took funding from the Land and Water Conservation Fund (LWCF) for South Capital Park. She stated she learned last spring that the city has tentatively planned to use a major portion of South Capital Park for the purpose of building a 185' water tower. She also stated she agrees that the city needs a water tower. Ms. Hampton indicated some neighbors agree and don't see violating the contract with the LWCF as a big deal, and some thankfully disagree. She is hoping for a change of mind especially since South Capital Park is not the only suitable location. She indicated there are two (2) other options and neither of those options require breaking a long-standing commitment. Ms. Hampton stated she has been a long-time supporter of the city and has supported efforts to build a community that values quality of life, and she has supported salary increases for city workers and first responders even if it required a tax increase. She noted she managed the construction of the band shell at Freeman Park many years ago and served four (4) years on a committee for the city budget. Ms. Hampton stated she tries to be part of the solution and not part of the problem, and she pays attention to city issues. She indicated she was aware that the city wanted to remove the water tower, however she missed the proposal and meetings to locate the water tower in South Capital Park. She believes someone dropped the ball as most individuals are not aware of the water tower in the park. Ms. Hampton stated it's difficult for her to come forward publicly to oppose the proposed action because it is not her standard procedure. She reiterated the city should honor its commitments. Ms. Hampton stated the other suitable locations don't require ruining an established park, having a low/middle income neighborhood lose the essence of their neighborhood park, and doesn't require

removal of beautiful shade trees that will take decades to grow back. Ms. Hampton urged the Council to reconsider and change the location for the water tower as it is the honorable thing to do.

Porter Talbot appeared. Mr. Talbot stated his comments refer to the Afghanistan refugees. He indicated there are three (3) refugees centers in Idaho, two (2) in Boise and one (1) in Twin Falls. He also indicated the Twin Falls center is worried they will not have places for the refugees when they are brought to Idaho. He stated the refugees are currently housed in six (6) military bases across the United States. He also stated there are less than 50 refugees but more will be coming. Mr. Talbot indicated the previous presidential administration (Trump) passed an executive order stating municipalities needed to give approval for refugees in their area. He noted Pocatello passed a resolution in December 2019 stating they would accept refugees. Mr. Talbot stated in February 2021, President Biden revoked the executive order, however, his order has a caveat to do a report to determine if each action should be maintained, reversed, or modified. He also stated that regardless of whether it is required by the executive order, he feels the State Department will first look at the communities that would welcome refugees. He noted the CSI (College of Southern Idaho) in Twin Falls stated they have received several calls from Idaho Falls who are wanting to help. Mr. Talbot believes this is a welcoming community, and it would be nice if the community can move forward and help.

Catherine Smith, Idaho Falls Downtown Development Corporation (IFDDC) Executive Director and city resident, appeared. Ms. Smith stated she is appearing in her role as Executive Director to represent the voices of the downtown businesses and property owners. She also stated the IFDDC works to represent and serve the district that is made of people and businesses who live and work 6 and 7 days a week for their downtown businesses. Ms. Smith stated she has been watching the discussion of the water tower very closely this year and has participated in the public hearing held with the Board of Adjustment, attended the City Council Work Session when the water tower was included on the agenda, and watched the presentation from the LWCF representative at a recent City Council Work Session. She indicated she has also sent multiple emails regarding the process with the IFDDC, and the majority of the downtown constituents support the location to avoid disrupting any downtown parking. Ms. Smith indicated this discussion began in April of 2019 and she believes the goal of Public Works or any city employee was to ensure all individuals had an opportunity to share their comments. She also believes no one in Public Works or Parks and Recreation wanted to have folks upset to the point where a social media presence with a following of 500 would form, along with speaking out at Council Meetings, and sending emails expressing dismay with the process. Ms. Smith believes the communication efforts were organized to avoid the previously mentioned issues. She stated she and the IFDDC are closely looped into all city communications and have the luxury of paying attention to what's happening in any city department because it's part of their work. She also stated she enjoys watching the live stream. She indicated she was very aware of what was going on and the outreach that was happening, and that outreach was shared to the downtown constituents who were encouraged to participate and many did so. Ms. Smith stated the constituents of the Business Improvement District (BID) make their livings downtown. She also stated it has been hard to be on the opposite side of the topic from people whom she deeply respects. She expressed her surprised for individuals who missed the outreach because she saw it everywhere. She also criticized individuals who engaged and participated in the process actively and continued to say there wasn't enough outreach, which began in 2019 and continued through 2020. She stated she struggles to understand why the opinions or interest of someone who wishes to visit the park once or twice a month outweighs the interest of businesses on Cliff Street that have built their businesses generation after generation. She believes heck has no fury like a business owner who is living through a road closure or construction cycle. She requested the Council consider what will happen to the Cliff Street

businesses in the event of a two-year construction cycle including road closures, stating this would be very tough with the possibility of those businesses being gone, especially after a pandemic. She noted Johnson Brother's is at a total loss as to why the process would start over or amend the site selection to the parking lot behind Willowtree Gallery. She stated the parking in the lot identified as an option early on for the tower will continue to be utilized more and more as a new downtown business recently opened. She also noted the IFDDC commissioned and completed a large historic mural on the back of the Willowtree building to beautify that area. A water tower would in fact completely block that piece of artwork that was hand painted by a local artist. Ms. Smith stated she is from a farming family that honors the land and the importance of open spaces. She believes heritage to green spaces is core to what makes her farming family thrive. She stated she's an advocate for the public lands through Teton Valley and the Swan Valley area and participates in efforts in east Idaho to ensure there is green space that is open to the public. As Ms. Smith understands, less than 40' in a circle circumference will be removed for the tower base, the playground equipment will stay, and the bathrooms will remain. She is hopeful, if this is the location of the tower, there will be some creative public art or something to help enhance the space and celebrate the park. Ms. Smith stated the city has a wild amount of green space and trees and is so fortunate to have such a robust park supply. She appreciates the concerns for the noncompliance piece of the park and the goal to bring the city back into compliance. She trusts the work of the city directors and staff to bring these pieces together. She stated she knows these directors and not for a minute believes there was any malice or ill intent when this process was launched for public comment and execution from that public comment. She believes the process took place fairly, and any criticism of the city staff and directors through this process has been really difficult to watch and see. Ms. Smith is hopeful as the process continues, to remember that the process for the public comment did take place openly and the comments received during that specific effort were to avoid utilizing parking spaces. She stated whether the perception or reality of downtown parking is true doesn't matter, there will always be an uphill battle against perceptions of parking scarcity downtown. Ms. Smith believes the bigger issue for the downtown business owners is that they participated in the process (this was before the pandemic was even a thing-) and voiced their feelings to avoid impacting any parking. She is asking that the feedback and participation not be lost or forgotten.

Jim Pletcher, Idaho Falls resident, appeared. Mr. Pletcher stated his wife has had a business in downtown for 17-18 years. He also stated he participated in the water tower siting process, was informed when the meetings would be held, attended several meetings, and provided comments. He believes the process was executed well. He also believes the city directors were gracious enough to answer questions. Mr. Pletcher stated he is an engineer by trade and runs the downtown business. He believes the process was right on target. He also believes the city bent over backwards and felt there were unbiased answers given to citizens asking questions. Mr. Pletcher stated when a complimentary business in downtown is lost it has a ripple effect on the smaller businesses, therefore, if the water tower does not go in South Capital Park and is moved farther north to the business district some of the businesses will have several problems and may not continue business which will impact all downtown businesses. He believes there is a synergy arrangement with the downtown businesses where people visit multiple shops. He indicated if the water tower is moved north, the parking situation will cascade and the people that park along Cliff Street will move farther north, and that parking will move farther north to A Street and A Street is already a tough area to ensure there is enough parking space for customers. He stated due to those considerations he will advocate keeping the process in place that took a lot of time and was well done.

Mayor Casper expressed her appreciation for the civilized comments.

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**4. Consent Agenda.****A. Municipal Services**

- 1) Approval of Workers' Compensation and Employer's Liability Insurance for Fiscal Year 2021/22  
The total of \$238,611 is an increase of \$16,703 from last fiscal year's amount of \$221,908. City staff is recommending the purchase of worker's compensation insurance with Safety National for an annual cost of \$172,156, plus a surety bond in the amount of \$700,000 with Travelers Casualty & Surety Company for \$7,455 and the renewal of the Moreton & Company broker consulting contract for \$59,000.
- 2) Treasurer's Report for July 2021  
A monthly Treasurer's report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending July 2021, cash and investments total \$150.5M. Total receipts received and reconciled to the general ledger were reported at \$26.3M, which includes revenues of \$25.1M and inter-departmental transfers of \$1.2M. Total distributions reconciled to the general ledger were reported at \$19.4M, which includes salary and benefits of \$5.8M, operating costs of \$12.4M and inter-departmental transfers of \$1.2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$139.0M.
- 3) Minutes from Council Meetings  
August 23, 2021 City Council Budget Session/Work Session and August 26, 2021 City Council Meeting.
- 4) License Applications, all carrying the required approvals

***Recommended Action:***

It was moved by Councilor Burtenshaw, seconded by Council President Ziel-Dingman, to accept all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Radford, Burtenshaw, Dingman. Nay - none.

**5. Regular Agenda.****A. Community Development Services**

- 1) Amendment of City Ordinance, Title 9, Chapter 4, Section 21, to permit the regulation of downtown parking by block face  
For consideration on the regular agenda is an ordinance amending Title 9, Chapter 4, Section 21 of City Code. The proposed amendment modifies regulation of downtown parking from a parking space model to a block face model. Currently, vehicles downtown in a 2-hour parking zone must move to a new space at the end of their 2-hours. The proposed ordinance requires the vehicle to move to a new block face, which is defined as 500 lineal feet of where previously parked and not across the street on the same block. Vehicles may not return to the same

block face within a 12-hour period.

The ordinance is proposed by the Idaho Falls Downtown Development Corporation (IFDDC) as a better parking management tool and to prevent vehicles from moving one space every two hours. IFDDC has assumed responsibility of managing and enforcing downtown parking, which is consistent with a recommendation from a downtown parking study that recommended all parking management be handled by a single agency. During the work session at which this item was discussed, the Council asked about the cost of the signs. The Street Division of Public Works has indicated approximately \$6,600 for the materials and staff time. The timeline is approximately six weeks, however the ordinance and code are structured so that whatever signs are posted, whether the existing 2-hour per space or the new 2-hour per block face, is what will govern that block until all the signs can be replaced.

Community Development Services Director Brad Cramer appeared. He stated this item was previously discussed in a (July 6, 2021) City Council Work Session. Per Councilor Francis, Director Cramer reviewed the core downtown area as defined in the ordinance. Councilor Radford expressed his appreciation to the IFDDC and Ms. Smith.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance permitting the regulation of downtown parking by block face under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Freeman. Nay - none.

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

ORDINANCE NO. 3409

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 9, CHAPTER 4, SECTION 21, TO PERMIT THE REGULATION OF DOWNTOWN PARKING BY BLOCK FACE; PROVIDING DEFINITIONS AND EXPLANATION ON BLOCK FACE PARKING ZONES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

## **B. Fire Department**

### **1) Fire Code 2018 Ordinance**

Adoption of the most current edition of the International Fire code ensures application of the most current guidelines and aligns the current code with community development services and the State of Idaho.

Fire Chief Duane Nelson appeared. He stated this item was discussed at the September 7 City Council Work Session. He also stated this ordinance requires changes every several years in conjunction with the Building Code as building and plans are reviewed, evaluated, and inspected.

It was moved by Councilor Burtenshaw, seconded by Councilor Freeman, to approve the ordinance amending sections 7-10 through 7-10-4 to provide for the adoption of the International Fire Code 2018 Edition under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman. Nay - none.

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

**ORDINANCE NO. 3410**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING SECTIONS 7-10-1 THROUGH 7-10-4 OF THE CITY CODE OF THE CITY OF IDAHO FALLS, TO PROVIDE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**2) 2021-2022 Local 1565 Labor Agreement**

Labor agreement with Idaho Falls Firefighters Local 1565 and the CITY. The overall agreement reflects 2021 collective bargaining negotiations and includes a 1% wage increase, changes to the firefighter's healthcare premium payments, sick leave, and vacation payout modifications. This agreement is for approximately one year and will expire on April 30, 2022.

Chief Nelson appeared. He stated the negotiation team included Municipal Services, Human Resources, and himself. He believes the negotiations were cordial. Councilor Burtenshaw expressed her appreciation on the cordiality and civility of the negotiation team.

It was moved by Councilor Burtenshaw, seconded by Councilor Freeman, to approve the 2021-2022 Labor Agreement with Idaho Falls Firefighters Local No. 1565 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

**C. Idaho Falls Power**

**1) IFP 21-033-2 Lower Plant Runner Hub Rebuild**

Idaho Falls Power (IFP) solicited bids from qualified construction contractors to rebuild Lower Plant's runner hub, which includes removal, disassembly and reassembly of the runner and runner hub. The bid includes all equipment, materials and labor. IFP received 3 bids with Gracon, LLC being the lowest responsive, responsible bidder at \$531,465.00.

Idaho Falls Power (IFP) Generation Superintendent Mark Reed appeared. He stated routine maintenance required this rebuild as a minor leakage, which is normal, was noticed from the blade seals inside the runner hub. He noted the equipment typically lasts 20-25 years. He also noted the inspections, which occur every five (5) years, are included in the Capital Plan. He indicated the project will occur this fall and will take approximately 135 days to complete. Mr.

Reed described the rebuild process. He stated the lower plant was not an emergency situation, therefore it was pushed back for capital planning. He also stated, due to water being scarce this winter, the lower plant will more than accommodate the expected water flow this fall with no lost revenue. He expects this project to be completed prior to the spring flows. Per Mayor Casper, Mr. Reed stated the equipment/products have already been acquired.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the agreement with Gracon, LLC of Lafayette, Colorado, for Lower Plant's runner hub rebuild at a not-to-exceed amount of \$531,465.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Radford, Dingman, Freeman, Francis. Nay - none.

#### **D. Municipal Services**

##### **1) Approval to Write-Off Ambulance Service Accounts**

The total includes calendar year 2020 accounts for Medicare and Medicaid published rates reduced to the maximum allowable rates, with Medicare at \$1,640,570.39 or 64% and Medicaid at \$791,378.64 or 31% of the total write-off request of \$2.5M. The remaining \$115,606.22 or 4% of the total write-off request, includes calendar year 2018 and 2019 deceased and bankrupt accounts at \$11,922.64, contractual and collection agency accounts determined uncollectible at \$103,683.58. Last fiscal year's approved write-off was \$2,641,390.71 which was \$93,835.46 more than this year's request.

Municipal Services Director Pamela Alexander appeared. She stated this item was discussed at the September 7 City Council Work Session. She noted the write-off occurs on a routine annual basis which must be completed in September prior to the auditors. She believes the collection efforts through electronic billing and the collection agency is working. Councilor Burtenshaw commended the collaborative effort between Municipal Services and the Idaho Falls Fire Department (IFFD).

It was moved by Councilor Burtenshaw, seconded by Council President Ziel-Dingman, to approve the write-off of unpaid ambulance service accounts for calendar service dates 2018, 2019 and 2020 determined as uncollectible for a total of \$2,547,555.25. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Radford. Nay - none.

#### **6. Announcements.**

Councilor Freeman announced the 20th anniversary of 9-11. He stated he worked for the IFFD at that time and was a world-changing event particularly for the firefighters. He believes the country came together and was united. He prefers to get back to being one people. Mayor Casper announced the Eastern Idaho State Fair is currently happening, Community Suicide Prevention Conference will be held September 10, the 20th anniversary of 9-11 is being commemorated with several community events including a fundraising dinner for first responders and their families featuring Chief Nelson as one of the speakers, the Governor's Capital for the Day with the City of Ammon will occur on September 16 (Mayor Casper believes this is the first Capital for a Day in Bonneville County), the Wall

that Heals event is scheduled for September 16-19, the Walk to End Alzheimers will be held September 18, City Council Work Session is scheduled for September 20, the Idaho Falls Regional Airport Workshop is scheduled for September 21, and IFP Board Meeting and City Council Meeting are scheduled for September 23. Council President Dingman announced Director Support Professionals Recognition Week will be held September 12-18, she expressed her gratitude to those who work in that industry. She also announced the Domestic Violence and Sexual Assault Walk a Mile in Her Shoes event on September 14. Councilor Burtenshaw announced Constitution Day on September 17 which will include a bell ringing at the Museum of Idaho.

**7. Adjournment.**

There being no further business, the meeting adjourned at 8:25 p.m.

s/Kathy Hampton \_\_\_\_\_  
Kathy Hampton, City Clerk

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