

November 12, 2019

The City Council of the City of Idaho Falls met in Council Work Session, Tuesday, November 12, 2019, 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 (arrived at 3:17 p.m.)

Councilmember Thomas Hally

Councilmember Jim Francis

Councilmember Jim Freeman

Councilmember Shelly Smede

Councilmember Michelle Ziel-Dingman

Councilmember John Radford (arrived at 3:02 p.m.)

Also present:

Brad Cramer, Community Development Services Director

PJ Holm, Parks and Recreation Director

Bob Skinner

Bryce Johnson, Police Chief

Ryan Tew, Human Resources Director

Pamela Alexander, Municipal Services Director

Derick Sorensen, Accountant

Chris Fredericksen, Public Works Director

Dana Briggs, Economic Development Coordinator

Randy Fife, City Attorney

Kathy Hampton, City Clerk

Mayor Pro Tem Hally noted City offices were closed on Monday, November 11, 2019, due to Veterans Day. He then called the meeting to order at 3:00 p.m. with the following:

Acceptance and/or Receipt of Minutes:

There were no minutes to accept.

Liaison Reports and Concerns:

Councilmember Hally stated the Idaho Falls Police Department (IFPD) Quarterly Awards Ceremony will be occurring on November 14.

Councilmember Smede had no items to report.

Councilmember Freeman had no items to report.

Councilmember Francis stated the Sister Cities Adult Delegation recently returned from Tokai-mura, Japan. He noted there were a total of 18 attendees. He stated the delegation was treated with amazing generosity and grace. Councilmember Francis presented a gift from Tokai-mura to the City of Idaho Falls, which represents a symbol of the 2020 Olympics to be held in Japan. He indicated the City will be receiving a written explanation of the Olympic symbol. He stated the City of Idaho Falls presented a tomahawk to Tokai-mura in honor of the 200th anniversary of the Lewis and Clark Expedition. He noted a full report will be presented at a January 2020 Work Session. Councilmember Francis stated the Fire Department has completed negotiations regarding the Bingham County ambulance contract. He noted several Fire Department and Municipal Services items will be included on the November 14 Council Meeting agenda.

Councilmember Radford stated an Idaho Falls Power (IFP) Board Meeting will be occurring on November 14. He also stated he has received a briefing on the current audit in Municipal Services. Councilmember Hally commended Councilmember Radford on his American Public Power Association (APPA) report.

Councilmember Dingman had no items to report.

Progress Report: South Downtown Planning:

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Director Cramer stated the final draft of the South Downtown Plan was presented to the public in October 2019. He believes positive feedback and concerns were received. The plan is being presented to the Planning and Zoning (P&Z) Commission on November 12, it will then be presented to the Councilmembers by January 2020. Director Cramer stated this project has involved neighborhoods, the public, a steering committee, multiple departments, and, staff. He believes involvement makes for a better project. He expressed his appreciation to the neighborhood as the neighborhood was more engaged than anticipated. Director Cramer reviewed the website links regarding the Idaho Falls South Downtown. He expressed his appreciation to those who put the data together, including Travis Barnes, a previous temporary planner. Director Cramer noted the South Downtown Plan is included within the City Core Master Plan and Implementation Strategy. He stated staff previously worked with Agnew Beck in 2015 as consultants prior to this Downtown Plan. He noted a wide range of responses to ‘downtown’ were received which are included on the map in the Master Plan. This information is similar to a 2016 Boise study which recognized a collection of neighborhoods with their own identity and particular feel. Director Cramer stated the City is looking at similar information. He indicated the Downtown Master Plan and Implementation Strategy will be replaced with a new document which will include South Downtown. Director Cramer briefly reviewed the South Downtown Vision (including three (3) Key Initiatives: Connectivity, Overall Economic Health, and, Urban Design), Implementation, and, Appendix. He stated staff is working on a Form-Based Code for South Downtown although this code will not be presented at the same time as the South Downtown Plan. This code should also be presented in early 2020. Councilmember Hally noted the City is not paying for redevelopment of this area. Redevelopment will include many partners, historical grants, developers, etc. Councilmember Freeman questioned the Cliff Street area and the island of residential in this area. Director Cramer stated the original downtown plan extended to Cliff Street although it was recognized this was a transition area between the traditional business district and the other areas. He indicated the map tried to reflect the subdistricts/transition areas and the railroad was used as the transition area versus Cliff Street. He also noted the Form-Based Code allows unique areas.

Calendars, Announcements and Reports:

Mayor Casper stated she and Chief Johnson recently attended an informal Legislative Study Group including a discussion regarding citizen fatalities. She indicated data points were shared including the department, investment of officers, and, the working environment. Mayor Casper briefly reviewed calendar items, including a Building Officials luncheon on November 13, and, an Idaho Falls Power (IFP) Board Meeting and City Council Meeting on November 14. She congratulated the newly-elected officials. She stated electing a new Council President and receiving new liaison assignments will occur at the January 9 City Council Meeting. She also stated a calendar review for 2020 will occur at the November 25 Council Work Session. Upcoming IFP-related meeting information was distributed.

Discussion: War Bonnet Round Up Association (WBRUA) Agreement:

Director Holm stated the War Bonnet Round Up Rodeo (WBR) requires several volunteers to bring the event to fruition. He also stated Friends of the War Bonnet, or the WBRUA, created in the previous year, will help market and grow the WBR in the community. The proposed agreement will allow the WBRUA to collect, retain, and manage monies from all WBRUA socials, raffles, raffles, alcohol sales, and, rodeo royalty. The WBRUA will also collect, retain, and, manage WRBUA-sponsored grants, donations to the WBRUA, fundraising by WBRUA, and, sponsorship dollars; and, will maintain adequate financial records for all receipts and expenditures. Director Holm stated the Parks and Recreation (P&R) Director will be included as a non-voting, ex officio member. The agreement also states the City will allow the WRBUA to apply for grants, raise money, hold special events, advertise rodeo activities, promote the rodeo, and, use the rodeo grounds for such purposes. The WBRUA agreement would be a two-year term although it can be reviewed as needed. To the response of Councilmember Freeman, Director Holm confirmed this agreement will allow more opportunities for grants. Councilmember Francis questioned the definition of special events. Director Holm believes special events would include concerts and other activities to raise money for the WBR. Mayor Casper believes the intent of the WBRUA is to be rodeo-focused. Mr. Fife noted the language in the Whereas clause of the agreement comes directly from the WRBUA Charter. Mr. Skinner believes the agreement is a mechanism for sponsorship, donations, etc. He concurred that special events would include youth-focused events or any other special event that is rodeo related. Brief discussion followed regarding a charter. Councilmember Francis expressed his concern for use of the WBR logo. Mr. Skinner reiterated the logo would only be used for a rodeo-related event. Mr.

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Fife stated the City may revoke the permission for the logo/trademark at any time. Councilmember Francis prefers 'rodeo-related' be included with 'special events'. Mayor Casper believes officers of the WBRUA are committed to growing the rodeo. She is hoping to properly institutionalize the relationship. To the response of Councilmember Hally, Mr. Fife stated the City is not legally bound to the WBRUA, other associations could be utilized. Councilmember Dingman requested all Councilmembers receive the WBRUA by-laws. Brief discussion followed regarding by-laws of other organizations. Director Holm stated, per the by-laws, all monies outside of the WBRUA costs, will be submitted to the City. Mr. Skinner believes the WBRUA would also be able to collect sponsorship from other companies/organizations. Councilmember Hally questioned a financial report at the conclusion of the rodeo. Mayor Casper noted this item has been included on the November 14 Council Meeting agenda. Following additional discussion, the by-laws will be distributed to the Councilmembers prior to the November 14 Council Meeting with a decision at the November 14 Council Meeting to be determined.

Pay Scale Discussion:

Chief Johnson stated this item was previously discussed several months ago as part of the Police Personnel Manual. It was determined the Police pay scale was out of market to top out, top out is currently 22 years for the Idaho Falls Police Department (IFPD). There is desire to top out at 18 years. Chief Johnson reviewed the cost analysis per this previous discussion. The proposed Police scale would only cover sworn IFPD officers that are not currently promoting. There was no data for Sergeants, Lieutenants, or, Captains. This information will be presented in the future. Chief Johnson stated the proposed pay scale would cost \$17,000 in the next year. These costs would be ongoing and would increase over the course of each year. That increase for a 24-year period was reviewed. This increase would cost the City \$1.5M per officer over 24 years, this does not include benefits. The overall increase would be \$58,750 over the life span of a 24-year officer. Chief Johnson stated it would cost \$222,758 more per year at full implementation, which would take several years. He noted this is not a huge percentage of the current IFPD budget and the IFPD would cover this amount internally for the first few years. He also stated \$17,000 was budgeted into the current year although similar funding would require approval in future budget years. Chief Johnson stated it is difficult to retain positions as this is a competitive environment. He believes this pay scale would be closer to the market value and this would be a higher priority than adding new positions. Councilmember Radford believes time off for officers needs to be considered as well. Chief Johnson stated time off is above market value. Councilmember Radford stated the current system does not allow the freedom to choose other capital expenditures as there is no revenue to pay for IFPD personnel. He also stated this is not sustainable and an innovative solution must be found to have money be part of the solution as well as being a great place to work. He noted the General Fund pays the payroll for IFPD, Idaho Falls Fire Department (IFFD), and, P&R. He believes there is need to find a middle ground. He also believes healthcare is dominating this conversation. Mayor Casper stated ongoing conversations are occurring as there is a different culture within each department and each profession. She also stated compensation discussion will potentially occur in March 2020. Councilmember Francis questioned the police compensation. Director Tew stated the police scale discussion began prior to the compensation committee. He indicated it's possible that Chief Johnson's proposal could be rolled into the compensation. Mayor Casper believes this is a compounding expense due to PERSI (Public Employee Retirement System of Idaho) and other benefits. Councilmember Hally concurred the national healthcare is an issue, which the City cannot control. He also believes growing the base is a factor. To the response of Mayor Casper, Chief Johnson stated these conversations began during the union discussion and as the Police Personnel Manual was developed. He believes the IFPD was out of market compared to other organizations prior to the data, although there are other benefits from working for the City. He noted the market was compared to other surrounding communities. He also stated the highest cost is payroll as the IFPD is a people business. Councilmember Smede stated there is a cost for recruiting/hiring/training. She believes this may be a good investment. Chief Johnson stated multiple cities are having similar hiring issues, being at market is more competitive. General discussion followed. Chief Johnson reiterated getting to market value would be prioritized over positions. Director Tew stated one charge of the compensation committee relates to non-union positions. The committee is looking for one plan that fits all. To the response of Councilmember Francis, Chief Johnson stated the Steps adjustment at the 5-year mark was based on the lower market value. The goal is to get at market value at Step 6. Mayor Casper believes this pay scale would be difficult for the compensation committee for a one plan that fits all. She also noted this would be an ongoing cost. Additional discussion followed. Councilmember Freeman noted he is in favor of the proposal. Councilmember Radford is also in favor of the proposal realizing other budget cuts within the department may be needed. Chief

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Johnson stated this process would take time and could be adjusted each budget year. Mayor Casper reminded the Council this is not a sustainable path with the increasing healthcare costs. Councilmember Francis believes the compensation committee should present data prior to any decision. Councilmember Hally believes the decision should be data driven with recommendation from the committee. Councilmember Dingman concurred there is a sustainable and compensation issue. She believes officers' salaries and compensation should be improved although the cost is unknown. Councilmember Smede believes a decision would sabotage the committees' recommendation. Councilmember Dingman believes there is support although a decision may need to be delayed. Mayor Casper indicated the committee recommendation may not occur until spring 2020. Chief Johnson questioned the fundamental shift from the previous Council direction during the budget session. He reminded the Council of previous union conversations. Mayor Casper stated this conversation was delayed due to data requested. Director Alexander concurred there is a cumulative impact. Councilmember Smede requested information prior to a discussion.

Director Fredericksen stated the following three (3) items will be presented to Council at future date.

Introduce Capital Improvement Ordinance Modification to Include Water Rights:

Director Fredericksen stated connection fees are collected for new businesses that will expand the water system. These fees currently are applied to Capital Improvement Funds (CIF) for Water and Wastewater. He noted City ordinance does not specify Water Rights as an allowable use for Capital Fund expenditures. There was also concern with the Controller's Office and the governmental accounting standards. Therefore, it was recommended the CIF be eliminated and those funds be rolled into Water and Wastewater Enterprise Funds. Director Fredericksen stated there is also a fuel fee fund that does not exist, this will also be eliminated.

Snow Removal Discussion:

Director Fredericksen stated, per annual review by staff, snow removal A Zone is larger than needed. He identified the area south of 17th Street, north of 1st Street, bounded by the railroad tracks on the west, and, Holmes Avenue. It has been recommended to remove this area from the A Zone. This area would not require the restriction of the 24-hour notice, parking restrictions would also be accommodated. A proposed change in the ordinance would modify this A Zone and would also include recent street name changes. Director Fredericksen also stated any snow event would be referred to the City website versus the Idaho Transportation Department (ITD) website. The website will also include implementation of an interactive snow removal map. Director Fredericksen stated the Snow Removal Policy will be updated with new lane mileage. He noted any potential annexations could drastically change the priority routes in the policy as well. To the response of Councilmember Francis, Director Fredericksen stated removal of downtown signage does not affect snow removal.

Municipal Separate Storm Sewer (MS4) Permit Update:

Director Fredericksen stated the Environmental Protection Agency (EPA) will be renewing the National Pollutant and Discharge Elimination System (NPDES) permit for the MS4. The initial permit was issued in 2007 and expired in 2012 although the permit has been administratively extended. Public comment is being accepted until December 10. Director Fredericksen indicated the permit is currently being reviewed and will be presented in the near future for acceptance. He stated the proposed permit would become effective October 2020.

E-Scooter Discussion:

Mayor Casper stated this discussion has been occurring within several departments and staff. Ms. Briggs stated the proposed ordinance will include safety, equipment requirements, where and how these scooters could be ridden, speed, abandoned equipment removal process, licensing and registration, and, penalties. She also stated the proposed ordinance does not include specific geographic areas, a requirement for helmet usage, seasonality, and, limiting the number of vendors. Mr. Fife stated, after recently attending a subject-related conference, several cities are struggling or wondering how to react to the scooters including regulations. He believes the market and weather should regulate for the most part with availability as needed without the clutter. He noted many scooters are regulated by larger companies. Mr. Fife stated the proposed ordinance was drafted following Boise's approach with discussion/decisions based on this community. He noted no City requires helmets although some cities require helmets on younger people. He also noted a lot of injuries have occurred with E-scooters, many of which involve alcohol. Mr. Fife stated the

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more that the City regulates, the more it inserts itself to potential risk and liabilities. He indicated larger companies are willing to train, promote, etc. in exchange for a monopoly. Ms. Briggs stated one of the benefits was to see other cities that have regulations, changes to these cities' regulations were also helpful. Mr. Fife stated Boise's regulations were modeled from the International Municipal Lawyers Association, the City of Idaho Falls is a member of this association. To the response of Mayor Casper, Ms. Briggs noted the City has been contacted by several companies and one (1) company has begun operation in the City. Director Holm indicated the current company has nine (9) scooters. He expressed his concern for clutter and safety issues although he believes these concerns were addressed with speed limits and geofencing (technology to dictate how fast and where the scooters can travel). Mr. Fife stated the parameters would be given to the company(s) per the specified departments. Director Fredericksen expressed his concern for Americans with Disabilities Act (ADA), signage, and, the docking locations on public Right of Ways, which would require electricity. He also believes these concerns were addressed in the proposed ordinance. Director Cramer stated there is interest in promoting multi-modes of transportation in a safe way. Councilmember Radford questioned the current electric bikes. Mr. Fife stated electric bikes would be treated similar to regular bicycles. He noted private use and business regulations were discussed. Chief Johnson stated this will not come with additional enforcement of officers. He believes the geofencing and speed limit will assist with this issue. He also stated bicycles being dumped were considered lost property. There will be a requirement for the agent/company to pick up discarded bikes/scooters. Mr. Fife noted there is currently no direct commercial interest in town. Councilmember Radford believes regulation is important and it is unrealistic to think these are not coming. He also believes there will be a cost to the City, specifically with the IFPD. He is in favor of exempting smaller companies although large companies should help pay for the City's operation costs. Brief discussion followed regarding franchise fees, licensing fees, sidewalk rules, speed limits, injuries/lawsuits, and, the downtown area. This item will be included on the November 26 Council Meeting agenda.

There being no further business, the meeting adjourned at 6:24 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR