



NOTICE OF PUBLIC MEETING

Monday, September 11, 2017

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

SPECIAL MEETING (Council Work Session)

Call to Order and Roll Call

Mayor and Council:

- Acceptance and/or Receipt of Minutes
- Calendar, Announcements and Reports

Community Development Services:

- Area of Impact Re-introduction (60)

Presentation (Multiple Departments):

- Real Estate Land Transfer with Bonneville County Discussion (45)

Public Works:

- 17th Street Median Program and Public Involvement Update (30)

Municipal Services:

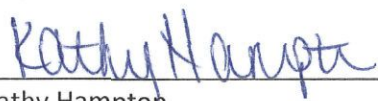
- Purchasing State Statute Changes Discussion (15)
- Proposed Utility Service Write-off Discussion (15)
- Christmas Day Alcohol Ordinance Revision Discussion (15)

EXECUTIVE SESSION

The Executive Session will be held immediately following the conclusion of the agenda items listed above. The Executive Session has been called pursuant to the provisions of:

Idaho Code Section 74-206(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

DATED this 8th day of September, 2017



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Director

DATE: September 8, 2017

RE: September 5, 2017, Planning Commission Action

Planning Commission took the following action during the September 5, 2017 meeting.

1. **ANNX17-005: ANNEXATION/INITIAL ZONING OF C-1 (LIMITED RETAIL BUSINESS). M&B 14.647 Acres Secs 22 & 23 T 2N, R 37E (Shively).** Generally south of W Broadway, west of S Troy Ave., north of Pancheri Dr., and east of S Bellin Rd. Recommended approval as presented.
2. **RZON17-008: REZONE. Removal of PT-1 Zone, East Half Blocks 24 & 37 Highland Park.** Generally south of Science Center Dr., west and north of US Hwy 20 & east of Fremont Ave. Recommended approval as presented.
3. **RZON17-009: REZONE. Amend Table 6, Billboards, Chapter 9, Sign Code of Title 7.** Recommended denial as presented.
4. **PLAT16-003: FINAL PLAT. Grandview Storage Units.** Generally south of Sawtelle St., west of Foote Dr., north of Grandview Dr., and east of N Skyline Dr. Recommended approval as presented.
5. **PLAT17-016: FINAL PLAT. Television Park Addition, 1st Amended.** Generally south of E 12th St., west of St. Clair Rd., north of E 17th St., and east of S Holmes Ave. Recommended approval as presented.
6. **PLAT17-018: FINAL PLAT. Action Sports Addition, Division No. 2.** Generally south and east of N Yellowstone Hwy., east of Hollipark Dr., and north of Lincoln Rd. Recommended approval as presented.
7. **PLAT17-021: FINAL PLAT. Eagle Rock Town Center, Division 4.** Generally south of Broadway, west of S Utah Ave., north of Pioneer Rd., and east of I-15. Recommended approval as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

BGC/dp

cc: File



Civic Auditorium Committee Meeting Minutes
Wednesday, March 29, 2017

The Civic Auditorium Committee of the City of Idaho Falls met in a regular committee meeting, Wednesday, March 29, 2017, at the Municipal Services Director's Office, located at 308 Constitution Way, Room 200, in Idaho Falls, Idaho at 1:30 p.m.

In Attendance:

Arthur Kull, Civic Auditorium Committee Member
Anne Staton-Voilleque, Civic Auditorium Committee Member
Carrie Scheid, Civic Auditorium Committee Member
Bonnee Taggart, Civic Auditorium Committee Member

Absent:

Deidre Warden, Civic Auditorium Committee Member
Pam Alexander, Municipal Services Director
Councilmember Ed Marohn

Others Present:

Mayor Rebecca Casper
Chandra Witt, General Services Administrator
Brandi Newton, Executive Director IF Arts Council
Ed Morgan, Civic Auditorium Manager
Stephanie Walker, General Services Office Assistant
Kerry Hammon, Public Information Officer
Kevin Trevellyan, The Post Register

The meeting was called to order by Arthur Kull at 1:37 p.m.

Debrief of Presentation to City Council on March 20, 2017:

- Brandi Newton from the Idaho Falls Arts Council indicated she thought it went really well and the questions from the City Council weren't out of the ordinary.
- Consensus from the Committee was that it went very well and they were all happy with the presentation and felt the City Council was receptive and supportive.
- Mayor Casper gave a few comments and told the committee that it helped to have the other venues on the presentation to compare with the Civic.

Direction for the Committee to Continue from Here:

- The Committee needs to flush out more details as to when the phases would take place and the dollar amount to request in the 2017-2018 budget year.



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- The mission statement the Committee proposed to the City Council would need to be approved through them before it can be incorporated and used as the Civic's mission statement.
- As far as the name change of the Civic Auditorium to the "Idaho Falls Civic Center for the Performing Arts", the City Attorney needs to be contacted first to find out whether or not the City Council would need to vote on it and approve the name change.
- The City Attorney would also need to be contacted about any future naming rights if a donor was wanting it named after them if they gave a substantial donation.

Adopting Long-Term Plan for Phases:

- Phase I plan and budget requests need to get on the agenda as soon as possible. Per Mayor Casper, the earliest the council could hear it would likely be in May as April is extremely full. Mayor Casper indicated that the sooner and closer to the actual presentation the better so it's still fresh in the Council's minds. The committee would get around 20-30 minutes to present the long-term plan for the phases. A copy of the plan along with the presentation will need to be given to the Council prior to the work session.
- Ed Morgan, Civic Auditorium Manager, is still trying to get the quotes for the balcony railing as well as the acoustical improvements quote. Ed found out that there is a new sound system out there that could override having to get more baffles.
- The proposed renovations and costs are as follows:

– New Seats	\$350,000
– Ceiling and Wall Paint	\$200,000
– New Carpeting in Auditorium	\$60,000
– New Electric Marquee	\$80,000
– Balcony Railing	TBD
– Acoustical Improvements	TBD
- The Committee would like to see \$690,000 put into the Civic Auditorium's budget for the 2017-2018 budget for the renovations for Phase I.

Miscellaneous Discussions:


- There is a meeting on April 11, 2016 regarding IF High School.
- There was some discussion about the possibility of getting matching funds from outside sources for the Civic if the City will commit to matching those funds. Brandi indicated that "there are granting agencies out there waiting to see what you have. The minute you prove you have a private-public partnership, your ability to leverage funds improve." Anne and Carrie will work on the matching funds for the presentation.



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The next meeting date was not determined at this time. It will be decided on at a later date and proper notification will be given when the next meeting date is determined.

It was moved by Arthur Kull, Chair and seconded by committee members, that the meeting adjourn at 2:30 p.m., which motion passed following a unanimous vote to adjourn.



Stephanie Walker - Secretary



Arthur Kull - Chair

Idaho Falls Sister Cities Youth Meeting
July 17, 2017

Attendees:

Cameron Archer	Rachel Cebull	Ian Finnigan	Jacobi Retallic
Jenna Bauer	Jackie Corbridge	Alexia Lords	Don Rueff
Karen Bauer	Tate Corbridge	Maureen Miaullis	Janet Rueff
Max Benjamin	Garrett Corbridge	Caitlin Miaullis	Zoe Sehlke
Misty Benjamin	Brennan Corbridge	Jorge Padron	Rebecca Smith
Maggie Boring	Dave Eaton	Brenda Padron	Whitney St. Michel
Elliot Boring	Kylie Eaton	Gabe Padron	Ian St. Michel
Wendy Boring	Katie Eaton	Kendra Peck	Anna St. Michel
Melinda Cebull	Victoria Estrada	Nathan Peck	Stephanie Van Ausdeln
Peter Cebull	Mario Estrada	Dallin Peck	
Nicholas Cebull	Karen Finnigan	Laurie Retallic	

Business Section of the Meeting

Minutes:

The July 5th meeting minutes were provided to the group by email. Victoria motioned to approve the minutes and Maureen seconded her motion.

Language Lessons: The next language less will be held from noon to 1:30 at the library on 7/18. Contact Rachel (rcebull@gmail.com) if you have questions.

Hosting Preparations:

RSVP Forms: Whitney collected the RSVP forms and Peter collected the money. She passed out t-shirts to people who had paid for them. Whitney answered questions about the RSVP forms. If you are driving on your own to Yellowstone and/or Lagoon or have zoo or museum memberships, please indicate this on the RSVP form. Whitney will be buying the rodeo tickets this week, and she will need to have the numbers and money to purchase the tickets.

Speeches: Rachel went through the speeches with the students and adults giving speeches.

Hosting Food and Equipment Sign-ups:

Members will be bringing potluck items to the following meals:

- Friendship Garden (7/27) – Check with Wendy if you haven't signed-up
- Welcome Dinner (7/28) – Whitney has this sign-up and will send it out.
- Rodeo Dinner (8/3) - Whitney has this sign-up and will send it out.
- Farewell Dinner (8/5) Whitney has this sign-up and will send it out.

Whitney will bring the plates, cups, and flatware to all of the meals.

Melinda will bring coolers with water and lemonade to the Friendship Garden.

Wendy will pass them on to Kendra to use at lunch.

Brenda will bring additional coolers with lemonade and water to the Welcome Party and tables and chairs.

** If you are coordinating a meals and need coolers, tables, or any other equipment, let Whitney know.

Welcome Bags: Whitney has t-shirts, spud bars, Yellowstone pens, and a small note pad for each student and chaperone.

Translation: Haruka has asked us to provide talks from as many of the activities as possible in advance. She would like to be able to translate as much as possible ahead of time. Rachel will try to translate as many of the preplanned Idaho activities as possible but may need help with some of the more difficult translations.

Farewell Dinner: We talked about the activities during the party. The students will show the Japanese student a little bit about how we celebrate Halloween, Easter, Christmas, and Thanksgiving. The students should come in Halloween costumes so they can trick-or-treat in a nearby neighborhood. Idaho families should bring Easter baskets and Halloween containers for the students to use to collect candy and use during the Easter egg hunt. Idaho families should bring a small (~\$5) wrapped Christmas present for anyone who wants to participate in the gift exchange and their Japanese student. Farewell speeches and group gifts will be presented at the dinner.

Gifts: People asked about gift ideas for their Japanese student. Some suggestions were:

- Idaho souvenirs
- Farmers' Market or Art Walks may provide unique Idaho items
- T-shirts, hats, calendars
- Beef jerky, candy

You can buy gifts during the visit after you know more about what your student likes.

August Meeting

Katie asked if there was any reason to meet in August. We usually don't meet in August unless there is a special reason. The group decided not to meet in August.

Student Section of the Meeting

The students went over all the jobs that they would do throughout the trip. They each signed up for about four.

We also watched a video that the Japanese sent us introducing most of the delegates coming to Idaho. Rachel then recorded us introducing ourselves similarly to theirs, and she posted the recording to Facebook for the Japanese to see.

Motion to adjourn was made by Maureen and seconded by Karen.

Comprehensive Plan. The Bonneville County Comprehensive Plan shall apply to the area of impact. The Comprehensive Plan maps of each jurisdiction were reviewed and found to be generally compatible with each other. Idaho Falls should make minor adjustments to its Comprehensive Plan map within the area of impact to be more consistent with Bonneville County's Comprehensive Plan, as outlined below. Future amendments to the City of Idaho Falls and Bonneville County Comprehensive Plan, within the area of impact, should be coordinated between Bonneville County and the City of Idaho Falls, where possible.

Recommended changes to the Idaho Falls Comprehensive Plan map:

1. Idaho Falls should amend its Comprehensive Plan to reduce the size of the plan area to more closely match the boundaries of the area of impact.
2. Idaho Falls should amend its Comprehensive Plan in the area along Lincoln Road, generally between 15th East and 25th East to match the Bonneville County's designation.
3. Idaho Falls should amend its Comprehensive Plan in the area south of Sunnyside, west of the Carriage Gate Subdivision to match the County's "industrial" designation.
4. Idaho Falls should add a commercial node to their Comprehensive Plan map at the intersection of 65th South and 15th East.

Zoning Ordinance. Bonneville County should amend its Zoning Ordinance, within the area of impact, to be compatible with Idaho Falls Comprehensive Zoning Ordinance, as outlined below. The amended Zoning ordinance of Bonneville County shall apply to the area of impact.

Recommended changes to the Bonneville County Zoning Ordinance:

1. Add a minimum landscaping requirement of 20% of the total lot area as is done in the County's C-2 Zone within the C-1, HC-1, P-B, I&M-1 Zones.
2. Remove hatcheries as an allowed use within the C-2 Zone.

Subdivision Ordinance. The Bonneville County Subdivision Ordinance shall apply to the area of impact. The Idaho Falls and Bonneville County Public Works Departments should review and compare City and County infrastructure standards and determine whether amendments are necessary to make the County standards compatible with City standards within the area of impact.

Development Agreements. Bonneville County should enter into development agreements with owners, tenants, and developers of property located within the area of impact. The purpose of these development agreements should be to address the implementation of standards for development in the area of impact, as agreed to by Bonneville County and the City of Idaho Falls. Development agreements for properties requesting a utility service from the City of Idaho Falls should include language requiring the property to be annexed upon the property becoming contiguous to the City's corporate limits.

Annexations. City of Idaho Falls should adopt a written annexation policy as part of the area of city impact agreement. Annexations to the City of Idaho Falls shall be in accordance with Idaho Code. When land is proposed for rezoning in the area of impact and such land is eligible for annexation per

State Code, Section 50-222(i.e. is contiguous to city limits), Bonneville County should not approve requests for rezoning unless the applicant has filed a request for annexation and initial zoning, of a similar zone, to the City of Idaho Falls and the City has denied the request.

Utility Extensions. In its sole discretion, the City of Idaho Falls may offer to provide utilities to properties within the area of impact. If such service is requested, the cost to extend and connect to such utilities shall be borne entirely by the applicant, developer, or recipient of the services unless otherwise agreed. The City should provide for a cost recovery program to reimburse the developer for installing new infrastructure that will be used by other future developments. As a prerequisite for service, any recipient of City utilities in the area of impact shall enter into a development agreement requiring the property to be annexed immediately upon the property becoming contiguous to the City's corporate limits. Electric utilities may be provided pursuant to agreements with Rocky Mountain Power and Idaho Code.

Existing Developments. When developments approved by Bonneville County, (including phased development), are annexed into the City of Idaho Falls, prior to completion of all of the phases, they may continue to develop remaining phases according to the standards established at the time of approval. If City of Idaho Falls utilities are requested, the City may require any necessary upgrades to utility infrastructure in order to meet City standards. Tax supported infrastructure shall be grandfathered upon annexation.

Administration and Enforcement. Bonneville County shall be responsible for administration and enforcement this agreement. Final decision making authority in the area of impact shall be retained by Bonneville County.

The Bonneville County Planning and Zoning Commission shall act as the Planning and Zoning Commission for unincorporated areas within the area of impact. The Bonneville County Commissioners shall appoint one resident of the City or its impact area as a representative to the Bonneville County Planning and Zoning Commission. The City Council may submit nominations for the Bonneville County Planning and Zoning Commission to the Chair of the Board of County Commissioners.

At least twenty (20) days prior to the Bonneville County Commission or Planning and Zoning Commission taking action on an applications for rezones, conditional use permits, comprehensive plan changes, and subdivision plats, the Zoning Administrator of Bonneville County should submit those application materials to the City Community Development Services Department for review and comment.

City Review. For any development which includes utilities that will be connected to the City of Idaho Falls utilities, Bonneville County shall forward all improvement drawings, development agreements, and final plats to the City of Idaho Falls for review and comment on those items that will be connected to City of Idaho Falls utilities or maintained by the City. The City of Idaho Falls will return comments to Bonneville County within fifteen (15) days of receipt. Bonneville County shall forward City of Idaho Falls comments to the applicant for corrections. If the City of Idaho Falls comments and corrections regarding utility infrastructure and connections are not made and enforced by Bonneville County and infrastructure is not built

and inspected to City approved standards, the City of Idaho Falls may reject acceptance of the infrastructure improvements and not provide utility service to the development. Bonneville County shall allow the City to inspect any of the installed infrastructure for compliance.

Renegotiation. Renegotiation shall follow the procedures outlined in Idaho Code Section 67-6526.

Periodic Review. Bonneville County and the City of Idaho Falls Planning and Zoning Commissions should meet at least annually and on an "as needed basis" to review growth and development within the area of impact, the City of Idaho Falls, and Bonneville County. At such meetings the Planning and Zoning Commissions may recommend that Bonneville County and the City of Idaho Falls revise part or all of the area of impact agreement or to not revise the agreement. If it is determined by the two Planning Commissions that only minor changes are needed and are jointly agreed to by the two Planning Commissions then a simple hearing schedule process may be used to make those changes (rather than implementing the full renegotiation process).

Severability. The provisions of this ordinance are severable. In the event, any provision hereof is determined to be unenforceable or invalid, such determination shall not affect the validity of the remaining provisions.

Effective Date. This ordinance shall be in full force and effect from and after its execution by both the City and County and passage and publication as required by law.



MEMORANDUM

TO: City Council

FROM: Mayor Rebecca Casper

DATE: September 8, 2017

RE: Proposed real estate
land transfer with
Bonneville County

Attached please find a report from Councilman David Smith which provides background and insight with respect to the many issues surrounding the proposed real estate land transfer with Bonneville County.

As you will recall, Councilman Smith was assigned to represent the Council in this matter. In preparation for the scheduled discussion in the City Council Work Session on Monday September 11th, I recommend review of the report. I wish to extend my thanks to Councilman Smith for this thorough report which will ensure a well-rounded discussion.

Report to the Mayor and City Council

City/County Property Exchange

Fair Grounds/Dispatch Building

Purpose

The purpose of this report is to provide the information necessary for the Mayor and City Council to make an informed decision regarding whether to exchange the building owned by the City of Idaho Falls, occupied by the 911/Dispatch center (Dispatch) with the Fairgrounds property owned by Bonneville County.

The potential exchange would accommodate a new location for the construction of The William J. Maeck Education Center. According to the terms of the donation for the construction of the Education Center, construction must be substantially commenced before June 1, 2018 and substantially completed by October 1, 2020. The Donation Agreement specifies the exact location for the construction, but allows for the selection of an alternative location.

On the surface, the exchange seems logical and beneficial to both parties. However, there are multiple City Departments that have identified complications regarding the exchange of the Dispatch. It should be noted that the concerns expressed regarding the exchange are not based on personal agendas or from government bodies inability to work together as someone may have suggested, but on real, long term costs.

Sources of Information

Discussions with:

- Bonneville County Commissioner Bryon Reed
- Bonneville County Sherriff Paul Wilde
- Idaho Falls Police Chief Mark McBride
- Idaho Falls Police Chief Bryce Johnson
- Idaho Falls Fire Chief Dave Hanneman
- Idaho Falls City Attorney Randy Fife
- Director of Idaho Falls Power, Jackie Flowers

Documents:

- Idaho State Statues
- Memorandum of Directors meeting
- Lease Agreement of Dispatch dated October 29, 2012
- MOU Zoo Education Center Donation
- Law Enforcement Building Agreement Memo

Exchange

An exchange is essentially a purchase, made by two or more entities whereby property ownership is traded, with or without additional cash (Boot) changing hands. Properties of equal value can simply be exchanged, and properties of unequal value require some other form of boot, or cash to equalize the values traded.

Properties

Dispatch

The Dispatch building is a former fire station. The Dispatch houses the 911 emergency call center, and the dispatch employees. In a simplistic view, an incoming call is a 911 emergency function, while an outgoing call assigning the appropriate first response, is a Dispatch function.

The Dispatch building is leased to the County as the 911 emergency response center for \$2,515.44 per month. The current 20 year lease was signed October 8, 2012 and contains an option to renew for an additional 10 years. There is a five year inflation adjustment to the monthly lease payment (and each five year anniversary). The City is responsible for exterior maintenance and the County is responsible for the interior maintenance and utilities. At the end of the lease, all additions to the premises become property of the City, except for furniture and fixtures that are not permanently attached.

The Dispatch houses a fiber hub belonging to Idaho Falls Power and a utility meter receiver is attached to the antennae. I received two different explanations for the location of the Fiber Hub. One was the County requested access to fiber for faster speed than the T1 line that existed. The other is the City asked for the space to house the hub. I also received two different explanations for the space in an electronics rack used by the hub. First, the City owned a rack that was in place, and that rack was removed and consolidated to save floor space. The other explanation, only one rack was ever there.

The hub and associated equipment could be relocated to another City owned property (Recreation Center) at a cost. The meter reading receiver can be relocated if permission can be obtained from the FAA. Both would take time. Currently, the plan is to move the receiver to another space on the same antennae and then test to see if it causes any interference. I am not aware that the receiver has ever caused any interference, even in the existing location.

The dispatch employees (23) are employees of the Idaho Falls Police department. The 911 Center manager is an employee of the County, paid out of 911 funds. The County has also placed IT personnel in the building that are paid from County funds, but the space the County IT employees occupy is paid for out of 911 funds (included in the lease).

The expenses of the 911 Emergency Center are paid by a tax on phone lines and cell phones. The County administers these funds and does not own the 911 system. The City pays the expense of the Dispatch function from City taxpayer general funds (Police Department budget). The County taxpayers do not have any actual cost for either the 911 Emergency Center or Dispatch. Ammon, Iona, and Ucon contribute towards the Dispatch based on contracts with the City. Other incorporated cities in Bonneville County, ambulance dispatch calls outside of the County or fire districts do not share the cost of dispatch. The City budget for dispatch is \$1,300,000 annually, Ammon pays \$118,068, Iona pays \$9,122, and Ucon pays \$3,600.

Approximately \$250,000 of 911 tax funds were originally spent to remodel the Dispatch Center. In return, the City charges a below market lease rate for the 911 Emergency Center. Recently the Police Department paid \$300,000 and the Fire Department paid \$100,000 towards the purchase of new 911 software (New World ERP from Tyler Technologies). The County presumably disbursed matching funds from the 911 funds. The City share of the annual maintenance for the software is \$31,000. New World provides a mapping system for first responders, but the Police Officers use Google maps instead, because it works better.

Fairgrounds

The Fairgrounds includes a heated building used for 4H indoor displays and other events (the Hamilton Building) three livestock barns (sheds), and a heated, but uninsulated sales building. The Fairgrounds are contiguous to the Idaho Falls Zoo, separated by a road that the Tautphaus Park Master Plan designates to be abandoned.

Access to the Fairgrounds would allow the Zoo to be open more months per year, thereby spreading fixed costs over more time and customers. However, the Fairground property will require additional funds to actually place the buildings in use. Meaning the Zoo will be requesting budgeted funds for remodeling in the near future. Obtaining the Fairgrounds for the Zoo could be a very desirable addition to the Zoo, but exchanging the Dispatch could include an ongoing annual cost to the City.

Appraisals

Actual third party appraisals have not been prepared (or ordered) at this time.

Commissioner Reed requested that two county real estate appraisers (county employees) appraise the properties. Two different appraisers concluded two different values for the Fairgrounds, with a substantial difference in value. Commissioner Reed proposed a value of \$750,000 for the Fairgrounds, less the appraised value of the barns (due to the condition) for a net value of \$550,000. The County appraiser valued the Dispatch at \$525,000 to \$575,000. If these value are acceptable to both parties, an even trade may be possible.

Due to the large disparity in the two Fairground appraisals, Commissioner Reed and I felt a third party, independent appraisal of the properties should be made. We also agreed, that since the properties are owned by different taxpayers, a third party appraisal should be done anyway

We agreed the MAI Appraiser, Brent Thompson would be the appraiser of choice for an appraisal. Mr. Thompson indicates if the appraisal is ordered right away, it would be sometime in December before it is complete.

If the Commissioners and the Council agreed on the value of \$550,000 for both properties, the properties could legally be exchanged without waiting until December for an appraisal.

Background

History

In 1977 the City dispatch was located in the “Old” City building. The County had their own dispatch in the County building. Both entities also had separate jails. In a spirit of cooperation, the City elected to “get out of the Jail business” and an agreement was made to construct the Law Enforcement Building (LEB). The LEB was constructed by the City and County to jointly provide law enforcement.

The County paid \$887,737 by obtaining a Federal grant of \$889,880. The County taxpayers did not actually expend tax dollars for the construction of the LEB. The City taxpayers paid \$320,000 but there is no record of how the County expended the City’s contribution towards the LEB.

The jails and dispatch were moved to the LEB. The county paid for the operation of the jails, and the City paid for the dispatch. Both radio frequencies were used, one as primary, and the other as a secondary. Fire had its own radio frequency.

After the construction of the LEB, lawsuits began across the nation targeting jail conditions. The Bonneville County jail was targeted by a lawsuit for over-crowding. The lawsuits prompted the construction of a new, larger jail. At about the same time, the enhanced 911 systems were developed (emergency calls that provided the caller location).

The combined 911/dispatch center was moved to the old fire station on Skyline Drive, making additional space available in the LEB for the City “muster” room. A vote was passed by the electorate to designate the County as the administrator of the enhanced County-wide 911 system. The Idaho statute specifies what expenses can be paid from the 911 funds. Emergency Center expenses are covered, dispatch expenses are not, and cannot be paid from the 911 tax.

The 911 emergency funds can be administered by a City, County, or a special taxing district. It does take a vote of the electorate to set up the taxing authority. Although entities smaller than a County can administer the funds, I believe that a reading of the law indicates the intent is to have the taxing district cover as much ground as possible. Meaning Cities can do it, but if the system can be provided county-wide, then the County should administer the tax. The next evolution will most likely be regional emergency centers rather than County based.

When the dispatch center was moved to Skyline drive, the County would collect and administer the 911 funds, rent the space from the City to house the 911 system (at a lower than market rate) and the City would pay the expense of dispatch. The County would continue to provide for the cost of the jail. The County is required under State law to provide the law enforcement for state offenses. Violations of City ordinances are the responsibility of the City; however, an arrest for breaking an ordinance usually does not happen, except for DUI and domestic disturbances. Even these may be State violations. In other words the County is required by law to enforce state laws, which is most of the arrests in the County, but percentage wise, the bulk of the arrests are made by Idaho Falls officers within Idaho Falls.

To summarize: The City pays for dispatch, the 911 funds pay for the 911 Emergency Center, and the County pays for the jails.

As I previously stated, I believe this arrangement was made in the spirit of cooperation to provide efficient and effective law enforcement.

A single operator of both the 911 Emergency Center and the Dispatch would probably be more efficient. However, City Department directors feel that the ownership of the building and the lease are the only bargaining chips available to obtain proper service from the 911 Center. As far as turning the function of dispatch over to the County, one Director stated “I would need a very compelling reason to give up dispatch”.

Issues

Numerous issues have been expressed by Department Directors regarding the transfer of ownership of the Dispatch Center. The most important issues deal with the control of the Dispatch employees. Control refers to the hiring, training, staffing, management, and compensation.

There are other issues of non-performance from the existing 911 software system, such as dispatching the wrong equipment, or equipment from the wrong location. Emergency Center staff have indicated that these problems may be solved with the next update in October, which is unacceptable. The ability for the City to make changes to the system was removed when access codes to the software were changed.

Since the City is not the “owner” of the software (license), the software vendor cannot be approached directly. Any problems with programming have to go through the 911 Emergency Center staff, which has been slow to respond to, at best.

The relationship between the Emergency Center Management Advisory Board (made up of the Sherriff, Police Department, Fire Department, Information Technology, and in the past the City of Ammon) and the County Commissioners has been supplanted by Emergency Center staff. This action prevents the flow of information from the users of the system to the Commissioners that administer the 911 funds.

It is not enough to just answer the phone when an emergency call is received. It also takes efficient, accurate, and appropriate dispatch. The current arrangement has not provided sufficient performance.

Recently, Fire Chief Hanneman met with Emergency Center staff, Commissioner Christensen, and IT staff to discuss some of these issues. Chief Hanneman has indicated that after the meeting, he felt the issues were addressed, and might be resolved to his satisfaction.

However, prior experience indicates there are problems associated with two entities managing a coordinated service.

Issues, or concerns of Department Directors, will continue whether the Dispatch is exchanged with the Fairgrounds, or not. If a single entity assumes control of the entire 911/dispatch functions, then the issues would most likely be resolved.

Alternatives

Alternative #1 – No change to dispatch or 911. The City continues providing dispatch services and the 911 Center pays rent for the occupied space. The City could purchase the Fairgrounds from the County

at the FMV appraised price, or at an agreed price. The law enforcement/dispatch issues still exist and the entire purchase cost in cash may not be palatable to the Council.

Alternative #2 – The Dispatch building is exchanged for the Fairgrounds, plus whatever cash would be necessary to equalize the values. The City would then pay the County rent for the Dispatch Center, unless the County agreed otherwise. This alternative saddles the City (Police Department) for additional annual (continuing) cost of providing the Dispatch function, and does not solve the law enforcement/dispatch issues.

Alternative #3 – The Dispatch building is exchanged for the Fairgrounds, plus whatever cash would be necessary to equalize the values, and the County assumes the function of dispatch. The City would then enter into a performance based contract with the County for the dispatch services. This alternative removes control from the City of how Dispatch is staffed, trained, and compensated. The only method of making changes in Dispatch is to enforce or modify a contract. However, Department Directors prefer this alternative over #2 because of the existence of an enforceable performance contract. This alternative may not be possible if the increased costs to the County exceed the ability to increase the budget enough to cover the cost (3% cap on budget increases).

Alternative #4 – The Dispatch building is exchanged for the Fairgrounds, plus whatever cash would be necessary to equalize the values, and the City assumes the 911 administrative function. The City would then enter into performance based contracts with the County, cities within the County, and the fire districts. This alternative would require a vote of the electorate to change the administrator of the 911 funds. County taxpayers would probably not vote for this alternative.

Next step

Whether the Fairgrounds are exchanged with Dispatch or not, the Fairgrounds property will need to be appraised if the City purchases the property, which will take until December sometime. According to the City Finance Department, to record the sale or exchange of the Fairgrounds property, the Government Accounting Standards Board rules require an appraisal.

The law enforcement/dispatch issues need to be discussed, and negotiated, in a manner that continues to provide a joint arrangement between the Cities (plural) and the County. All areas need to be considered, not just dispatch. The City/County agreements for the Law Enforcement Building, the operation of the jail, the shared software and equipment costs, Court costs, records, dispatch, emergency response, ambulance, search and rescue, and fire services all need to be considered as a whole to develop collaborative law enforcement and fair cost allocations. Evaluating just one agreement without considering the entire picture will produce misleading conclusions. All these agreements evolved over time, and are interrelated and dependent upon each other. Therefore, if the exchange occurs, or if the City purchases the property, the transaction should be considered without attempting to resolve other law enforcement issues. Those issues will require a more comprehensive study.

If the Council and the Commission are in agreement that an exchange of the properties is in the best interest of both entities, a memorandum of understanding, or a contract for exchange could be written based upon the appraised values, yet to be determined. Or, the exchange could take place now at the

agreed upon values. Basing an exchange, or purchase, on the agreed values does present a risk that the appraised value would be different than the agreed value (Farr Candy property).

I have been informed that the preferred location for the William J. Maeck Education Center on the Fairgrounds property does not conflict with the needs of the next 4-H fair. Therefore, a MOU at an appraised price or a contract for purchase or exchange would not be a problem for the County/4-H, as long as any agreement provides the 4-H program access until September 1, 2018 and the City can substantially begin construction before June 1, 2018 with completion prior to October 1, 2020. In other words, the construction will need to begin, but the City and the 4-H program will need to work together in the use, and access of the property. This needs to be spelled out in any agreement.

Executive Summary

If an exchange is in the best interest of both governments, a memorandum of understanding could be written now, for an exchange based on yet to be determined appraised values. Exchanged property will need to be appraised under GASB rules, and will take until December to complete. A MOU could allow the City to proceed with construction planning for the William J. Maeck Education Center.

Or, a contract of exchange can be written now based on agreed values, but the appraised value will be different than the agreed value. (I would not be in favor of this approach.) If the Dispatch is not deemed "surplus property" then the use of agreed values may not be possible.

The City could also purchase the Fairgrounds property at the appraised value, yet to be determined. If a purchase is made at an agreed value, the Fairgrounds property will still need to be appraised under GASB rules. This approach allows the City to retain the ownership in the Dispatch Center and then reconsidered when future City/County law enforcement agreements are evaluated.

For any of the above transfers, the City/County law enforcement agreements need to be considered, evaluated, and negotiated separate from the Fairgrounds agreement.

RESOLUTION NO. 2017- _____

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MEMORALIZING CITY POLICY BY GRANTING THE MAYOR SPECIAL AUTHORITY TO EXECUTE CONTRACTS NOT TO EXCEED \$25,000 TO FURTHER THE INTERESTS OF THE CITY; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City authorizes and approves the City budget annually; and

WHEREAS, the City budget includes funding for various City projects; and

WHEREAS, in order to complete the goals of the City, minor contracts (those valued under twenty-five thousand dollars (\$100,000)) may be required to provide outside services necessary to accomplish certain aspirations of the City; and

WHEREAS, timely execution of such minor contracts is necessary for the efficient accomplishment of said aspirations; and

WHEREAS, authorizing the Mayor to enter into such contracts, where budgeted or related to City projects or initiatives, will promote efficiency and timeliness.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

1. The Mayor is granted specific authority to negotiate and to execute contracts that do not exceed one hundred thousand dollars (\$100,000) where such contracts are budgeted and are recommended by the appropriate Division Director(s).
2. Prior to execution, minor contracts will be reviewed by the City Attorney.

This Resolution shall be in full force and effect from and after its passage by the Council.

ADOPTED and effective this _____ day of February, 2015.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Rosemarie Anderson, City Clerk

State Statutes specify that the Governing Board determines the threshold of when the procurement is to be approved by the Governing Board.

State Statute 54-1903 Professions, Vocations and Businesses – EXEMPTIONS – last changed in 2005

- Old:
Requires an Idaho Public Works licensed contractor at \$10,000 and above
- New:
Requires an Idaho Public Works licensed contractor at \$50,000 and above

State Statute 54-1926 Professions, Vocations and Businesses – PERFORMANCE AND PAYMENT BONDS... - last changed in 2005

- Old:
Before any public works contract is awarded, payment and performance bonds are required.
- New:
Before any public works contract that is equal or greater than \$50,000, payment and performance bonds are required.

State Statute 67-2803 State Government and State Affairs – EXCLUSIONS for Procuring Goods and Services – last changed in 2016

- Old:
 - Contracts or purchases less than \$25,000;
 - Procurement of used personal property by irrigation districts, drainage districts and their boards of control;
 - Procurement from GSA schedules
 - New:
 - Contracts or purchases less than \$50,000;
 - Procurement of used personal property;
 - Procurement from GSA and MAS schedules;
- Added:*
- Procurement of travel and training;
 - Procurement of goods and services from Idaho correctional industries;
 - Procurement of repair for heavy equipment;
 - Procurement of software maintenance, support and licenses of an existing system or platform that was bid in compliance with state law;
 - Procurement of public utilities;
 - Procurement of food for use in jails or detention facilities; or
 - Procurement of used equipment at an auction if authorized by the governing board.

State Statute 67-2805 State Government and State Affairs – PROCUREMENT OF PUBLIC WORKS CONSTRUCTION – last changed in 2005

- Old:
 - \$25,000 - \$100,000 – Solicitations for bids/quotes. Must be sent to a minimum of three licensed contractors.
 - \$100,000 and greater – Competitive bidding procedures required
- New:
 - \$50,000 - \$200,000 – Solicitations for bids/quotes. Must be sent to a minimum of three licensed contractors.
 - \$200,000 and greater – Competitive bidding procedures required.

Current Policy/Procedures: Public Works follows the Code for the bid process. All projects/contracts \$25,000 and higher are approved by City Council. - Public Works would like this threshold increased to \$50,000.

State Statute 67-2806 State Government and State Affairs – PROCUREING SERVICES OR PERSONAL PROPERTY – last changed in 2005

- Old:
 - Purchases other than exclusions: \$25,000 - \$50,000 – Solicitations for bids/quotes. Must be sent to a minimum of three vendors. Awarded to lowest responsive responsible bidder.
 - Purchases other than exclusions: \$50,000 and greater – Competitive bidding procedures required. Awarded to lowest responsive responsible bidder.
- New:
 - Purchases other than exclusions: \$50,000 - \$100,000 – Solicitations for bids/quotes. Must be sent to a minimum of three vendors. Awarded to lowest responsive responsible bidder.
 - Purchases other than exclusions: \$100,000 and greater – Competitive bidding procedures required. Awarded to lowest responsive responsible bidder.

Current Policy/Procedures: Purchases over the \$50,000 threshold the City Council approves or rejects.

State Statute 67-2806A State Government and State Affairs – REQUEST FOR PROPOSAL

New section to statutes to allow as an alternative to the competitive bidding process.

Used in the event:

- Fixed specifications might preclude the discovery of a cost-effective solution
- A specific problem is amenable to several solutions
- Price is not the sole determining factor rather than scored on selection criteria

ORDINANCE NO. 2017-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 3, TO ALLOW THE SALE OF BEER ON CHRISTMAS DAY; AND AMENDING TITLE 4, CHAPTER 4, TO ALLOW THE SALE OF WINE ON CHRISTMAS DAY; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the State Code does not prohibit sales of beer or wine on Christmas Day; and

WHEREAS, the Idaho Falls City Code currently prohibits the sale of beer and wine on Christmas within City limits; and

WHEREAS, the City wishes to be consistent in its administration of alcohol related-codes by the County and State; and

WHEREAS, the Council believes that the allowing for the sale of beer and wine on Christmas Day will not adversely affect the population or the City's ability to enforce current alcohol related-codes.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, AS FOLLOWS:

SECTION 1. Chapter 3 of Title 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

4-3-14: HOURS OF SALE - RETAIL SALES: It shall be unlawful for any person in any place licensed to sell beer for consumption off the premises, to sell or dispense beer or to permit the consumption of beer on the premises between the following hours:

_____~~(A) 1:00 2:00~~ a.m. and 7:00 a.m. of any day;~~and~~

_____~~(B) 1:00 a.m. Christmas Day and 7:00 a.m. of the day following such holiday.~~

4-3-15: HOURS OF SALE - BY THE DRINK:

(A) It shall be unlawful for any person in any place licensed to sell beer for consumption on the premises, whether for pleasure or profit, to sell, offer to sell or dispense beer for consumption on the premises or to permit the consumption of beer on the premises ~~between the following hours:~~

_____~~(1) 1:00 2:00~~ a.m. and 7:00 a.m. of any day;~~and~~

_____~~(2) 1:00 a.m. on Christmas and 7:00 a.m. of the day following such holidays.~~

...

SECTION 2. Chapter 4 of Title 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

4-4-13: **HOURS OF SALE - RETAIL SALES:** It shall be unlawful for any person in any place licensed to sell wine for consumption off the premises, to sell or dispense wine or to permit the consumption of wine on the premises between ~~the following hours:~~

~~_____ (A) 1:00 2:00 a.m. and 7:00 a.m. of any day; and~~

~~_____ (B) 1:00 a.m. on Christmas Day and 7:00 a.m. of the day following such holiday.~~

4-4-14: **HOURS OF SALE - BY THE DRINK:**

(A) It shall be unlawful for any person in any place licensed to sell wine for consumption on the premises, whether for pleasure or profit, to sell, offer to sell or dispense wine for consumption on the premises or to permit the consumption of wine on the premises between ~~the following hours:~~

~~_____ (1) 1:00 2:00 a.m. and 7:00 a.m. of any day;~~

~~_____ (2) 1:00 a.m. on Christmas and 7:00 a.m. of the day following such holidays.~~

...

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance. The remaining Sections of Title 4, Chapter 3 and Chapter 4, shall be in full force and effect.

SECTION 4. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this ____ day of _____, 2017.

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO
HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance
entitled: "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A
MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING
TITLE 4, CHAPTER 3, TO ALLOW THE SALE OF BEER ON CHRISTMAS
DAY; AND AMENDING TITLE 4, CHAPTER 4, TO ALLOW THE SALE OF
WINE ON CHRISTMAS DAY; AND PROVIDING SEVERABILITY,
CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING
EFFECTIVE DATE."

Kathy Hampton, City Clerk

(SEAL)