

**May 18, 2020**

The City Council of the City of Idaho Falls met in Council Work Session, Monday, May 18, 2020, 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  
Councilmember Michelle Ziel-Dingman (by WebEx)  
Councilmember John Radford (joined by WebEx at 3:20 p.m.)  
Councilmember Thomas Hally  
Councilmember Jim Freeman (by WebEx)  
Councilmember Jim Francis (by WebEx)  
Councilmember Shelly Smede

Also present:

Pamela Alexander, Municipal Services Director  
Ed Morgan, Civic Center for the Performing Arts Manager  
Duane Nelson, Fire Chief (by WebEx)  
Dana Briggs, Economic Development Coordinator  
Bryce Johnson, Police Chief (by WebEx)  
Bill Squires, Police Captain (by WebEx)  
Chris Fredericksen, Public Works Director (by WebEx)  
David Richards, Water Superintendent (by WebEx)  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with the following items:

**Acceptance and/or Receipt of Minutes:**

There were no minutes to receive.

**Calendars, Announcements and Reports**

Mayor Casper announced the Human Resources item listed on the agenda will not be addressed at this time, this item was listed in error.

May 20, Bonneville Metropolitan Planning Organization (BMPO); Idaho Falls Luncheon presentation; and, Civic Center for the Performing Arts Committee Meeting

May 21, City Council Meeting

May 23-25, Memorial Day weekend including the traditional Field of Honor display at Freeman Park (will be held in a slightly different format due to the Coronavirus)

Mayor Casper stated a series of graduations will be occurring at the Motor-Vu Drive-in Theatre. Councilmember Smede briefly reviewed the schedule for the graduations. Mayor Casper stated community requests are being received for July 4 events (these events will be dependent upon the ideas and needed resources); Director budgets are being developed during the month of May (these discussions will be based on what's best for the community); and, an officer with the Bonneville County Sheriff's Office (BCSO) was killed during a response call on May 18. Chief Johnson has extended an offer for any services needed from the Idaho Falls Police Department (IFPD) to the BCSO.

**Coronavirus (COVID-19) Update:**

Mayor Casper stated 25-30 new cases have been reported for the State each day in the previous few days, which is a slight up-tick. She believes the wearing of masks makes the situation better. She indicated no changes are expected within the week regarding the Stay Healthy Order. She indicated the Rebound Idaho cash grants, which began being administered on May 11, have been taken from a \$300M fund from the State from the Coronavirus Aid, Relief and

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Economic Security (CARES) Act. 2,600 applications were received for these grants. Self-employed individuals can begin applying for grants, in the amount of \$7,500, beginning May 27. Chief Nelson stated three (3) cases have been reported over the course of the previous weekend in Bonneville County. Ms. Briggs believes the Eastern Idaho Public Health (EIPH) weekly calls are continuing.

Liaison Reports and Council Concerns:

Councilmember Dingman stated the Airport continues with their COVID measures and any passengers flying into Idaho Falls are doing so safely. Mayor Casper noted the air fares are currently very low.

Councilmember Francis had no items to report.

Councilmember Freeman had no items to report.

Councilmember Radford had no items to report.

Councilmember Hally stated the Association of Idaho Cities (AIC) has distributed the budget manuals.

Councilmember Smede had no items to report.

Community Partnership Grant Discussion:

Mayor Casper stated this program has been allocated \$130,000 in the previous years. She questioned if the program should be offered during this scarce time. She indicated if the program works as is intended, these funds can help a small organization improve the community in a way that the City could not do by itself, however, the City is trying to save money. Mayor Casper stated this program is typically presented at this time of year in order to make the funds available at the new Fiscal Year (FY) on October 1. She also stated the program dates could be altered pending any budget decision. Ms. Briggs reiterated \$130,000 has been allocated for the previous three (3) years. She believes a lesser amount may not be worth staff time and resources to conduct the program. She noted there is an excess of \$130,000 in requests each year. She reviewed the requested amounts for the previous four (4) years, stating an average of 20-30 organizations apply for these grants each year. She realizes this program may put constraints on the City budget although she also realizes there may be an increased need in this particular year. Ms. Briggs stated program application refinements are occurring each year. Possible changes being implemented in the current year include decreasing the cap of \$35,000 per organization to \$15,000. Ms. Briggs questioned if the Council desires this program to move forward. Councilmember Radford believes many organizations are currently struggling. This money may make or break some organizations. Councilmember Francis believes many organizations may not be receiving an income on a regular basis. He prefers to tentatively move forward. He is also in favor of reducing the cap amount and delaying the application time. Councilmember Freeman concurs with the cap reduction and delaying the application time. He believes this is money well spent and the need is greater now than has ever been. Councilmember Hally believes this is a good investment for the City. He concurs to delay and he believes the program should continue. To the request of Mayor Casper, Ms. Briggs reviewed organizations that have previously received funding including the Idaho Falls Arts Council, the Idaho Falls Downtown Development Corporation (IFDDC), the Museum of Idaho, the symphony, the Humanitarian Center, Habitat for Humanity, the Senior Citizens Center, and, the Snake River Animal Shelter. Councilmember Dingman stated she supports the program to continue as this may be a difficult year to eliminate it. She also stated she is interested in program changes and she is in favor of delaying the timeframe. Councilmember Smede believes this may not be the best year to give money away. She also believes individuals in Idaho Falls are doing a lot of giving and supporting. Ms. Briggs reviewed the timeline of the program. She believes delaying the program would be okay. Mayor Casper recommended delaying the timeline of the program as this would not pre-commit budget dollars. Ms. Briggs stated she will move forward with a delayed process pending any changes of the budget discussion of \$130,000. She will also inform the Council of any changes to the application.

Child Care Licensing Discussion:

Captain Squires stated the proposed ordinance amendment will break down the requirements that did not give allowances to those who have committed a crime with an adequate timeframe. The break down is by the severity of the crime into three (3) tiers. The first tier would never allow a license (crimes including rape, homicide, child molestation), the second tier would allow a 10-year timeframe (crimes including serious felonies such as domestic violence, battery, burglary, robbery), and, the third tier would allow a 5-year timeframe (less serious offenses such as drug possession, misdemeanor battery, misdemeanor assault). Captain Squires stated this would allow to error on the side of child safety and the ability to scrutinize these individuals. Councilmember Francis stated, per follow-up

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discussions, the proposed ordinance has been adjusted versus the ordinance that was included in the packet. Mr. Kirkham stated the proposed ordinance amendments reflect changes that occurred in the State legislature that amended the State licensing requirements, including changing the term of a license from two (2) to five (5) years. To the response of Mayor Casper, Captain Squires stated fingerprint background requirements are set by the State. Councilmember Smede stated she would like the fingerprint background to be a one-time occurrence. Mayor Casper stated she will pursue this issue with the State. Councilmember Francis stated several proposed changes would make the City ordinance more strict than State. Mr. Kirkham stated the State requirements have two (2) levels of crimes and this proposal, in most cases, will double the amount of time for ineligibility of a child care license. He also stated the temporary time restrictions for a license cannot be tied to a desire to punish the person for criminal behavior, it must be tied to a rational reason per the ordinance. He believes the ordinance is for the protection of children. Councilmember Radford questioned the need for this ordinance as he believes the State is doing an adequate job of protecting children. He also believes this is onerous on City businesses. Councilmember Hally believes day care is a competitive enterprise which has a financial impact. He also believes this is the State's responsibility. He is in favor of eliminating the ordinance. Councilmember Smede stated she does not want the City to be more lax than the State, however, she believes the waiting period for a City license is too lengthy for quality individuals. She is in favor of eliminating the ordinance. Mr. Kirkham stated a background check is also required for facilities outside of the City and he does not believe, per the criticism received, there is a long wait time for a City license. He noted the City previously issued a temporary license although this was discontinued per the Attorney General. He also clarified the City cannot have an ordinance that is more lax than what the State would require. To the response of Mayor Casper, Councilmembers Freeman and Dingman requested a comparison of State requirements versus City requirements. Mr. Kirkham stated there are three (3) primary differences with the State and City regulations: 1 – the City licenses individual workers, the State does not. He believes this created a method of enforcement for a background check at a facility. The State only checks for background checks at a facility when the facility is relicensing every five (5) years. This was an unsatisfactory approach to the City. 2 – the City requires green space for larger facilities, the State has no green space requirements. 3 – the City licensing had additional crimes that could make an applicant ineligible. Mr. Kirkham reviewed these crimes with general comments throughout including crimes against nature, felony domestic violence, felony drug-related possession offense (Captain Squires does not believe a drug offense should be a life-time ban), and voluntary/involuntary patient (institutionalized patient). Mr. Kirkham also reviewed changes for a 10-year timeframe with general comments throughout including aggravated assault and aggravated battery. He noted the City regulates small in-home facilities, the State does not. Councilmember Dingman does not remember this item, when originally discussed, being data driven. She believes a more robust discussion may need to occur following the comparison the State and City ordinances. She also believes there is no reason for this ordinance if the State is regulating child care. Mr. Kirkham stated he would provide a comparison of the State and City ordinances. He believes the Code Enforcement officers, based on inspections, would encourage the Council to keep the City ordinance. Mr. Fife stated there are differences about the scope of the State and, the City regulates more than the State. He also stated there have been a number of appeals to the Council after staff determined those individuals did not qualify for a license. Due to the City ordinance language, Council is allowed to override staffs' decision. Mr. Fife believes the ordinance should give an idea of expected behavior with the rarity of Council to change those requirements. Following additional comments, there was consensus to place this item on the June 15 Council Work Session agenda.

Review of Water Tower Public Meeting and Commentary:

Director Fredericksen stated the Public Works Department has been working on public outreach for the previous year. He expressed his appreciation to Public Information Officer Kerry Hammon and the elected officials. Mr. Richards reviewed the Water Tower Recap including existing water tower deficiencies (base coat paint issues, seismic concerns, cracking foundations, deterioration of welds, corroding pipe, undersized to support future growth, spatial constraints, not compliant with current codes); additional water tower considerations (overall age and anticipated design life, cost to refurbish, establishes pressure benchmark for entire water system, provides reliable water in needed times, prevents contamination of water system); four (4) types of water towers (the composite tower was recommended due to the concrete pedestal and lower cost over the life cycle); siting analysis (six (6) preferred sites were reduced to three (3) feasible sites); renderings of the composite tower at the three (3) feasible sites; public outreach (public presentations, open houses, and, public comment period); and, media and social media outreach. Mr.

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Richards reviewed public comment results including total comments received; commenter residence; method of comment; and, site preference/comment. The site preference/comment, as well as staff recommendation, is for Site 1 at South Capital Park. Mr. Richards reviewed the construction schedule, which is currently in the conceptual design and permitting phase (April 2020 to January 2021). To the response of Mayor Casper, Director Fredericksen prefers Council review all public comments and submit any concerns/comments to him for future discussion. Mr. Richards reviewed the construction cost comparison stating new tower costs = \$6M and existing tower project costs = \$2M. It was noted this presentation is included on the City's website. General comments followed regarding the structure and the design of the new tower as well as using a smaller mimicked version of the existing tower at another location.

There being no further business, the meeting adjourned at 5:14 p.m.

s/ Kathy Hampton  
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CITY CLERK

s/ Rebecca L. Noah Casper  
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MAYOR