

June 15, 2020

The City Council of the City of Idaho Falls met in Council Work Session, Monday, June 15, 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 until 6:00 p.m.)
Councilmember John Radford (by WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman (by WebEx)
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

Chris Fredericksen, Public Works Director
Kelly Hoopes, Horrocks Engineers Deputy Project Manager
Karen Hiatt, Idaho Transportation Department (ITD) Engineering Manager
Ryan Day, ITD Project Manager
Bryce Johnson, Police Chief (by WebEx)
Bill Squires, Police Captain
Jeremy Galbreath, Police Captain
Joel Tisdale, Police Captain
Jessica Clements, Police Public Information Officer
Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Josh Roos, Treasurer
Ed Morgan, Civic Center for the Performing Arts Manager
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:02 p.m. with the following items:

Idaho Transportation Department (ITD) I15/US20 Project Update:

Director Fredericksen introduced ITD members. He then turned the presentation to Mr. Hoopes. Mr. Hoopes stated several level of alternatives have been reviewed and presented to the public. The alternatives were reduced to C, E1, E2, and H. Following a cost-risk analysis and value-engineering study these alternatives were then reduced to C, E, and H. The Level 3 screening occurred on March 11 and 12, during the beginning of the pandemic, with presentations planned for the public. The next community working group will be held on July 8, although the public involvement date is to be determined. The Planning Environmental Linkage (PEL) study will then be finalized in early fall. Mr. Hoopes reviewed the area map, which keeps the public informed of the project. He stated the many different types of interchanges are still at the planning level and any development will occur in the later stages. He briefly reviewed the purpose and need, the PEL process, and, the National Environmental Policy Act (NEPA) process (required for federal funding).

Mr. Hoopes reviewed the following alternatives:

Alternative C3 – most feasible and economical although this alternative is not recommended to move forward.

Alternative E3 – crossing moved north of Alternative C. Exit 119 moves north away from Grandview and introduces a new interchange.

Alternative H2 – moves to a connecting roadway of I15 and US20 with 49th in between.

Mr. Hoopes reviewed the schedule, currently in finalizing the PEL. He also reviewed the Level of Service and traffic concerns. He then presented projected simulations of traffic growth from present time to 2045 of a no-build model; Alternative E3; and, Alternate H (a split interchange movement). Mayor Casper questioned if projected traffic

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includes potential Idaho National Laboratory (INL) projects. Ms. Hiatt stated this conversation has been and will continue to occur. She noted the greater increase of traffic may occur on Broadway. She also stated the design should be completed in fall 2020 and will wait for additional funding. The project has been moved into funding year FY2022 although the project could be completed sooner dependent on funding. To the response of Councilmember Francis, Mr. Day stated the interim solutions would go away. Councilmember Freeman questioned land acquisition and personal property impact. Ms. Hiatt stated these are considered when determining alternatives. She noted large infrastructure projects will cause an impact which ITD will address. Director Fredericksen noted the traffic simulation models indicate the need. This will not address issues on Broadway as there are limited crossings for the river and railroads. Mr. Day noted additional river crossings will be needed. Mr. Hoopes encouraged individuals to stay up-to-date with the project with the ITD website information.

Part I. Idaho Falls Police Department (IFPD) Policies, Practices, and Procedures (Overview, 8 Can't Wait, and, Local Arrest Data):

Mayor Casper stated the nation is currently going through a variety of dialogue and she believes Councilmembers need to more-fully understand how the IFPD operates prior to questioning/requesting change. These conversations will occur in the next several City Council Work Sessions. She also noted data driven decisions have been one (1) of the three (3) City goals for several years.

Chief Johnson expressed his appreciation to the IFPD. He stated it is important to rely on founding principles, philosophies, and, documents to guide the decisions, understanding, and, reactions of the IFPD. The Mission, in partnership with the people of Idaho Falls, is to create an environment free from crime and the fear of crime. Chief Johnson stated the IFPD is united in a spirit of teamwork. He believes the IFPD is a group of professionals and he is proud to serve with this group. He stated the IFPD officers should be and are held accountable while providing a necessary environment to create healthy individuals. Chief Johnson stated the Core Values include honor, integrity, trust, and, excellence. He emphasized integrity - doing the right thing when no one else knows what you're doing and, he believes a bright light will be shown on the decision. He stated the Philosophy means the community and the police must work together to solve problems. He also stated this is the 125th year anniversary of IFPD. He believes attitudes and laws have been based on this anniversary and are a reflection of a greater community. He also believes there is no value in name-calling.

Chief Johnson reviewed the Calls for Service stating 2019 was a banner year for the IFPD: the crime rate decreased by approximately 7%; calls for service increased by approximately 4%; and, clearance rates (number of cases solved) increased by approximately 10%, including two (2) major cold cases (Angie Dodge and Stephanie Eldredge). Chief Johnson stated 81 officers are currently deployable. He realizes police issues are everywhere as the Bright Light Test. He believes the IFPD will stand tall in the Bright Light Test with great character although this also has an impact on law enforcement personnel. He also believes there needs to be a balance while realizing the candidate pool for law enforcement personnel has decreased. Chief Johnson stated per review of the policies, it was determined there were several gaps in the policy manual. Several items were not even understood since most items related to Salt Lake City (SLC) events. He believes the manual came from the SLC manual in the 1990's. The IFPD has since moved to Lexipol which is a leading policy management service; it is based off case law, federal, and state law; it is also based off best practice policies; and, there are automatic updates. All policy review is currently in progress with all high liability policies and use of force policy review occurring in the last four (4) months. Chief Johnson is confident the policy is up-to-date. Chief Johnson believes there is a tremendous amount of common ground with 8 Can't Wait and 90+% of these ideas are currently or will be implemented. He stated Use of Force has previously been documented but not in a way to obtain statistics – a Use of Force reporting system has been implemented within the last year. Chief Johnson reviewed Use of Force data included in the 2019 report which includes 49,425 incidents, 2,538 arrests, and, 122 use of force in arrests. He noted the use of force rate for the first four (4) months of 2020 is approximately 2.8%. Chief Johnson reviewed the demographics of traffic stops (he noted this is not a complete year of data) for Caucasian (81.39% of stops), Hispanic (13.45% of stops), African American (1.55% of stops), and, American Indian/Alaskan Native (.29% of stops). He also reviewed the training schedule for 2020 stating the IFPD receives 100+ hours of annual training which is five (5) times of what is required by Peace Officer Standards and Training

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(POST). Training includes crisis intervention, de-escalation, defensive tactics, use of force, implicit bias training, mental health, first aid, etc.

Chief Johnson reviewed 8 Can't Wait as follows:

- 1-Ban Chokeholds and Strangleholds (use carotid control as an alternative method)
- 2-Require De-escalation (always reactive to what other person is doing)
- 3-Require Warning Before Shooting (almost always occurs (100% is not possible or practicable))
- 4-Require Exhausting All Alternatives Before Shooting (more than 90% in agreement)
- 5-Duty To Intervene (advantage of using Lexipol)
- 6-Ban Shooting At Moving Vehicles (this cannot be achieved 100% of the time)
- 7-Require Use of Force Continuum (must be reasonable and necessary given the situation)
- 8-Require Comprehensive Reporting (IFPD has embraced this 100%)

Chief Johnson stated the use of body cameras has been accelerated due to previous Council decision and a U.S. Department of Justice (DOJ) grant. He noted the body camera battery will not last an officer for the entire shift, therefore, the IFPD is actively searching for solutions for additional resources.

Chief Johnson stated the IFPD has been engaging with the community for several years although there is not always interest with the community to build a relationship. Recent IFPD community events have included the Riverwalk BBQ, African American Alliance, outreach with Community Groups, and, CommUNITY event. Chief Johnson believes trust goes both ways and can be lost with one (1) careless act. If officers act with good intent and good faith, they are doing their best to protect the community and they are doing their best as they have been trained, Chief Johnson has promised this will not result in termination, however, he stated there is no place in law enforcement for bad behavior. He reiterated his belief that the IFPD is united as a department and he again expressed his appreciation and gratitude to the IFPD.

Councilmember Dingman expressed her appreciation for this information as she believes this is an on-going process and she believes this is a step in the right direction. She also expressed her appreciation for the annual IFPD report. Councilmember Dingman requested discussion of the de-escalation tactics/engagement of minimal crimes policy. She also requested a summary of messages obtained at the Riverwalk BBQ. General comments followed including the IFPD workload, the number of officers, and, mental health issues. Councilmember Radford expressed his appreciation to the IFPD for the de-escalation training over the course of the previous years. Councilmember Freeman stated it's very assuring to know the IFPD was reviewing their policies prior to the current events. Councilmember Francis concurred with Councilmember Freeman. He expressed his appreciation to Chief Johnson, He also requested introduction to the bias training. Mayor Casper stated the IFPD will be presenting additional information to the City Council at future Work Sessions.

Acceptance and/or Receipt of Minutes:

It was moved by Councilmember Francis, seconded by Councilmember Radford, to receive the recommendations from the Planning and Zoning Commission meeting on June 2 pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Calendars, Announcements and Reports

- June 18, City Council Meeting
- June 20, Airport Leadership Workshop
- June 22, City Council Work Session
- June 24, Annual Public Works Utility Meeting
- June 25, Idaho Falls Power (IFP) Board Meeting; and, City Council Meeting

Mayor Casper briefly reviewed the 2020 Budget Calendar. She stated times for the Budget Sessions will be finalized in the near future. She also stated several dates have become available due to the cancellation of several meetings due

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to the Coronavirus. Mayor Casper distributed information from Governor Brad Little regarding funding for a new program to support public safety which would pass those savings onto property taxpayers. The funding will be dependent on the number of cities who chose to participate. Mayor Casper stated use of the WebEx platform will be available as long as needed/preferred. She also stated the recent Association of Idaho Cities (AIC) online workshops will be available until fall 2020.

Coronavirus (COVID-19) Update:

Mayor Casper stated cases in this area have increased which is to be expected due to Stage 4 which permits larger gatherings. She believes there is a relaxed behavior of mask wearing in the community. Mayor Casper stated this disease has proven to be more deadly than other common diseases. Captain Squires stated the antibodies testing is showing a large number of cases in Idaho although he believes the increasing number of cases are well within the limit that health care facilities can treat. Mayor Casper noted the first COVID-19 death has occurred in Bonneville County.

Liaison Reports and Council Concerns:

Councilmember Dingman reminded the Council that the June 20 Airport Leadership Workshop will be held at the Activity Center.

Councilmember Radford stated Community Development Services Department recently received an award for The Bonneville project.

Councilmember Freeman stated the City recently received an award from AIC for the Liingo app.

Councilmember Smede stated a structural assessment at the Wes Deist Aquatic Center will occur on June 16.

Councilmember Hally recommended the Council read a book on health care coverage.

Councilmember Francis stated the Recreation Center and the Aquatic Center are now open and, \$40,000 has been received from Rotary for Heritage Park. He recognized the enthusiasm of the Parks and Recreation staff.

License Denial Training:

Mr. Fife stated an appeal from a Pawn Shop license denial will be forthcoming. He explained the appellant will present followed by staff's presentation. The Council then has the option to grant or uphold the denial based upon misinformation. Per Mayor Casper, Mr. Fife stated Pawn Shops are regulated per City Code and the owner of a Pawn Shop cannot be a convicted felon. Captain Squires noted the exclusion for a Pawn Shop license is fairly simple as compared to other license statutes. Following brief comments, it was determined the appeal hearing will be scheduled for the June 25 City Council Meeting.

Child Care Licensing Follow-up Discussion:

Councilmember Francis believes the law on City governance is necessary to protect the best interest of the community and the City ordinance pertaining to the background of the individual is appropriate. He also believes Captain Squires and Mr. Kirkham have accomplished the background license issue. He does not believe the State regulations are strong enough. He is hopeful the Council will believe the City regulations are a service to the community. Mr. Kirkham stated, per the discussion at the May 18 Council Work Session, a comparison of City and State regulations have been provided. He noted there are substantial similarities, including prevention of a license for specific crimes. He reviewed the three (3) different aspects of facilities, workers and applicants, and, background checks:

State and City Facilities – owners must be licensed with a background check prior to opening a facility. Facilities are grouped into large, medium, and small facilities. Background checks are required for non-providers and residents (including workers and employees) prior to contact with children. Fire and safety inspections are required. Ratios are required with more workers based on the age of the children. The City has additional requirements for fire extinguishers and outdoor exits. The City also prohibits second-floor facilities with more than five (5) children and regulates all day cares, including small day cares (1-5 children). The State only regulates large and medium facilities, there are no requirements for small facilities. The State also has no requirement for outdoor area, insurance, or, zoning checks. The proposed City amendment would not adjust these areas.

Worker Requirements – the State made changes at the recent legislative session which prompted changes with the City as the City cannot have less restrictions than the State. The State requires a background check (mostly on the honor system) every five (5) years; the City requires a license with a background check every two (2) years. The

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proposed amendment would extend the City license to five (5) years. The State requires one (1) adult to have First Aid training; the City requires all workers to have First Aid training. The State requires four (4) hours of child care training; the City requires eight (8) hours of child care training upon renewal. The State has no age limit for workers; the City will not license anyone under 16 years old (16 and 17 year olds must be supervised at all times). The State background check changed from 'shall' to 'may' for several different categories; the City background check 'shall' include for several categories including the Child Abuse Registry. Mr. Kirkham stated the long delay on City licenses have been due to the Child Abuse Registry check from the State. The proposed amendment would allow the City to perform a State-wide criminal identification check and the Federal Bureau of Investigation (FBI) check (in most cases this would take three (3) business days) and the City would issue a provisional, revocable license that would allow the applicant to immediately begin working. This provisional license would be valid for 45 days until the results from the Child Abuse Registry check are received.

Background Checks – the State allows five-year prohibition with “felony controlled substance conviction”; the City requires life prohibition. The proposed amendment would allow life prohibition for “felony controlled substance conviction” and five-year prohibition for “misdemeanor controlled substance conviction”. Other proposed amendments would include one-year prohibition on those taken into alcohol, drug, or mental health protective custody; a 90-day “time out” for those who supply false information on the application; removes general felony conviction prohibition in favor of specific felonies; and, removes moral turpitude in favor for specific crimes. Mr. Kirkham stated the City’s goal is to minimize risks to the children at the facility and not to be a secondary tribunal. Mayor Casper believes this proposed amendment is a compromise for the current concerns/issues regarding childcare. To the request of Mayor Casper, all Councilmembers are in favor of moving forward with the proposed amendment to be included on the June 18 City Council Meeting.

Door-to-Door Ordinance Discussion:

Mr. Kirkham stated the proposed amendment would change the disqualifying crimes. He noted it had been suggested that the license was not a risk-mitigation tool but rather a punishment for those wanting to work, particularly with the first amendment right. The proposed amendment would also extend the turn-around time for issuance of a license from five (5) business days to fifteen (15) business days and, would also amend the timeframes for specifically-committed crimes. These specific crimes were reviewed. Mr. Kirkham stated Legal staff has strongly recommended this ordinance be amended. Mayor Casper believes there needs to be a balance between first amendment rights and the safety of individuals. To the response of Mayor Casper, Captain Squires stated there have been previous safety issues. Following brief comments, follow-up discussion will occur at a future City Council Work Session.

Comprehensive Planning and Annexation Hearings Process Briefing:

This item was postponed until the June 22 City Council Work Session.

Moss Adams Financial Audit Services Update:

Director Alexander stated this contract, for Fiscal Year ending September 2020, is being presented to Council earlier than normal due to the Moss Adams schedule. Hearing no issues from the Councilmembers, Mayor Casper stated this item will be included on the June 18 City Council Meeting agenda.

Second Quarter and Year-end Forecast Finance Presentation:

Director Alexander noted this presentation to Council was delayed due to COVID-19. She reviewed the following with general discussion throughout:

City-wide Budget to Actual Revenue:

2019/20 Budget = \$236,185,823

Year to Date (April 30) = \$106,523,457

Percentage Received = 55.7%

Year-end Forecast = \$187,198,412

Director Alexander stated with the exception of Airport, the Enterprise Funds are expected to be normal with a slight lag on utility payments. General Fund revenue shortfalls are expected due to COVID-19.

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City-wide Budget to Actual Expenditure:

2019/20 Budget = \$236,185,823

Year to Date = \$99,230,990

Percentage Expended = 42.0%

Year-end Forecast = \$191,522,148

Director Alexander stated the linear target should be around 58.3%. Wages and Benefits are decreased due to vacancies being held.

General Fund Budget to Actual Revenue:

2019/20 Budget = \$48,972,711

Year to Date = \$29,775,071

Percentage Expended = 60.8%

Year-end Forecast = \$47,306,298

Director Alexander reiterated the shortfall in the amount of approximately \$1.6M which is directly related to the COVID-19 pandemic. She indicated fees and State-shared revenues will decrease. She expressed her appreciation to the Department Directors for the reductions.

General Fund Budget to Actual Overview:

2019/20 Budget (revised with budget reductions) = \$48,767,395

Year to Date = \$26,430,234

Percentage Expended = 54.1%

Year-end Forecast = \$48,381,016

Director Alexander reiterated the collective reduction in Wages and Benefits and, Operating Expenses.

Mr. Hagedorn stated a reporting program, Cognos, has been purchased for the NaviLine system. This program has the ability to create several financial reports and data extraction.

Mr. Roos reviewed the Federal Fund Rates including the drop of rates in March 2020 to 0. He stated there is no forecast for an increase for approximately two (2) years. He also stated the Treasury rates were slowly increasing but also sharply decreased in March-April. This will affect investment rates.

Mr. Roos reviewed the Treasurers Report – Investments for April 2020 by Brokers and Types of Investments. He noted Wells Fargo is the ‘basket’ of investments.

Mr. Roos reviewed current City Investments (as of April 30, 2020). He stated the investment pool is very diversified by the type of investments including Agencies, CD’s, Corporate Bonds, Treasury, Money Market, LGF, and, Cash. The current Money Market account has decreased from \$20M to \$5M due to the Federal Fund Rates. Mr. Roos stated money has been moved to CD’s which have a higher yield.

Mr. Roos reviewed Investments Date of Maturity. He stated he is trying to keep 75% of all cash liquid and to mature within 0-2 years. Currently, 81% of cash will mature within this timeframe. \$38M is liquid instant cash if needed. Mr. Roos stated he is also trying to level the cash flow to have constant cash for any capital projects.

Mr. Roos reviewed Investment Activity stating December 2019 = \$97M, ending April 2020 = \$118M. This is due to taxes received in January 2020. 2nd Quarter Matured Investments = \$19.4M, 2nd Quarter Purchased Investments = \$25.8M, and, 2nd Quarter Interest Earned = \$716K.

Mr. Roos reviewed Banking relationships noting COVID had a large affect. There was need to increase the amount of money in the banks to offset fees due to a drop of the Federal Fund Rates. The fees are being paid although they are being offset by the interest on the investments. Mr. Roos noted the Bank of Idaho waived banking fees during the COVID crisis.

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Mr. Roos reviewed General Fund Cash Flow. He stated the cash flow continues to decrease until taxes are received in July and January. There is currently \$10M versus the previous year of \$8M although cash revenues are typically received during May through August. These revenues are expected to decrease due to COVID.

Mr. Roos reviewed the Treasurer's Report from April 2019-April 2020 which is currently \$4M higher than the previous year although this is also expected to decrease due to COVID.

To the response of Mayor Casper, Mr. Hagedorn stated the City as a whole is doing well although the General Fund is a little stressful. To the response of Councilmember Francis, it was noted property tax payments were not delayed due to COVID. Mr. Hagedorn stated 2020 numbers are decreased which is showing the effect of COVID, these numbers should be similar to the previous year. He also stated Directors are mindful of the decreased revenue and have decreased spending. He noted expenses have also been reduced.

Mr. Hagedorn reviewed an overview of COVID-19 impacts to the General Fund/managing the financial climate including reviewing revenue forecasts; working with departments on budget reductions (3-5%); reserving salary savings in the General Fund; re-prioritizing budget priorities; and, submitting the first reimbursement to the State by June 30 for the COVID Coronavirus Aid, Relief, and Economic Security (CARES) Act reimbursement. Mr. Hagedorn stated the reimbursement estimate is unknown at this time. He noted there is a State and Federal Emergency Management Agency (FEMA) reimbursement although FEMA has encouraged reimbursement by the State first. Mr. Hagedorn indicated there is no forecast to use FEMA at this time. To the response of Mayor Casper, Mr. Hagedorn stated reimbursement could be submitted monthly, or sooner, if needed. Mr. Roos noted there is a 2-3 week timeframe for reimbursement. To the response of Councilmember Radford, Mr. Hagedorn stated the requirements for Governor Little's program have not been analyzed regarding public safety salaries. He clarified this is not additional money. Mayor Casper stated this program is currently in draft form.

There being no further business, the meeting adjourned at 6:45 p.m.

s/ Kathy Hampton

CITY CLERK

s/ Rebecca L. Noah Casper

MAYOR