

April 9, 2020

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 9, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman (by WebEx)
Councilmember John Radford (by WebEx)
Councilmember Thomas Hally (by WebEx)
Councilmember Jim Freeman (by WebEx)
Councilmember Jim Francis (by WebEx)
Councilmember Shelly Smede (by WebEx)

Also present:

All available Department Directors
Lisa Farris, Grants Administrator
Randy Fife, City Attorney (by WebEx)
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper led those present in the Pledge of Allegiance.

Public Comment:

Public Comment has been temporarily suspended due to coronavirus (COVID-19) concerns.

Coronavirus (COVID-19) Update:

Mayor Casper stated there are 1353 confirmed cases in the State of Idaho - 121 new cases as of April 9, 2020, and the death toll is at 24. She also stated there is no official word on whether the Idaho Stay-home order will be extended, which is due to expire April 15. Realizing the Stay-home order has immediate direct impacts on businesses, Mayor Casper believes the order may need to be extended in order to maintain the successes with and the low number of cases in the State. She noted there has been national media discussion with the University of Washington using a model. This model is predicting Idaho to peak with COVID-19 cases in the following week, however, the model is not as dire as some may believe. In addition, this model has the assumption that the Stay-home order and social distancing order will stay in effect until the end of May. Mayor Casper noted although Idaho has a smaller number of data points and a larger geography, the State has not officially identified a model and may not. She stated a special Council Meeting will be needed if the Stay-home order is extended to determine City employee pay.

Consent Agenda:

Idaho Falls Power requested approval of minutes from the March 26, 2020 Idaho Falls Power Board Meeting.

Public Works requested approval of Agreement for Wastewater Biosolids Hauling Services; and, Bid Award – Heritage Park Power Line Site Preparation.

Municipal Services requested approval of Bid IF-20-08, Purchase Triple Wall Sanite Pipe for Public Works; Bid IF-20-15, Microduct Installation Services for Idaho Falls Power; Bid IF-20-17, Purchase Traffic Safety Truck for Public Works; Bid IF-20-19, Purchase Water Line Materials for Public Works; Bid IF-20-20, Purchase of Electrical Conductor for Idaho Falls Power; Quote 20-021, Purchase Switch Gear for Idaho Falls Power; Treasurer's Report

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for February 2020; minutes from the March 23, 2020 Council Work Session and March 26, 2020 Council Meeting; and, license applications, all carrying the required approvals

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Regular Agenda:

Public Works

Subject: Agreement for Professional Architectural Services for a shared Street and Sanitation Building

For consideration is an agreement for professional architectural services for a shared Street and Sanitation building. The purpose of this agreement is to contract with NBW Architects to manage this project regarding design, production of construction documents, contractor bidding, and contract administration assistance.

Councilmember Freeman stated there is currently inadequate storage for the Streets and Sanitation Divisions. He stated this is for design work only in the amount of \$60,000.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Professional Services Agreement with NBW Architects and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

Idaho Falls Power

Subject: Procurement and Construction Agreement for the 161 kV Transmission Line Project

Through this Procurement and Construction Agreement, Idaho Falls Power and Rocky Mountain Power intend to proceed with the construction of the joint owned 161 kV transmission line connecting Sugarmill to the future Paine substation site, as identified in the initial Joint Development Agreement (JDA) executed in July 2018.

Councilmember Freeman believes this important project is a long-time coming.

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the Procurement and Construction Agreement for the construction of the Idaho Falls/Rocky Mountain Power owned 161 kV transmission line project and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Legal Services

Rescission of City Code 5-4-9, Distracted Driving

In order to preserve the safety of its citizens and visitors, on October 11, 2018, the Council passed the “Distracted Driving” Ordinance 3221 (Idaho Falls City Code (IFCC) 5-4-9), pursuant to authority granted to the City by Idaho Code 49-208(1)(t). Ordinance 3221 was a temporary regulation necessary to cover the special condition of driving while using a mobile electronic device in the absence of a State-wide regulation and was to be reviewed on or before October 1, 2021. Now that the State has amended Idaho Code 49-1401A, effective July 1, 2020, to address distracted driving State-wide, IFCC Section 5-4-9 is not needed after that date.

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Councilmember Freeman is pleased with the State-wide legislation. Councilmember Hally believes the State joined in through Councilmember Freeman's example.

It was moved by Councilmember Freeman, seconded by Councilmember Hally, to approve the Ordinance rescinding Idaho Falls City Code Section 5-4-9 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3305

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, RESCINDING TITLE 4, CHAPTER 4, SECTION 9 IN ITS ENTIRETY ON JUNE 30, 2020, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Public Hearing – Alcohol License Variance

City Code §§ 4-3-7(A)-(B) and 4-4-7(A)-(B) prohibits alcohol licenses from issuing to any business which is within three hundred (300) feet of public schools, churches, and other places of worship. The applicant's business falls within three hundred (300) feet of the Trinity Methodist Church and Alturas Academy. City Code §§ 4-3-7(D) and 4-4-7(D) permit an applicant to request a variance to the location restriction. The applicant in this case has so requested and Council is now required to hold a hearing to determine whether there is good cause to grant the variance.

Mayor Casper noted provisions disallow the location of an establishment serving alcohol to be within 300 feet of a church or school unless approved by the governing body, which is the City Council.

Mayor Casper opened the public hearing and ordered all written items previously submitted be entered into the record. She noted there was no one participating to testify.

Mr. Fife reiterated Idaho Statute requirement as indicated by Mayor Casper. He stated, per the hearing packet, the school and the church have no objections to alcohol being served. Therefore, the Council needs to determine the good cause to give an alcohol license variance if that is their desire. Mayor Casper noted the written statements received have been signed by the pastor of the church and the principal of the school. She expressed her concern for the awkward wording in these statements as the statements do not specifically state they have no objection or they have waived their concern. Mr. Fife believes, per conversation that Ms. Hampton had with the applicant, the church and the school do not have any objections. He noted the City did not write the waivers therefore, the Council will have to consider the evidence as has been presented. Ms. Hampton stated when the owner of Franklin's Famous Cheesesteak wanted to apply for an alcohol license he was aware of the proximity of the church and the school so he contacted the Idaho State Police (ISP) as any alcohol license must begin on the State level. ISP Captain Chad Goody forwarded the two (2) documents to the Clerk which were considered as waivers. Ms. Hampton concurred that the owner did not believe there were concerns with the church or the school. To the response of Councilmember Francis, Councilmember Smede stated Alturas Academy is not connected to any school district. She believes Alturas Academy is an independent public charter school. Councilmember Francis questioned the board authority of the signatures for Alturas Academy. Mr. Fife stated the signature is dependent on the individual who has that authority. Councilmember Francis questioned the restaurant located in the same building as the school. Mr. Fife stated that topic is irrelevant. Concurring with Mr. Fife regarding the irrelevance, Ms. Hampton stated the restaurant located in the same building had an alcohol license prior to the school. Therefore, a variance was not needed.

Mayor Casper closed the public hearing.

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Councilmember Hally stated he is in favor of granting the variance as he believes one (1) establishment is already selling alcohol within the 300'. Councilmember Freeman noted Franklin's Cheesesteak used to be a grocery store where alcohol was sold for many years while in proximity to a Junior High School. He does not see any issue. Councilmember Francis expressed his concern with the document submitted by the church and the school. He also expressed his concern with the correct authority for the school. Assistant City Attorney Michael Kirkham stated the City ordinance does not require permission from an individual or a Board to grant the variance, the requirement is for the Council to find good cause to grant or not grant the variance. To the response of Mayor Casper, Mr. Kirkham stated he is unsure of a time frame for the variance although he does not recommend delaying the decision. Councilmember Dingman does not see any issue. She believes the applicant fulfilled the process the way the law is written. Councilmember Smede believes there are multiple safety components in place and is comfortable with the variance.

It was moved by Councilmember Hally, seconded by Councilmember Freeman, to grant the variance to allow the applicant to sell beer and wine at the location with the good cause that beer and wine are sold nearby and the facility was previously a grocery store. Roll call as follows: Aye – Councilmembers Dingman, Radford, Smede, Hally, Freeman. Nay – Francis. Motion carried.

Community Development Services

Subject: Public Hearing for Program Year (PY) 2020 CDBG Annual Action Plan

Each year, Idaho Falls receives a funding allocation from the Department of Housing and Urban Development (HUD) for the local Community Development Block Grant (CDBG) program. As part of the requirements of administration of this program the City must submit an Annual Action Plan (AAP) to HUD outlining how that year's funds will be spent. To determine how to spend the funds, each year applicants submit requests for grant funding which are considered by the City Council in a public hearing. Typically, the Annual Action Plan (AAP) is due to Housing and Urban Development (HUD) in August. The full schedule for completing and submitting the PY2020 CDBG AAP accounts for the reduced public comment period. The resolution approving allocations is expected to come before the Council on April 23, 2020.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

Ms. Farris stated the announcement of HUD allocations was received on February 14 with the City expecting \$425,099. Since that time, HUD has made adjustments on allocations (although the City's amount was unchanged); the Governor issued a State-wide Stay-home order which changed some of the processes; and, United States President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Per the overview of the CARES Act applicable to the CDBG programs, \$5B has been allocated to prevent, prepare for, and respond to COVID-19.

Ms. Farris presented the following:

Slide 1 –

Provisions Related to the \$5B CDBG Allocation:

- Submission of FY19 and FY20 consolidated plans/annual action plans extended (due date August 16, 2021)
- Suspends 15% cap on public services, including FY19 and FY20 CDBG funds
- 5-day public comment period (versus the typical 30-day public comment period)
- Eliminates in-person public hearings (allows virtual hearings)
- Suspends in-person public hearings; allows grantees the option of holding virtual hearings
- Allows HUD to waive further program requirements (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment)

Slide 2 –

Distribution of Funds

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- \$2B to states/local governments. Regular formula (70% entitlement communities and 30% States). HUD must allocate funds within 30 days of enactment of bill. All grantees that received a CDBG allocation in FY20 will receive this funding.
- \$1B to states via new formula (public health needs, risk of transmission of COVID-19, number of COVID-19 cases compared to the national average, economic and housing market disruptions, and other factors determined by HUD). States allocate to entitlement/non-entitlement communities. HUD must allocate within 30 days of enactment of bill.
- \$2B direct to states/local governments via new formula to be developed by HUD (prioritizing risk of transmission of COVID-19, number of COVID-19 cases compared to the national average, and economic and housing market disruption resulting from COVID-19). Funds used to cover/reimburse allowable costs incurred by a state or locality regardless of the date on which the costs were incurred. Allocations will be made on a rolling basis.

Slide 3 –

CARES Act applicable to additional CDBG/HUD funded Programs. Ms. Farris noted several of these programs may not apply.

- Emergency Solutions Grant Program
- Housing Opportunities for Persons with AIDS (HOPWA)
- Tenant-Based Rental Assistance (TBRA)
- Project-Based Rental Assistance
- Public Housing
- Housing for the Elderly (Section 202) Program
- Housing for the Elderly (Section 811) Program
- Foreclosure/Eviction Moratorium/Forbearance on Federally Back Mortgages for Single-Family mortgage foreclosure moratorium and forbearance, and Multi-family mortgage foreclosure forbearance
- Temporary moratorium on eviction filings (HOME and HOPWA Projects included)

Slide 4 –

Draft PY2020 CDBG Annual Action Plan/5th year of the PY2016-2020 Five-Year Consolidated Plan:

Plan History

2004: City applied/approved by HUD as an Entitlement City

City applies directly to HUD for annual CDBG funds

Five-Year Plans

2004-2009/10: Initial Five-Year Plan

2011-2015: Second Five-Year Plan

2016-2020: Third Five-Year Plan

Slide 5 –

HUD/CDBG Funds - Draft PY2020 Annual Action Plan with Council approved activities/projects to be submitted directly to HUD for approval

2004 to 2020* - \$6,670,335 Total HUD/CDBG funds allocated to Idaho Falls between 2004 and 2020

2020 Application Status - 12 applications, totaling \$419,706

Slide 6 –

City/CDBG Benefits

Providing Opportunities

- Assists City in funding projects/programs not funded with General Funds
- Assists local service providers with filling a gap in service
- Assists City and local service providers in leveraging additional funds

PY2020 starts 17th year of participating in CDBG

PY2020 CDBG allocation expected \$425,099

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Slide 7 –

CDBG Program and HUD Criteria - All Projects/Activities

- Must meet 1 of 3 National Objectives (HUD)
 - Benefit Low/Moderate Income (LMI) clients
- FY 2020 - Bonneville County - Low 80% with income < \$56,400 (family of four (4))
 - Prevent/Eliminate conditions of Slum and Blight
 - Meet an Urgent Need
- Must be a HUD Eligible Activity
 - Construction of Public Infrastructure
 - Handicapped Access to Public Facilities
 - Housing Rehab, Social Services, Business Rehab
 - Acquisition, Clearance, and Disposition of property
 - Relocation costs, Economic Development, Job Creation or Training
- Additional Criteria
 - Projects must meet goals of City 2016-2020 CDBG 5-Year Consolidated Plan
 - Projects must be approved for the PY2020 CDBG Annual Action Plan

Slide 8 –

Map of LMI neighborhood (Census Tracts)

Slide 9 –

Projects/Activities must fit into one (1) of four (4) HUD Priorities

- Community Development Priority
 - Neighborhood revitalization activities that promote public health, safety and welfare
- Economic Development Priority
 - Improve economic conditions throughout the community for primarily LMI persons
 - Benefit a specific location designated as slum and blight by area
- Housing Development Priority
 - Encourage development of new, affordable single, multi-family, and special needs housing through private developers and non-profits
- Public Service Priority
 - Encourage partnerships with social service providers, faith-based groups, private businesses, school districts, non-profit agencies, and community leaders to meet the needs of families in poverty

Ms. Farris reviewed before and after pictures of a Community Development Priority Public Infrastructure Project; Economic Development Facade Improvement Project; Housing Priority Habitat for Humanity Single-Unit Housing Acquisition/Rehab, infrastructure improvements, and, Single-Unit Rehab.

Slide 10 –

Public Service Examples – Non-profit service provider agencies/organizations providing public service activities to low and moderate income individuals or families

- CLUB, Inc.
 - Homeless individuals assisted with case management, services, and resources
- Behavioral Health Crisis Center of Eastern Idaho
 - Case management and services to assist homelessness brought on by a mental health crisis, or alcohol or a substance abuse episode
- Idaho Legal Aid (Victims of Domestic Violence)
 - Assisting victims of domestic violence with legal aid assistance
- Idaho Legal Aid (Grandparents Raising Grandchildren)
 - Legal aid assistance for grandparents and other blood relatives who are raising their grandchildren or minor relatives
- College of Eastern Idaho (CEI) - Childcare assistance

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Child care vouchers to assist 10 LMI students with child care

- Community Food Bank of Idaho Falls/Soup Kitchen
Assist with cost of equipment
- Community Food Basket of Idaho Falls

Ms. Farris reviewed list of applicants and amounts as follows:

Applicant	Activity/Project Description	Amount
Idaho Legal Aid – Idaho Falls	Legal assistance for victims of domestic violence	\$12,000
CLUB, Inc.	Crisis intervention for homeless, supportive case management, and temporary housing at scattered locations	\$5,000
Behavioral Health Crisis (BHC) Center of Eastern Idaho	Case management/housing resources for homeless due to a mental health crisis, or drug or alcohol addiction	\$18,000
Idaho Falls Power	Utility bill payment assistance for LMI renters in US Census tracts 9707 and 9712	\$6,000
College of Eastern Idaho (CEI)	Child care vouchers to assist ten (10) LMI students	\$8,636
Eastern Idaho Community Action Partnership (EICAP) Grandparents Raising Grandchildren (GRG)	Legal assistance for grandparents/blood relatives who are raising their grandchildren/minor relatives	\$6,000
Community Food Basket of Idaho Falls	Semi-automatic stretch wrapper with ramp to transport food pallets	\$7,615
Idaho Falls Downtown Development Corporation (IFDDC)	Façade Improvement Program for downtown	\$55,000
City Public Works Department Curb/Gutter/Sidewalk Phase 2	LMI neighborhood - Highland Park Subdivision Gutter Improvements in Census Tract 9712	\$125,000
Idaho Falls Senior Citizen Center	Replace walk-in freezer box	\$16,445
Habitat 4 Humanity Idaho Falls Area (H4HIF)	New construction of 3-5 LMI homes at Elmore and Science Center in Census Tract 9712	\$75,000
Administration of CDBG Program	20% max based on 2020 allocation (\$425,099)	\$85,020
	Total	\$419,706

Mayor Casper requested any public comment.

April Chandelle, BHC, appeared by WebEx. Ms. Chandelle stated BHC provides contracts to manage staff at the Crisis Center. She stated over half of the 3469 individuals that visited the center in 2019 dealt with substance abuse issues and an increase in opioid abuse is expected. This funding will provide case management, recovery support services, and, treatment. Ms. Chandelle stated the Crisis Center has recently added recovery coaching and peer support, these recovery coaches will operate differently than case managers. This grant award will continue to fund programs and other services.

Julie McMurtrey, CEI, appeared by WebEx. Ms. McMurtrey stated CEI is funded under the Idaho State Statute. She stated 72 people were served in the previous year. \$8636 was used to help child care costs through the Idaho Child Care Program (ICCP) through the Department of Health and Welfare (H&W). This funding will help a significant number of individuals. Mike Walker, also appearing by WebEx, stated CEI child care vouchers are pursued from any available source. A supplemental grant, in the amount of approximately \$45,000, will also assist the unmet need for students as child care is significant. He stated approximately 32,000 individuals are in the low income. This funding is badly needed.

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Morgan Nield, EICAP GRG, appeared by WebEx. Ms. Nield stated EICAP has a current contract with Idaho Legal Aid. The requested \$6000 is to assist with Idaho Legal Aid for the GRG Program. Ms. Nield stated EICAP no longer qualifies for federal funding. She also stated EICAP has received \$49,500 in CDBG funding for this program. She expressed her appreciation for this funding as this has assisted 74 GRG. She believes this funding will provide 85 hours of legal assistance for GRG, these individuals would not receive legal assistance without this funding. Ms. Nield believes the need for this important role will continue.

Written comments received from IFDDC – IFDDC has requested \$55,000 from the allocation available. IFDDC has been grateful to have successfully leveraged the funds over the years the program has been in place to support our downtown property owners to make improvements to their facades, signs, and awnings. The results of these funds, IFDDC’s dedication to downtown and Ms. Farris’ hard work in her tenure is proof today with a thriving and vibrant downtown. The downtown core of our City is the heart of our community. To illustrate the effectiveness of these funds, numbers from the report are available on the City’s website page for this program. As of September 18, 2018 over 73 businesses were assisted, 103 projects completed, and, \$838,917 was spent from CDBG funds. As a reminder, the property owners matches with the grant at a 25% match. Thank you very much for the consideration of our request. Thank you, Catherine Smith, Executive Director – Idaho Falls Downtown Development.

Valisa Say, Executive Director of Idaho Falls Senior Citizen Center, appeared by WebEx. Ms. Say stated the walk-in freezer box needs replaced.

Karen Lansing, H4HIF, appeared by WebEx. Ms. Lansing stated H4HIF is working on a project at Elmore and Science Center although construction has been put on hold due to COVID-19. She is still hopeful this project will continue. She is also hopeful a shed-type garage can be accessed from alley. Ms. Lansing expressed her appreciation for the continued support of CDBG funds as she indicated H4H is the only contractor in the City addressing affordable housing. She also believes the need for H4H is growing and the continued support is needed. She realizes H4H only serves 3-4 families a year although she believes this dramatically change lives.

Jake Workman, Idaho Legal Aid, appeared by WebEx. Mr. Workman stated Idaho Legal Aid uses these funds to help families affected by domestic violence, civic protection cases, and, family law cases. He indicated a COVID-19 hotline has been established as there are concerns about the potential increase of domestic violence. The CDBG funds will address this issue as well.

Ms. Farris reviewed the schedule for PY2020 CDBG Annual Action Plan including 5-day public comment period, Council Work Session, Council Meeting to adopt resolution, AAP submitted to HUD, allocation made available to City by HUD, and, funding committed to approved applicants/projects. Ms. Farris and Mayor Casper expressed their gratitude for those who participated in the public hearing and provided comments.

Mayor Casper closed the hearing. There was no recommended action at this time.

Announcements:

Councilmember Hally announced all three (3) golf courses are open; protocol is being strictly followed. Mayor Casper stated this outdoor activity has been approved by State leaders. She also announced a meeting may be needed pending the Governor’s Stay-home order extension; the Board survey for Idaho Falls Power needs to be completed; and, she reminded the Council of the April 20 Council Work Session.

Adjournment:

There being no further business, the meeting adjourned at 8:59 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR