

June 22, 2020

The City Council of the City of Idaho Falls met in Council Work Session, Monday, June 22, 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 (by WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

Bryce Johnson, Police Chief
Jeremy Galbreath, Police Captain
Brad Cramer, Community Development Services Director
Catherine Smith, Idaho Falls Downtown Development Corporation Executive Director
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:03 p.m. with the following items:

Calendars, Announcements and Reports

June 25, Public Works Annual Utility Meeting
June 26, Idaho Falls Power (IFP) Board Meeting; and, City Council Meeting
July 2, budget uploaded for Council review
July 6, City Council Work Session
July 9, City Council Meeting

Mayor Casper reviewed the upcoming budget calendar, which begins on July 6, including the times for the budget sessions.

Coronavirus (COVID-19) Update:

Mayor Casper stated the number of State-wide cases are increasing on a daily basis, including cases in Eastern Idaho. She indicated, per Health District Four, Ada County has been moved back to a Stage 3 level, which closes bars and large venues, limits gatherings to 50 or less, and, re-imposes travel restrictions. The Ada County Sheriff supports this action and will work to enforce this. Mayor Casper believes social distancing and mask wearing needs to be taken seriously again.

Liaison Reports and Council Concerns:

Councilmember Dingman had no items to report.

Councilmember Hally believes there is a responsibility to notify businesses when they may not be complying with COVID-19 guidelines.

Councilmember Freeman stated Bonneville Metropolitan Planning Organization (BMPO) will be held on June 25.

Councilmember Smede stated she will be meeting with all directors in the near future regarding inter-funds transfers.

Councilmember Francis had no items to report.

Councilmember Radford stated the Bonneville Hotel won a recent award. He also noted Barnes and Noble is requiring mask wearing.

Mayor Casper stated a Celebration of Life will be held for former IFP employee Bobbi Wilhelm on June 23.

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Part II: Idaho Falls Police Department (IFPD) Policies, Practices, and Procedures Briefing on Officer Use of Force with Council Q&A (Data, Training, and, Application):

Mayor Casper stated a Standing Together rally occurred on June 20. She has since received several positive comments regarding Chief Johnson and the IFPD. Chief Johnson expressed his appreciation to the IFPD officers. He indicated several community members have also personally expressed their appreciation to the officers. He expressed his appreciation to the community as well.

Chief Johnson reviewed the following with general discussion throughout:

Use of Force from January 2020 through May 2020, which includes 12,068 incidents, 1,046 arrests, and 31 use of force in arrests. The number of calls have increased during this same time in the previous year (partially due to COVID-19) by approximately 13-14%. These numbers continue to trend down each year with 3% used as a benchmark (currently at 2.96%).

Use of Force from January 2019 through May 2020 by race = 199. This includes Caucasian, Hispanic, African American, Asian Pacific Islander, and, American Indian/Alaskan Native. Chief Johnson stated arrests are based off behavior, not by race. To the response of Councilmember Radford, Chief Johnson stated there is a breakdown by officer (including the type of work performed) and, all use of force incidents are reported. To the response of Mayor Casper, Chief Johnson stated rest periods are mandatory and, officers are monitored by their supervisor. He also stated officer accountability is mandatory although necessary resources need to be provided to maintain healthy officers as well. It was noted the amount of hours worked by officers are capped within the policy, including any secondary employment hours.

Chief Johnson reviewed:

Use of Force from January 2019 through May 2020 by type of force, including display of lethal; K9 deployed; OC deployment (pepper spray); physical force; Special Weapons and Tactics (SWAT); and, taser deployment.

Use of Force from January 2019 through May 2020 by type and race (out of 199 total, display of lethal (46) and physical force (142) had the highest numbers).

Use of Force from January 2019 through May 2020 by gender: female = 54, male = 145.

Chief Johnson stated the IFPD Annual Report will include this Use of Force data.

Chief Johnson reviewed the Lexipol Use of Force policy with general comments and discussion throughout including Purpose and Scope (Best Practice) (provides guidelines); Definitions of Deadly Force and Force (Federal); Policy (Best Practice) (is a matter of critical concern); Duty to Intercede (Federal) (Chief Johnson stated this is part of the culture and there is more of the 'Blue Brotherhood' who wants to go home to their families. He also stated a very blunt conversation has occurred with the IFPD officers following the recent national events.); Use of Force (Federal); Use of Force to effect an arrest (State); Factors used to determine the reasonableness of force (Federal) including de-escalation; Pain Compliance Techniques (Best Practice); Carotid Control Hold (Best Practice) (may see a higher level of force if this technique is removed); Use of Force to Seize Evidence (Best Practice); Deadly Force Applications (Federal); Shooting at or from moving vehicles (Best Practice, Modified) (these are rarely effective); Reporting the Use of Force (Best Practice); Notification to Supervisors (Best Practice); Medical Considerations (Best Practice); Supervisor Responsibilities (Best Practice, Modified); Shift Lieutenant Responsibility (Best Practice); Training (Best Practice); and, Use of Force Analysis (Best Practice). Additional policies include Use of Force Review Boards, Handcuffing and Restraints, Control Devices and Techniques, Conducted Energy Device, and, Vehicle Pursuits.

Chief Johnson stated examples of training include use of force, de-escalation, firearms (daytime and nighttime), taser, baton, pepper spray, and, defensive tactics. He also stated the IFPD requires 100 hours of base training per year, State requirement is 20 hours per year.

General discussion followed including the request of the citizen complaint process and bias training,

Idaho Falls Downtown Development Corporation (IFDDC) Business Improvement District (BID) Report:

Director Cramer stated this presentation is required on an annual basis per the BID management agreement with the City. To the request of Mayor Casper, Director Cramer stated the BID is a tool that can be used in an area where

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individuals are willing to vote for an extra assessment/tax on their property value that goes to a specific fund and used for specific purposes. He believes the BID has been in place for approximately 20-30 years. The funds are collected by the County, distributed to the City, and, then distributed to IFDDC for use. Ms. Smith clarified the extra tax is set at a specific amount which has created \$90,000 in the annual income in the BID. This money is intended for long-term planning. The BID had previously been the largest funding source for the IFDDC. Ms. Smith reviewed the State of Downtown Dashboard which shows the trajectory and growth of the BID. She also reviewed the Year in Review stating multiple projects have been occurring through the year, including wrapping of the traffic cabinets and public art/murals. She noted graffiti is removed as quickly as possible. Ms. Smith stated all corners in the core of downtown have been replaced including the addition of trees and landscaping in coordination with the Public Works and Parks and Recreation Departments. Ms. Smith reviewed several downtown events, including holiday events (she noted the Shop for a Cause Autism Fundraiser was not held due to COVID-19). Ms. Smith also reviewed Parking by the Numbers (2,563 parking citations written, 1,063 parking tickets collected on, and, 41% collection rate). She indicated several issues/concerns were addressed during this new parking program. She also indicated the parking program was not an easy process although she believes there is a good effort moving forward. It was noted the underground parking at The Broadway is managed by the Oppenheimer Group. Director Cramer stated several of the underground parking stalls at The Broadway are leased on a monthly basis therefore, the stalls are not free for use. Ms. Smith reviewed goals for the next year – meet financial goals for all events; continue to execute a robust marketing plan; public art projects; improve the signage on the River Walk and downtown entry ways; continue to make positive efforts managing downtown parking; and, explore grants for public art funding. Ms. Smith reviewed financials for IFDDC ending May 31, 2020. She noted the Taste of Idaho Event will not be held which resulted in a \$45,000 loss although IFDDC received a \$23,000 Paycheck Protection Program (PPP) Loan from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Mayor Casper stated additional funding may be available for downtown art.

Community Development Block Grant (CDBG) CARES Act Fund Recommendations:

Ms. Farris stated the City is expecting to receive \$250,072 in the first round of FY2020 grant funds available through the Housing and Urban Development (HUD). In order to receive these funds, the City is completing a substantial amendment to the FY2019 CDBG Annual Action and Citizen Participation Plans. The 2020 funds will be distributed once the plan amendment has been approved. Ms. Farris stated applications for the grant funds were accepted beginning May 31 and the public comment period will end on June 29. Criteria for funding included the requirement to assist, address, and prevent COVID-19 and infectious disease. Reimbursements are allowed back to March 2020 as long as they are COVID-19 related. Guidance has been provided through Webinars and HUD. Ms. Farris stated one (1) particular webinar recommended to spend the funds where they are needed the most, establish fund partnerships with non-housing organizations, plan for a post-pandemic period, and, advised to address the need and not the entity. Ms. Farris stated the full funding amount has not been received and this process could be repeated for additional needs due to COVID-19. She also noted the Public Service cap was lifted for 2019 and 2020 and, a 5-day public comment period was allowed versus the typical 30-day public comment period.

Ms. Farris reviewed the Activities/Projects recommended for funding with general comments throughout:

Idaho Falls Senior Citizen Community Center – assistance for increase in food costs/availability due to COVID-19; \$12,000, \$1,000/month

New Day Lutheran – summer food service program for School District 91; \$5,000 (July-August)

Eastern Idaho Community Action Partnership (EICAP) – emergency, rental assistance, Haven operational costs; \$25,000

Trinity United Methodist Church – temporary emergency shelter and breakfast for up to six (6) adult men; \$7,499

Idaho Falls Arts Council (IFAC) – building improvements to install permanent sneeze guards to ticket counters and health/safety supplies; \$1,450

Community Food Basket Idaho Falls/Idaho Falls Soup Kitchen – equipment to support student significant needs increase; \$16,000

IFP – utility assistance to Low to Moderate Income (LMI) renters and homeowners from March 2020 to present; \$15,000

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Downtown Event Center (DEC) – modifications of storefront with a parklet and infrastructure to support a street pocket park for outdoor space that meets social distancing requirements; \$17,000
Community Development Services – administration of COVID-19 CDBG funds; \$31,347
Total = \$130,296

Ms. Farris stated any unused COVID funds from the \$250,072 amount can be carried over until September 30, 2022. To the response of Mayor Casper, Ms. Farris stated it is unknown at this time of any additional funds through this particular program.

Comprehensive Planning and Annexation Hearings Process Briefing:

Director Cramer stated the Community Development Services Department is preparing to update the Comprehensive (Comp) Plan, therefore, there is preference to establish the Council's goals, the Planning and Zoning (P&Z) Commission goals, and, staff goals. He also stated comprehensive planning is not just about land use, it's an official policy statement about growth management and every department in the City has issues related to growth. He believes the plan should clarify the relationships between physical development policies and social and economic goals. Director Cramer reviewed the 12 Statutory Purposes of Planning set forth by the State. He also reviewed the 17 required elements of the Comp Plan, including agriculture, schools, economic development, and, transportation, stating there must be collaboration with other City departments. General Fund examples include another fire station needs in the north part of town and the thresholds/measurable needs. Any decision for annexation and plat approval also means ongoing street maintenance. Any infill development would already have streets and utilities. Enterprise Fund decisions include water usage, sewer capacity, and, electricity services. Director Cramer reviewed the Comp Planning Process which includes background work (he has visited with the majority of departments regarding growth concerns); P&Z/citizen participation (focus groups), and, policy and map development. Idaho Falls plan elements include background studies, policy statements, and, social and economic profile. Director Cramer also stated steps include plan development, implement, and, review. He stated the current plan has served the City very well although this was based on a model from the early 1990's. Planning, issues, and, budgets have changed, there are new challenges on the horizon, and, technology has changed. Director Cramer believes it's time to connect the land use piece to the budget piece and the overall growth management piece in a data-driven way. He also believes there is a need to tie these in with the City's Community-oriented Results and the strategic plan. Mayor Casper believes the goals with the Community-oriented Results are important for the City's strategic plan. Director Cramer prefers to collaborate with all departments moving forward. He stated the proposed timeline (for preparation, background, citizen engagement, drafting, and, adoption) has been delayed due to COVID-19, however, he is hopeful the Comp Plan update will be completed by 2021 year end. Next steps for Council include working towards setting goals and an overall vision for the project and, preparing for an effective conversation with a series of reading assignments. Brief general comments followed.

It was then moved by Councilmember Freeman, seconded by Councilmember Francis, to move into Executive Session. The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will not reconvene into regular Work Session. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Executive Session, Monday, June 22, 2020 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:10 p.m.

There were present:

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

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Councilmember John Radford (by WebEx)

Also present:

Chris Fredericksen, Public Works Director

Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the meeting adjourned at 6:39 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR