

## August 24, 2020 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, August 24, 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  
Councilmember John Radford (via WebEx)  
Councilmember Thomas Hally  
Councilmember Jim Freeman (via WebEx)  
Councilmember Jim Francis  
Councilmember Shelly Smede

Also present:

George Boland, School District 91 Superintendent  
Pamela Alexander, Municipal Services Director  
Bryce Johnson, Police Chief  
Jeremy Galbreath, Police Captain  
Chris Fredericksen, Public Works Director  
Chris Canfield, Assistant Public Works Director  
Mark Hagedorn, Controller  
Nick Miller, Hawley Troxell Bond Counsel (via WebEx)  
Adam Christenson, Hawley Troxell Bond Counsel (via WebEx)  
Christian Anderson, Zion's Bank (via WebEx)  
Ed Morgan, Civic Center for the Performing Arts Manager  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:01 p.m. with the following items:

### Calendars, Announcements and Reports

September 7, Labor Day  
September 8, City Council Work Session  
September 9-10, Northwest Public Power Association (NWPPA) Annual Conference  
September 10, CSP Memorial Walk and City Council Meeting  
September 16, Energy Communities Alliance (ECA) National Clean-up Workshop and Bonneville Metropolitan Planning Organization (BMPO)  
September 16, Citizen's Police Academy begins  
September 17, Constitution Day  
September 21, City Council Work Session  
September 24, Idaho Falls Power (IFP) Power Board Meeting and City Council Meeting

Mayor Casper stated representatives from the War Bonnet Round Up Rodeo have met with the Fort Hall tribe regarding follow-up sponsorship discussion, the tribal members indicated they would host a tour if possible; the Connecting Us, Sustaining Progress (CUSP) committees, which are populated by the public, are working on community-wide questions and concerns with a follow-up report anticipated to the Council in the next year (Mayor Casper noted the Arts and Cultural subcommittee may be dropped for the time being); and there has been discussion with individuals regarding ideas for Police reform, these ideas are all being addressed.

### Coronavirus (COVID-19) Update:

Mayor Casper stated several City employees or family members have been diagnosed with COVID. She indicated this has caused less time for the Human Resources Department to address other department items/goals. She also

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stated the State is seeing a downward trend in infection rates although there are close to 30,000 cases. There have been more than 300 deaths State-wide. Bonneville County remains in the Moderate Risk level and Eastern Idaho Public Health (EIPH) has been careful to ensure area hospitals are not overrun with COVID patients. Mayor Casper stated the greatest risk in the pandemic management may be from the social side as some individuals feel restrictions are un-informed or information is 'elitist'. Misunderstanding or misinterpreting the policy goals has been fear-based, which is not helpful. An outbreak occurs when the guidelines are not followed and an outbreak will shut schools and/or businesses down. Mayor Casper encouraged intelligence with this pandemic. She also stated public policy goals are not fear-based goals, these goals are to prevent the illness and to prevent the situation from getting out of control from a healthcare perspective. She renewed her call to obey the order to lower the infection rate.

### Liaison Reports and Council Concerns:

Councilor Freeman stated the City has produced how-to-drive roundabout videos.

Councilor Radford had no items to report.

Councilor Francis stated approval for body cameras for the Idaho Falls Police Department (IFPD) will be forthcoming. He also noted work is beginning on Funland.

Councilor Smede had no items to report.

Councilor Hally stated 14 personnel from the Idaho Falls Fire Department (IFFD) have been deployed for firefighting. He noted this cost is reimbursable. He also stated agreements with other counties and the IFFD will be presented in the future. He cautioned the fire hazard with camping/all-terrain vehicles (ATVs). Mayor Casper noted those deployed personnel will be called back if they are needed for the City.

Council President Dingman had no items to report.

### Superintendent George Boland, School District 91 Back-to-School Update:

Superintendent Boland stated the Getting Back to School 2020 plan is located on the district website. The initial green (return to school), yellow (a hybrid), and red (all remote learning) plan was approved in July. A modification was made to the plan in August which also added blue (a blend of green and yellow) which delayed the start of school to August 31. The focus has been to increase the capacity and proficiency of providing remote learning and to integrate technology into learning no matter what phase. Superintendent Boland stated training has occurred with teachers and different areas and trigger points have been identified. The Board would need to take action based upon the metrics from EIPH. Superintendent Boland stated students, staff, and visitors will be expected to wear masks when social distancing cannot be maintained. He also noted accommodations are being made with vulnerable staff for online instruction, these issues are being addressed on a one-on-one basis. Superintendent Boland stated students on buses will be required to wear masks and activities are on-going for the time being. He also stated a plan for each building is being customized. The individual building plans will be posted online for parents' reference. Protocol information is also available including communication to all parents. Superintendent Boland noted some staff have tested positive for COVID and are currently in quarantine. The absence of a large number of staff may require the closure of a school(s). Superintendent Boland stated federal money is available to help with Personal Protective Equipment (PPE) including masks and hand sanitizer. He indicated the schools will do all they can to comply with the Centers for Disease Control and Prevention (CDC) guidelines as there could be a challenge to keep schools open. He reiterated Mayor Casper's comments to step up to minimize the spread of COVID. Mayor Casper indicated several businesses have reached out to help and support with masks and hand sanitizers. Per Councilor Hally, Superintendent Boland stated PSAT and SAT tests are currently scheduled for this fall, although these tests are subject to change. Per Councilor Freeman, Superintendent Boland stated parents are encouraged to take temperatures of their children prior to sending them to school as taking temperatures at the schools could be difficult based on the number of students. He emphasized the importance of keeping ill children isolated until a parent can pick that child up. He also stated the district has several nurses who each have a 'home' school with on-call to other schools. Per Council President Dingman, Superintendent Boland stated the current school board does not have a lot of experience. He also stated parents were surveyed in July, 3% of these parents indicated they would not send students to school until a vaccine was available. He noted there were approximately 1000 students (10% of total students) registered for online instruction when registration closed. Council President Dingman questioned if a parent withholding a child from in-person attendance would violate the attendance policy. Superintendent Boland stated the attendance policy is classified as verified and unverified. Idaho Code has compulsory attendance with a homeschool statute. This would

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need to be reviewed on an individual basis. Mayor Casper noted Idaho Falls Fiber is attempting to help with the broadband capacity.

### Boy Scouts of America (BSA) Grand Teton Council (GTC) Building Lease Agreement Request:

Mayor Casper stated the BSA has a building lease on 4th Street. This lease has certain terms that requires City approval prior to a building use change. Director Alexander stated she received a request from Community Youth in Action (CYA) for a facility-use partnership with the GTC. The City has a 25-year agreement with the GTC as the facility was built on City-owned land. The terms of the agreement state the GTC would sponsor Boy Scout type/youth-related activities. This specific proposal received was to use the building for youth-related activities (not Boy Scout-related activities) including basic renovations (paint, carpet). Director Alexander noted approval had been given for two (2) previous requests. Brief discussion followed regarding approval of the 'City' versus approval of the 'City Council'. Mr. Fife believes the Council has allowed day-to-day management of buildings through the Mayor's Office and staff. Mayor Casper questioned Council being contacted for each potential use of a building request. Councilor Hally prefers to delegate this to staff. Per Councilor Francis, Director Alexander believes the building is currently being used by the BSA for storage. Councilor Francis believes, per the agreement, the BSA are not occupying the building and therefore the lease is default. Director Alexander believes, per previous dialogue, the BSA is in compliance of the agreement due to the building being utilized although the majority of the BSA programming is in a different location. Per Councilor Hally, Director Alexander stated the BSA could not lease the building for any dollar amount. Mayor Casper believes if there is a no-cost use of the building and a request is to benefit youth in the community this is sufficient grounds to satisfy the Council of the direction of the lease. She believes staff could manage any future requests received for the building that falls within these sideboards. Mr. Fife believed at the time of the contract this building was the headquarters for the BSA. He noted the lease was extended although the majority of BSA programs are not currently being run out of this building. He believes the vague/broad language in the lease is unclear although he does not believe there is a breach of the lease with the proposed request. Councilor Hally believes the issue was the City-owned land and the lack of flexibility with the land as the building was centrally located on the land. Councilor Francis stated he is comfortable with the proposed use, although he is not comfortable giving up the Council decision as he believes Council has the ultimate responsibility. Councilor Freeman concurs as he would also like to keep control of the oversight of the building for future use. Council President Dingman stated, as the CYA sector representative, CYA is currently meeting in the Senior Citizen Center. However, it has become difficult for CYA to operate in this building due to the comprising health of the members. Council President Dingman prefers to keep Council involved for any requests. Mayor Casper noted CYA is proposing physical modifications, she believes any structural changes to a City asset should not be performed without approval of City staff. She also believes Council should approve who's in the building, staff should approve the use of building. Per Councilor Hally, Mr. Fife believes the contractual relationship controls what happens to the building. He does not believe the City owns the building due to the current lease. Mayor Casper stated this item will be included on the August 27 Council Meeting agenda.

### Chief's Update on Community Proposal:

Mayor Casper stated an Op Ed from Chief Johnson was included in the August 23 Post Register regarding police reform. She noted there are several entities that also have ideas and concerns regarding the police. Chief Johnson stated follow-up ideas/proposals from the police reform discussion will be available in the near future. He briefly reviewed other community/entity committees meetings. He also briefly reviewed data points for arrests. Per Councilor Hally, Chief Johnson stated Citizens for Accountability Advocacy and Public Safety (CAAPS) committee had formed from the Idaho Falls Progressives, he is unsure of any bylaws. He indicated CAAPS had initially submitted two (2) proposals which did not end up in the final proposal. Mayor Casper stated this conversation is ongoing as the City/IFPD is hoping to set an example. She noted the vast majority of cities are trying to improve.

### General Discussion of Law Enforcement Complex (LEC) Design and Financing:

Mayor Casper stated City staff has reviewed and has reduced the preliminary amount of the LEC to under \$30M. Director Fredericksen stated the initial estimate on July 27 was \$41,179,294; the revised estimate on July 31 was \$31,749,832; the current estimate is \$29,867,676. This includes a reduction in the number of buildings plus some adds to offsite improvement requirements (intersections). Per Councilor Hally, Director Fredericksen stated this

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includes a 10% design contingency (\$2.8M) plus a 5% construction contingency (\$1.2M) for change orders. He noted there is an additional 5% contingency (\$1.2M) included for inflation of construction materials. Mayor Casper noted this is renewal development in this particular area and development costs were higher than a typical flat piece of ground. She also noted the decision was made to use the expertise of City staff versus an outside manager which is also a cost savings. Chief Johnson stated the initial \$41M was the needs assessment, the needs were pared down. He believes this facility is a huge improvement from the current situation and will serve the community. He also stated this revised plan includes a staged proposal. Chief Johnson described the building plans stating the LEC will include two (2) buildings (the third building, the training building, was eliminated), office sizes have been reduced from a standard size, the dedicated community space has been eliminated (although training space will be dual-purposed), training space was reduced by approximately 50%, evidence space was reduced (additional space may need to be added in approximately ten (10) years, the wall in this room can be expanded out to add additional space), patrol and detective spaces were reduced, and the vehicle storage area was reduced. Per Mayor Casper, Captain Galbreath believes the challenge of a two-story building (the 'tiered' perception of the administration) has been eliminated with the design of the building. Per Councilor Radford, Chief Johnson stated the original needs assessment (\$20-\$25M) in 2007 included an inflation index cost. The additional costs (approximately \$7M) are due to the length of time that has passed since the original assessment, the unique site, and road improvements. He reiterated he believes the LEC will fit the needs of the community. He reviewed the layout of the building and two (2) views from Northgate Mile. Per Councilor Radford, Chief Johnson stated this is the site plan that will be presented to the public. Director Fredericksen and Assistant Director Canfield concurred with the cost estimates and both believe this facility will cover the needs. Council President Dingman believes staff has reduced the plan as requested by Council. She does not believe it's feasible to make this building any smaller as the LEC is being built for a purpose.

Mayor Casper briefly reviewed funding options including General Obligation (GO) Bond (with 2/3 of voter approval) and Certification of Participation (COP). Councilor Hally believes it would be difficult to go to a COP in the event a bond fails unless specific wording is included on a bond. Council President Dingman believes a COP is in the best interest for the financing option. Councilor Smede believes this is an important project. She also believes there would be additional costs to the taxpayers to wait for bonding. She agrees with a COP to start on the project sooner to ensure the best possible prices. Councilor Francis agrees the costs could increase if there is waiting for a bond. He believes a COP expedites the decision to be responsible with money. He also believes it's time to move forward. Councilor Radford believes approximately \$1.3M each year from the General Fund will be a difficult ask for the next 30 years which will limit choices; this will magnify the Full Time Employee (FTE) issues; and this will have an impact on Fire, Police, and Parks and Recreation (P&R) Departments. He also believes the COP has only been used one (1) other time in the State and this option may likely get taken away by the legislators. Councilor Freeman, referencing a bond, questioned the value of one (1) vote that could cancel two (2) votes. He believes there is a reason to move quickly versus the delay of cost. He is in favor of a COP. Councilor Hally stated taxpayers dollars for redevelopment projects have been frozen for later growth. He believes the growth in this area may fund the City down the road.

Mr. Anderson confirmed the GO Bond and COP amounts are close to the current market numbers. He stated this would not be the second COP in the State. COPs have also been referred to as a Lease Revenue Bond and a number of projects in the State have been funded by these structures. Mr. Anderson noted a Supreme Court case in 2015 clarified the statutes surrounding the structures. Mr. Miller concurred with Mr. Anderson's comments. He stated several projects have been completed with this method. He also stated this has been a common feature of financing in most other states for some time. He indicated this is an interpretation of the constitution which he believes the legislators would not change. Mr. Miller also believes COPs makes sense. Per Director Alexander, Mr. Anderson stated there would not be any new tax revenue to make any payments with a GO Bond until March 2022. A COP can get to market sooner. Mr. Anderson noted interest rates are at an historical all-time low. A fiscal payment could occur in Fiscal Year 2021 which would make the payment schedule smoother. An interest payment in September would amount to \$833,815, although the payment is more likely to happen in January or February 2021. The full interest and principal payments would then be required each year. Per Director Alexander, Mr. Anderson stated COPs are sold to the same market, therefore this has been structured on a 10-year call restriction meaning there would be no option of prepayment. He noted ten (10) years is the norm in the market. There is more cost for more flexibility. He also indicated he would work with staff for reasonable assumptions to prepay. Discussion followed regarding the

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number of years of payments and the first payment allocation. Mayor Casper noted this amount would need to be allocated each year. Per Councilor Hally, Mr. Anderson stated there is an overall higher interest rate the longer the term is. Issuance costs are included in the payment. Total payments (interest and principal) on a 30-year term would be \$47,263,615. Councilor Radford would not recommend making an interest payment in September, he would prefer the growth to occur in the taxable value. Mr. Anderson stated a delay of payment would increase the interest in 2022 which would offset the amount of principal in 2022. This would also increase the amount of payments. Per Councilor Radford, Mr. Hagedorn stated the level of reserves would be dependent on which fund. Per Mr. Roos, Mr. Anderson stated the rating of the GO Bond and COP is dependent on the annual appropriation provision. He also stated the rating agency is looking at the financials and the tax base followed by an evaluation of the affordability of the COP and the project as well as General Funds and funds that are not legally tied to other purposes. Seeing there was consensus to proceed with a COP, Mr. Anderson briefly reviewed the schedule/process moving forward including a Request for Proposal (RFP) for an underwriter. He recommended the RFP for the full 30 years but this could be adjusted/backed down if needed. The terms would not have to be decided at this time. Per Councilor Francis, Chief Johnson stated the first payment for the initial scope was from the current year IFPD operating budget and is not part of the \$1M nor part of the COP. Director Fredericksen stated the \$30M includes the design costs and total project costs. He anticipates 12 months to design and 12 months to build. Mayor Casper believes the LEC will have a large impact on the way the community is served by the IFPD. Chief Johnson stated, on behalf of the IFPD, they are humbled and grateful for the overwhelming support for this project.

There being no further business, the meeting adjourned at 6:07 p.m.

s/ Kathy Hampton  
Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper  
Rebecca L. Noah Casper, Mayor