

**NOTICE OF PUBLIC MEETING**

**Monday, March 8, 2021**

**City Council Chambers**

**680 Park Avenue**

**Idaho Falls, ID 83402**

**3:00 p.m.**

*The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), the public may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.*

*This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

**CITY COUNCIL WORK SESSION**

*Times listed in parentheses are only estimates.*

**Call to Order and Roll Call**

**Mayor:**

-Acceptance and/or Receipt of Minutes

*Action Desired:* To receive recommendations from the Planning and Zoning Commission

-Calendars, Announcements, Reports and Legislative Bills (15)

**Council:**

-Liaison Reports and Councilmember Concerns (15)

**Fire Department:**

-Presentation and Update: Business Registry/Business License (30)

**Police Department with Attorney and  
Municipal Services/City Clerk:**

-Discussion: Amendments to Child Care Worker License Ordinance (30)

**Mayor's Office/Economic Development:**

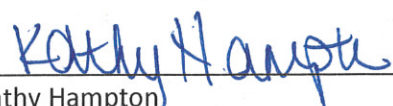
-Discussion: College of Eastern Idaho (CEI) Expansion and Real Estate Needs (45)

**Executive Sessions (2):**

-The Executive Sessions are being called pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code; and Idaho Code Section 74-206(1)(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

**Announcements and Adjournment**

**DATED this 5<sup>th</sup> day of March, 2021**

  
Kathy Hampton  
City Clerk



## MEMORANDUM

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**TO:** Honorable Mayor and Council

**FROM:** Brad Cramer, Community Development Services Director

**DATE:** March 3, 2021

**RE:** March 2, 2021, Planning Commission Action

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Planning Commission took the following action during the March 2, 2021 meeting.

1. **PLAT21-007: FINAL PLAT. Providence Point Division 2.** Generally located south of the former HK pit, north of E 49<sup>th</sup> S, east of S 25<sup>th</sup> E, south of Sunnyside Rd, west of S 15<sup>th</sup> E. On March 2, 2021, the Planning and Zoning Commission unanimously voted to recommend approval of the final plat to the Mayor and City Council.
2. **RZON21002: REZONE. Ivywood West from R1 to R3A.** Generally located south of W 65<sup>th</sup> S, west of S 15<sup>th</sup> W, east of 5<sup>th</sup> W, north of 81<sup>st</sup> S. On March 2, 2021 the Planning and Zoning Commission voted unanimously to recommended approval of the zone change from R1 to R3A as presented to the Mayor and City Council.
3. **ANNX21-001: ANNEXATION and ZONING of HC for .237 acres, Section 16, Township 2 North, Range 38 East.** Generally located south of Lincoln Rd, east of N Woodruff Ave, west of N 25<sup>th</sup> E, north of Bentley Way. On March 2, 2021 the Planning and Zoning Commission voted unanimously to recommended approval of the annexation and initial zoning of HC as presented to the Mayor and City Council.

**RECOMMENDED COUNCIL ACTION:** To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).



## **WAR BONNET ROUNDUP RODEO ADVISORY COMMITTEE**

**Thursday, January 28 Minutes**

**Webex**

**11:00 a.m.**

**Members in Attendance:** T. Shay, R. Campbell, J. Newgard, P. Holm, M. Handke, J. Stephens, C. Horsley, B. Cranor, K. Staten, B. Skinner, K. Jones, K. Searle

**Members not in Attendance:** D. Marshall

### **Call to Order**

P. Holm called the meeting to order at 11:14 am.

### **Director's Report – P. Holm**

- P. Holm began the discussion of the need to choose a chair and asked the two person's nominated, K. Jones, and J. Newgard to say a few words about why they would like to serve as chairman. Both K. Jones and J. Newgard each expressed their thoughts and concerns. Further committee discussion favored having a chair and co-chairman. K. Staten motioned that J. Newgard serve as chairman and K. Jones as vice chair. B. Skinner seconded. All in favor, motion carried.
- P. Holm discussed the rules of a Title II committee that is now the status of the War Bonnet Advisory Committee and asked for discussion on the makeup of future meetings. A decision needs to be made going forward of who of those outside of the Title II committee should attend meetings or whether we should have separate meetings for subcommittee members. It was decided that subcommittee members will be invited separately to attend this meeting as the need arises. It was also decided that the committee secretary will send out agenda requests one week before each meeting.
- Director clothing. Discussion on who should wear the director clothing, badges and belt buckles going forward. B. Skinner motioned that only the seven directors will wear the director shirts and accessories. K. Staten seconded. All in favor.

### **M. Handke – Special Event & Volunteer Committee**

- M. Handke asked for the committee to advise him on whether to put ACME Fireworks on the calendar for the 2021 rodeo. There was discussion on placement of fireworks and flares to address concerns for horses and their riders. It was decided to use flares in the arena and not to have sparklers again.

**Adjournment**

B. Skinner motioned to adjourn at 12:06 pm. K. Staten seconded. All in favor.

Next meeting will be February 25, 2021.

*Recorded by  
T. Sessions  
Department of Parks and Recreation*

Idaho Falls Downtown Development Corp. February 9, 2021 board meeting was held online at 8:30am

Attendance: Jake Durtschi, Shanon Taylor, Steve Fischbach, Cindy Napier, Jill Hansen, Tasha Taylor, Lisa Farris, Kevin Cutler, Dana Briggs, Brad Crammer and Steven Boorman from I.F. Power.

Staff: Catherine Smith, Juan Hernandez, Mala Lyon

Minutes for January 12, 2021 were reviewed - Cindy motioned to accept the minutes. Jill seconded and board approved

Financial report – Catherine –second PPP loan for \$27,297.00. Liability Event Insurance with Hartwell \$5,000– we have not received an invoice – rates will be based in the number of events. We paid this in full last January and then didn’t have any events. The charges for the parking software are based on usage. Met with IPS who runs the software, and we are looking at options as there are two plans we can use and pay for – like a cell phone unlimited usage fee or fees based on usage.

Jake asked if we are looking at holding events? Catherine has been in touch with Parks and Rec, specifically Mason Handke who must clear and approve all events. We are hoping to do the Springbrew April 17<sup>th</sup> as it is an outside event, and we can spread the event out into the street making social distancing easier. The question will be what is “full capacity” when you are outside and in the street? The Civitans with Alive After 5 are moving forward to have their weekly event starting in May.

We have trimmed the budget so we don’t need the events to make our budget work, but it will be fun to have an event to look forward to. Jake asked if we could get or will need special approval from the Health District? Catherine said we can ask for a safety plan. We want to be clear in our message that we are responsible and following the directives from the Governor and the city.

Motion was made by Cindy that the financial report be approved; Shanon seconded and board approved.

Directors Report – Catherine - we received the second PPP loan for \$27,297.00 and hope it will be forgiven like the first one was. This will help cover the loss of income from the events. We have trimmed the budget to account for that loss of income.

Lighting Project – the board approved the use of façade grant funds that are left over from 2017 to add additional lights to the parking lots. The B Street lot especially needs more lights to make it more friendly and safe. We worked with Lisa through the process to install 5 additional lights that would be solar. The cost of connecting lights to the grid is very expensive. We investigated moving the electricity in the B Lot and it was \$8,000 which would have put completing this project with a \$22,000 budget out of reach. We did a bid process with Lisa and picked Wheeler Electric to do the install. We have run into a problem with the Mayor not being comfortable with us doing improvements without specific permission. Lisa did all her due diligence in making sure the city was informed on the project. Idaho Falls Power wants to know why we want to use solar as they do not feel it is the best option. Brad said our contract with the city offers little help in knowing if we can do improvements. It is very basic and saying IFDDC is in charge of maintenance, snow removal, weeds, trash and such, so basically use the parking lot for parking and keep it clean. Catherine said we have managed the lot all these years and didn’t know that special permission was needed to make improvements that were no cost to the city. Jake said this has never been a precedent in the past. Steve (with I.F. Power) was curious if there a better or cheaper way to get these lights? I.F. Power are offering to do a review of the project and let you know what other options there are. Lisa said we do have a signed contract with Wheeler Electric, the city and IFDDC. Brad said that the city attorney Mike Kirkham is looking at the agreement the city

has with IFDDC. The city is the actual property owner of the lots, we want to avoid having to restart the bidding process and going back to HUD. Lisa said we started this project last Oct and recommends that we move forward as it is.

Parking Survey – we sent out a request for people to fill out a survey on downtown parking with questions about a possible parking garage and on-street meters. We put it out to the public on our facebook page and the newsletter and then sent it specifically by email to the downtown property owners and merchants. The goal was to gather feedback and to help people understand that a parking garage would not be built in the heart of downtown at the expense of existing buildings. On-street parking meters have been suggested by some of the downtown business owners like Centre Theatre and a hair salon, so that people can just pay for however long they want to park. We thought we would get lots of negative comments as that has been the case for past surveys, but we didn't. Not one person said downtown parking was horrible on a scale of one to five. The survey is still open for one more week. 25% said they thought meters on-street were a good idea and 75% thought it would drive customers away. One comment was why have paid parking when there is plenty of parking available?

Block-Face ordinance – this would make it so you can park for two hours on one block then you would have to move to a new block to park again. The way it is now if someone moves their car one inch they can claim they have “moved their vehicle” and can now park for another 2 hours. We still have lots of downtown employees that move their cars every two hours. It is with the city legal department to do the wording for the ordinance.

Lisa – there are no changes we have about \$57,000 and currently the only project is Spruce/Pie Hole Pizza. We will be working on our new 5-year plan

Meeting was adjourned at 9:26am

Our next board meeting is scheduled for March 2, 2021.

Respectfully submitted by Jill Hansen, Secretary and Mala Lyon

## Idaho Falls Sister City Youth Approved Meeting Minutes

This meeting was conducted using the platform Zoom

**February 15, 2021**

Maggie Boring	Charlotte Combs	Laura Combs	Jackie Sugai
Kylie Eaton	David Eaton	Katie Eaton	Abby Gallegos
Izzy Kelley	Laura Kelley	Sam Hawker	Lori Kidwell
McKenzie McIsaac	Eden McIsaac	Charlie Medema	Max Medema
Heather Medema	Mike Medema	Gabe Padron	Jorge Padron
Nathan Peck	Kendra Peck	Anna St. Michel	Whitney St. Michel
Rebecca Smith	Stephanie Van Ausdeln	Carter Thompson	Jennifer Thompson
Tim Thompson	Kayleigh Thompson		

### Approval of Meeting Minutes

A motion by Stephanie VanAusdeln was made to approve the February 3, 2021 meeting minutes after fixing a typographical error. Motion was seconded by Lori Kidwell. The minutes were passed.

### Reminder

The next Zoom meeting will be **March 3, at 7:00**. Please put this on your calendar. A reminder email notice will be sent out before the meeting.

Upcoming meetings you may want to put on your calendar are March 3rd and 15th, April 7th and 19th. May 5th and 17th, June 2nd and 14th.

### Treasurer's Report

As of today, February 3rd: checking \$16,600.84, money market \$329.23, and savings \$25.05. Fifty dollars was added to the checking from the calendar sales.

### Bylaws

The proposed changes to the Bylaws and the proposed Bylaw Addendum for Student Eligibility for Participation in the Exchange were emailed to each person to look over (previous to this meeting).

The Bylaws and the Addendum were discussed. The group voted on each document and approved both.

## **Fundraisers**

Kendra Peck asked the group for fundraising suggestions. After discussion of ideas the group proposed the following:

1. Bowling alley at skyline lanes fundraiser (Laura Kelley will look into this)
2. Fundraiser at the drive in movie/ small in car activities  
(if one here is unavailable Rexburg drive in is possible. Laura Kelley will look into this.)
3. Summer version of "Winter Carnival" with outdoor activity possibly near Snow Eagle, some form of food, etc. (Stephanie VanAusdeln will look into this)
4. Servant's heart band (on a Friday)
5. Cookie dough, sell cookies
6. One time services, cleaning windows garbage cans, etc
7. Walk/run 5k at the Greenbelt
8. Form of online raffle/auction
9. Car wash at rapid wash
10. Cherry Blossom Festival with Covid upgrade. Jennifer Thompson will look into this.

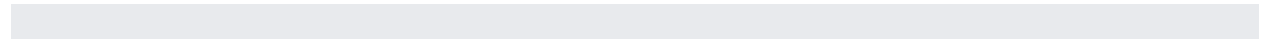
Stephanie VanAusdeln will email the above list and ask for volunteers to get information on starting the fundraiser they choose to look into.

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## **Student Activities**

### **Current Events in Japan**

Stephanie VanAusdeln gave a presentation, "This Week-A Quick Review" on current events in Japan. The link to this presentation is below.



Attachments area

[This Week's Quick Review on Happenings in Japan](#)

Vaccinations in Japan

<https://www3.nhk.or.jp/nhkworld/en/news/videos/20210216142926301/>

<https://www.newsonjapan.com/html/newsdesk/article/129963.php>

Major Earthquake on Saturday Night



<https://japantoday.com/category/national/M7.3-quake-strikes-off-northeastern-Japan-injuring-at-least-100>

<https://www.newsonjapan.com/html/newsdesk/article/129962.php>

Mammal Fossil Found in Japan

<https://www.newsonjapan.com/html/newsdesk/article/129883.php>

2021 Olympics on For July

<https://www.olympic.org/news/ioc-ipc-tokyo-2020-organising-committee-and-tokyo-metropolitan-government-announce-new-dates-for-the-olympic-and-paralympic-games-tokyo-2020>

### **Phrase of the Week**

According to the survey Stephanie Van Ausdell sent out in mid January students wanted lessons in learning key phrases in Japanese.

Stephanie VanAusdell gave a quick presentation on the phrase “Ohisashiburi”. Translated in English to “Long time no see” or “Nice to see you”.

### **Student Presentation**

McKenzie McIsaac’s presentation was titled “Japanese Consumption”.

## **P Food Culture-JAPAN (2).pptx**

### **2021 Newsletter**

The 2021 Newsletter needs to be completed. Nathan Peck stated that some students have already signed up for a topic for the newsletter. Students are asked to write one to three paragraphs on the topic of their choosing then email Jennifer Thompson at [timandjenniferfamily@gmail.com](mailto:timandjenniferfamily@gmail.com). These are due late February and will be compiled by the student officers the first week of March.

Students can sign up for topics on this google docs:

[https://docs.google.com/document/d/1U1WQ30oI\\_f6s4cXhkqyLYL\\_OKRu6CB1zB78t35aH\\_nw/edit?usp=sharing](https://docs.google.com/document/d/1U1WQ30oI_f6s4cXhkqyLYL_OKRu6CB1zB78t35aH_nw/edit?usp=sharing)

The newsletter articles can be entered into this link.

<https://drive.google.com/drive/folders/1nMA0Ck7ARJOxikTVWE0G3WRtxo9Uh9Hu?usp=sharing>

The following are students who have signed up for a newsletter article. If you haven’t already volunteered please go to the website above and sign up for a topic.

- Fundraisers
- 2020 meetings/format Max Medema
- Get togethers

- Sushi Making Jackie Sugai
- Zoom Calls
- Volunteering at the Friendship Garden Abby Gallegos
- Garage Sale
- 2020 Raffle Kylie Eaton
- Volunteering at the Community Garden Izzy Kelley
- COVID Impact: Cards we've sent
- Soup Kitchen Anna St. Michel
- 2019 Exchange Sam Hawker

### **March 3rd Student Presentation**

Maggie Boring volunteered to present on March 3rd.

### **Next meeting**

Next meeting will be on March 3, 2021

### **Motion to Adjourn**

Stephanie VanAusdeln motion to adjourn the meeting. It was seconded by Jennifer Thompson.

**Below is the link for the Treasurer's Report.**

[02/15/21 Treasurer's Report](#)

**Below is the link to the Bylaws 2021 and the Addendum.**

[IFSC Bylaws 02/15/21](#)

[Bylaw Addendum Addressing Exchange Participation as a Result of Pandemic](#)

**PARKS & RECREATION**  
**SHADE TREE COMMITTEE MINUTES**

**Tuesday, January 26th, 2021**

**WebEx Virtual Meeting**

**12:00 Noon**

**ATTENDEES:**

**APPROVAL OF MINUTES:** Minutes tabled, there was not a quorum.

**Public Comment N/A**

**Comments N/A**

**Next meeting will be February 23<sup>rd</sup>, 2021.**

Recorded by:

**PARKS & RECREATION  
SHADE TREE COMMITTEE MINUTES  
Tuesday, August 25th, 2020  
Kate Curley Park  
12:00 Noon**

**ATTENDEES:**

Mayor Casper, PJ Holm, Lee Washburn, Hollie Pettingill, Hannah Payne, Matt Hill, Ronnie Campbell, Aaron McCracken, Gerry Bates, Lyon Johnson, Rich Potter, Brian Stevens, Carri Weaver, Matt Hill (per telephone)

**APPROVAL OF MINUTES:**

Rich Potter Approved, Aaron McCracken Seconded

**Public Comment N/A**

**COVID-19**

- **Ronnie Campbell- Parks & Recreation Superintendent-** Discussed struggles of COVID-19 with loss of staff, lower water usage, no Tree Code Enforcement, and Lee focusing on hazard tree care. Xeriscape on hold finalized in fall.
- **PJ Holm - Parks & Recreation Director** – Discussed community work zone letters and not enforcing due to COVID-19. Lack of seasonals. Gem lake maintenance was cut. Forestry and Horticulture better funded next year. Foresees a concentration on flowerbeds next year along with managing between cutting, water and mowing or amenities.
- **Rich Potter - Shade Tree Committee Member** – Inquired when a normal budget will be seen for the City.
- **Mayor Casper** – Budget to pool repair. PJ is managing well with such tight restrictions.
- **Gerry Bates - Shade Tree Committee Member** – things are being managed well even with limited resources. Negative feelings towards flowerbeds have been expressed to him from out of state travelers.

**Changes to Tree Ordinance**

Ordinance 8-9-9

- **Lee - Horticulturist Forester**– Handed out proposed ordinance list and introduced Right-of-Way and utility list to committee. Input asked for new list.
- **Matt – Committee President** – invited nursey to share public comment.

Ordinance 8-9-12

- **Lee – Horticulturist/Forester** - Changing infraction to misdemeanor. Repeat offenders' fines from \$500 to \$1000. Talked about time and costs going to court. Lee discussed Davey's Tree story about unlicensed arborist accident.
- **Ronnie Campbell- Parks & Recreation Superintendent** - He is going to take ordinance to Law. Wants all changes to ordinances to be made before approaching legal. Expressed want to check and see what kind of backing we will get from Legal.

- **Mayor Casper** - Infractions keep costs down and administration simplicity. City reviews code changes. Inquired Committee for recommendations and suggested changing fine from \$100-\$300. Discussed that no business license is required unless they have physical establishment. Court schedule are not friendly to users. Pressed us to come up with “end game” before presenting. Suggested 1) Public service announcement every spring.
- 2) Each spring sponsor workshops to create a community and importance of license arborists. Politically powerful community, bring members of Shade Tree to council meetings to show expertise in subject to hold more weight.
- **Gerry Bates - Shade Tree Committee Member** - Gave other examples of misdemeanors and suggested mirroring other policies to make easier. Shared resources for the public: Treesaregood.org and ISA public information.
- **Lyon Johnson - Parks & Recreation Assistant Superintendent**- suggested start going to court. Suggested Law Enforcement to take license after 3<sup>rd</sup> offense.
- **PJ Holm - Parks & Recreation Director** - Suggested if a person was operating outside of their business license can we strip them of it.
- **Rich Potter - Shade Tree Committee Member** - Asked how the process worked. Shade Tree will help as political muscle
- **Brian Stevens** - Explained Code Enforcement goes to court dates. ETrakIt case built more infractions and growing.
- **Lee and PJ** - discussed representation in the court room.
- **Hollie Pettingill - Administration Assistant** – Discussed how the licensed arborists list changes frequently. Expressed the increase of phone calls after the blanket letter is sent out
- Group discussed licensing.
- **Aaron MacCracken - Shade Tree Committee member** – Timing of workshops and information because of increase of phone calls regarding blanket letter.

## Comments

- **PJ Holm - Parks & Recreation Director** - Shared concerns about cuts made around utility areas along Boulevard.
- **Gerry Bates - Shade Tree Committee Member** – Explained the training companies go through to become licensed to cut around utility lines.
- **Brian Stevens** – Randy Westergard is a contact. Swap trees with ones that don’t grow as tall.
- **Mayor Casper** - The power company doesn’t care about pretty, they need to provide power. Boulevard is a sentimental place and engineers are working with property owners on widening. Comments - proceeding rails to trails program and pursuing converting spots not special. Irrigation needs to be looked into to provide something in those areas- this will be a project down the road.

**Lee - Horticulturist Forester** – Trade a Tree program gives homeowners new trees. Adjourned.

**Next meeting will be September 29<sup>th</sup>, 2020.**

Recorded by:  
Hannah Payne

**PARKS & RECREATION**  
**SHADE TREE COMMITTEE MINUTES**

**Tuesday, September 29th, 2020**

**Freeman Park**

**12:00 Noon**

**ATTENDEES:**

Lee Washburn, Hollie Pettingill, Hannah Payne, Matt Hill, Ronnie Campbell, Randy Westergard, Kim Johnson, Jim Francis

**APPROVAL OF MINUTES:** Minutes tabled, there was not a quorum.

**Public Comment N/A**

**Comments N/A**

**Next meeting will be October 27<sup>th</sup>, 2020**

Recorded by:

**PARKS & RECREATION**  
**SHADE TREE COMMITTEE MINUTES**

**Tuesday, October 27th, 2020**

**Activity Center**

**12:00 Noon**

**ATTENDEES:**

**APPROVAL OF MINUTES:** Minutes tabled, meeting was canceled because illness. There was not a quorum.

**Public Comment N/A**

**Comments N/A**

**Next meeting will be January 26<sup>th</sup>, 2021.**

Recorded by:

# Police, Legal, Municipal Services - Child Care Ordinance



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 6, CHAPTER 3 TO CLARIFY THE CONTROLLED SUBSTANCE VIOLATIONS THAT PROHIBIT OR REVOKE A CITY CHILD CARE LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, children are a priceless asset of our community; and

WHEREAS, in order to regulate child care, the City established a child care ordinance pursuant to authority delegated to cities by the Idaho Code; and

WHEREAS, as part of the authority delegated to cities, the City requires a criminal background investigation of persons who will provide child care services to families; and

WHEREAS, the purpose of the criminal background investigation is, in part, to determine whether a child care worker or provider of child care should be allowed to provide such care; and

WHEREAS, recently, there has been some concern that those who have committed controlled trafficking crimes should not be permanently prevented from obtaining child care licensing; and

WHEREAS, Idaho Code § 39-1113 permits those with felony controlled substance violations to receive any State daycare license after a period of five (5) years; and

WHEREAS, the City may, pursuant to Idaho Code 39-1108, adopt more stringent local daycare ordinances than the State's laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

**SECTION 1.** Title 6, Chapter 3, Section 3, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-3-2: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below:

...

ON-SITE NON-PROVIDER: A person who is not a Child Care Worker or a Child Care Operator and who is either:

- (1) A Resident of a Child Care Facility including immediate family members of the operator/director, and who has or may have unsupervised contact with children, or

(2) Janitorial or lunch room staff, bus driver, a bookkeeper, office manager, secretary, receptionist or other person employed at a Child Care Facility and who may have regular unsupervised contact with children, exclusive of child care operators or child care workers.

(3) Any friend, significant other or neighbor who regularly visits the Child Care Facility.

6-3-4: CERTIFICATION OF INDIVIDUAL CHILD CARE WORKERS OR ON-SITE NON-PROVIDERS:

(A) No owner or operator of a Child Care Facility shall permit or allow any Child Care Worker or On-Site Non-Provider to provide Child Care or to be in contact with a child at a Child Care Facility unless such Child Care Worker or On-Site Non-Provider possesses a certification issued under the provisions of this Chapter.

(B) Child Care Worker Certification (CCWC). No Child Care Worker or Operator shall provide child care or supervise the rendering of child care at any Child Care Facility unless he or she is at least eighteen (18) years of age and possesses a Child Care Worker's certificate issued under the provisions of this Chapter. Anyone sixteen (16) years or seventeen (17) years old may obtain a CCWC. However, these sixteen (16) and seventeen (17) year old workers must always be supervised by another CCWC who is over eighteen (18) years old. In order to obtain such certification, and for each renewal, applicants shall submit a completed application form to the Clerk, accompanied by the following certificates and information:

- (1) A current certificate issued by the Red Cross, the Fire Marshal or any certified CPR and First Aid trainer, certifying that the applicant has completed an instructional class for child CPR and First Aid.
- (2) Verification from the Chief of Police or his designee certifying that a criminal background investigation has been completed for the applicant within two (2) years previous.
- (3) A birth certificate or picture identification evidencing the applicant's age.
- (4) For a renewal of a certification ~~only~~ that was issued prior to June 30, 2020, a certificate issued by an educational/technical facility, certifying that the applicant has completed at least eight (8) hours of child care training which addresses the following areas: child development, health and safety, and child guidance.
- (5) For a renewal of a certification that was issued after June 30, 2020, a certificate or certificates issued by an educational/technical facility, certifying that the applicant has completed at least a total of thirty (30) hours of child care training which addresses the following areas: child development, health and safety, and child guidance.

...

6-3-6: DENIAL OR REVOCATION OF CHILD CARE FACILITY LICENSE, CHILD CARE WORKER CERTIFICATION OR NON-SITE NON-PROVIDERS CERTIFICATION:

- (A) The following shall constitute grounds for denial or revocation of a Child Care Facility license, Child Care Worker certification or On-Site Non-Providers documentation, or shall constitute grounds for a misdemeanor citation:

- (1) Use of any tobacco product, electronic cigarette or vaping device, alcoholic beverage, or illegal controlled substance by any Owner, Operator, Child Care Worker or On-Site Non-Provider on the premises of any Child Care Facility while Child Care is being provided.

...

6-3-8: LICENSES/CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION: A license or certification applied for or issued under this Chapter shall be denied, suspended, or revoked:

A. Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner:

1. Has been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any offense involving neglect, any physical injury, or other abuse of a child, including the following enumerated crimes, or any substantially similar provision of a foreign criminal violation, notwithstanding the form of judgment:
  - a. Felony injury of a child, section 18-1501, Idaho Code.
  - b. The sexual abuse of a child under sixteen (16) years of age, Section 18- 1506, Idaho Code.
  - c. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code.
  - d. The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.
  - e. Sexual abuse of a child under the age of sixteen (16) years, Section 18- 1506, Idaho Code.
  - f. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code.
  - g. The sale or barter of a child for adoption or other purposes, Section 18- 1511, Idaho Code.
  - h. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.
  - i. Assault with intent to murder, Section 18-4015, Idaho Code.
  - j. Voluntary manslaughter, Section 18-4006, Idaho Code.
  - k. Rape, Section 18-6101, Idaho Code.
  - l. Incest, Section 18-6602, Idaho Code.
  - m. Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.

- n. Abuse, neglect, or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.
  - o. Aggravated, first degree, second degree, and third-degree arson, Sections 18-801 through 18-805, Idaho Code.
  - p. Nonconsensual sexual contact that is prohibited by Section 18-6605, Idaho Code.
  - q. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.
  - r. Mayhem, Section 18-5001, Idaho Code.
  - s. Poisoning, Section 18-4014 or 18-5501, Idaho Code.
  - t. Robbery, Section 18-6501, Idaho Code.
  - u. Stalking in the first degree, Section 18-7905, Idaho Code.
  - v. Video voyeurism, Section 18- 6609, Idaho Code.
  - w. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.
  - x. Inducing individuals under eighteen (18) years of age into prostitution, Section 18- 5609, Idaho Code.
  - y. Inducing person under eighteen (18) years of age to patronize a prostitute, Section 18-5611, Idaho Code.
  - z. Any felony punishable by death or life imprisonment.
  - aa. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
  - bb. Felony domestic violence, Section 18-918(2), Idaho Code.
  - cc. Any offense requiring registration on a state sex offender registry or the national sex offender registry.
  - ~~dd. A felony controlled substance offense.~~
  - ee dd. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this Subsection.
2. Had his or her parental rights restricted or terminated by a Child protection action under Idaho Code, Section 16-1601 et seq., or Child custody termination action under Idaho Code, Section 16-2001 et seq.
3. Where a registered sex offender resides on the Premises where Day Care services

are provided.

B. Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner has been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s) for any offense involving neglect, any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of ten (10) years immediately preceding the date of application for license or renewal:

1. Aggravated assault, Section 18-905, Idaho Code.
2. Aggravated battery, Section 18- 907(1), Idaho Code.
3. Burglary, Section 18-1401, Idaho Code.
4. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.
5. Forgery of a financial transaction card, Section 18-3123, Idaho Code.
6. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.
7. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.
8. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.
9. Insurance fraud, Section 41-293, Idaho Code.
10. Damage to or destruction of insured property, Section 41-294, Idaho Code.
11. Public assistance fraud, Section 56-227, Idaho Code.
12. Provider fraud, Section 56-227A, Idaho Code.
13. Attempted strangulation, Section 18-923, Idaho Code.
14. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.
15. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.
- ~~15.~~16. A felony controlled-substance offense.
- ~~16.~~17. 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this Subsection.

...

**SECTION 2.** Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**SECTION 3.** Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

**SECTION 4.** Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

**SECTION 5.** Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF IDAHO FALLS, IDAHO

\_\_\_\_\_  
REBECCA L. NOAH CASPER, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO                    )  
  ) ss:  
County of Bonneville            )

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,  
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance  
entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO,  
AMENDING TITLE 6, CHAPTER 3 TO CLARIFY THE CONTROLLED  
SUBSTANCE VIOLATIONS THAT PROHIBIT OR REVOKE A CITY CHILD  
CARE LICENSE; PROVIDING SEVERABILITY, CODIFICATION,  
PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK