



NOTICE OF PUBLIC MEETING

Monday, December 13, 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), seating in the Council Chambers has been limited. Seats will be available on a first-come, first-serve basis. The public also 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 and Council:

-Acceptance and/or Receipt of Minutes

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

-Calendars, Announcements, Reports, and 2022 Preparation (10)

-Liaison Reports and Councilmember Concerns (15)

Agency/Expert Reports, Chris Lee:

-Update: Idaho Falls Local Housing Market (20)

Community Development Services:

-Imagine IF: Final Report (30)

Community Development Services, Public Works:

-Review and Revision of the Statement of Annexation Principles (20)

Public Works:

-Elevated Tower Relocation Feasibility Report (20)

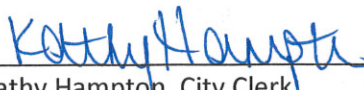
Municipal Services:

-2021 Fiscal Year End Finance Data Q&A (20)

Council Discussion:

-Follow-up Discussion: Ordinance amending Title 4, Chapter 6 (20)

DATED this 10th day of December, 2021


Kathy Hampton, City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: December 9, 2021

RE: December 7, 2021, Planning Commission Action

Planning Commission took the following action during the December 7, 2021, meeting.

4. **ANNX21-018: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of LC, Limited Commercial for 2.446 acres, SW1/4 of Section 16, Township 2 North, Range 38 East.** Located north of E 1st St, east of NW Bonneville Dr, south of Garfield St, west of Easy St. On December 7, 2021, the Planning and Zoning Commission unanimously voted to recommend approval of the annexation and initial zoning of LC to the Mayor and City Council as presented.
5. **PUD21-005: PLANNED UNIT DEVELOPMENT. Planned Unit Development for Skyline Manor Townhomes Division 2.** Located north of Pancheri Dr., east of S Skyline Dr, south of Tulane St, west of S Saturn Ave. On December 7, 2021, the Planning and Zoning Commission unanimously voted to recommend approval of the PUD as presented.

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

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Statement of Annexation Principles

In an effort to provide efficient and equitable tax and fee supported services, encourage orderly growth, and thoughtfully and carefully expand the tax base of the City, the principles espoused in this document are intended to provide guidance when considering annexation. These principles represent the general practice of the City and do not bind City leaders from exercising annexation authority granted by Idaho statutes. Typically, a departure from these principles would most commonly occur as a response to an unusual circumstance or need.

General Principles

When considering land use and growth, the City of Idaho Falls will prefer annexation policies that:

- **Encourage Core Development.** When possible, the city prefers to support development closer to the City's core where infrastructure such as roads and utilities already exists. This will help to avoid urban sprawl.
- **Strengthen the Tax Base.** The city recognizes the value of maintaining the efficient and cost-effective provision of both tax and fee-supported services.
- **Balance Property Rights with Growth.** Individual property rights must be protected while at the same time ensuring the City is able to continue to grow.
- **Provide Public Services and Amenities that Enhance Quality of Life.** The Community derives value and strength from a robust Parks and Recreation system, a highly rated Fire Department, excellent Police protection, a wonderful Library, well-maintained streets and neighborhoods, and a commitment to providing a high quality of life at an affordable tax rate.
- **Support the Comprehensive Plan.** The City's Comprehensive Plan is carefully developed to capture best practice planning principles coupled with careful implementation of public input. The resultant document outlines principles and policies designed to guide growth in a healthy, sustainable manner.

City-Initiated Annexation

The City strongly believes there is value in being annexed. The City of Idaho Falls proudly offers excellent tax and fee supported services and utilities. All residents, both City and County, benefit from a strong Idaho Falls. Residents in the County close to the City's core benefit from being close to City limits and should bear an equal burden in the provision of those benefits. As was argued in a court case in Baltimore in 1918, *"Those who locate near the city limits are bound to know that the time may come when the legislature will extend the limits and take them in. No principle of right or justice or fairness places in their hands the power to stop the progress and development of the city, especially in view of the fact that a large majority of them have located near the city for the purpose of getting benefit of transacting business or securing employment...in the city"* (emphasis added).

At times, the City may exercise its authority to annex prior to the request of the property owner. When considering these city-initiated annexations, the City will strive to:

- Focus on properties that receive a City-operated utility. Many such properties agreed to annexation at a future date as a condition of receiving the utility service. However, in cases where the utility was connected prior to 2008, Idaho Code considers the connection to be consent to annexation. Idaho Falls will consider utility connections just as valid as written agreements in terms of consent to annexation.
- For properties that do not receive a City-operated utility, focus on properties that are enclaved, i.e. completely surrounded, by existing City limits and which clearly benefit from their proximity to City limits and tax-supported services that support and enhance surrounding City neighborhoods.
- Except in response to unusual circumstances or needs, avoid initiating annexation for properties contiguous merely by touching corners, which do not have primary structures, and do not have immediate access to utilities.
- Educate property owners of these principles and annexation law to provide predictability and avoid undue concern over potential annexation.

The following sections specify how the City intends to exercise annexation authority within the bounds of the Idaho Code Section 50-222 in conjunction with the principles outlined above:

Category A

The City of Idaho Falls exercises its legal annexation authority for all Category A annexations.

Procedures:

1. For annexation in which, “all private landowners have consented to annexation”:
 - ~~No public hearing will be required~~
 - The application will be considered at a public hearing by the Planning and Zoning Commission (P&Z) for its recommendation
 - The application will then be considered at a public hearing by the Council for final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards
2. For annexation of “any residential enclaved lands of less than one hundred (100) privately-owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city’s area of impact”:
 - City staff will hold a neighborhood meeting prior to the advertisement of the proposed annexation
 - A public hearing will be held before the P&Z for its recommendation
 - A public hearing will be held before the Council for final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards

Category B

The same procedure will apply for annexations which “contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation,” as well as annexations where “the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty

percent (50) of the area of the subject private lands have consented to annexation prior to the commencement of the annexation process.” These principles do not apply to lands subject to Idaho Code 50-222(5)(b)(v)(c) which exempts land of “five (5) acres or greater, actively devoted to agriculture, as defined in section 63-604(1), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city” from city-initiated annexations.

Category B annexations will be considered when:

- The land is completely enclaved by City boundaries, but not subject to 50-222(5)(b)(v)(c) as noted above; OR
- The property has at least one (1) utility connection (regardless of an annexation agreement for the property); OR
- The property has an annexation agreement (regardless of whether or not it receives a City utility); OR
- The parcel is less than 5 acres and:
 - Is contiguous by more than merely touching corners AND
 - Includes a primary structure and a primary use that is not agricultural AND
 - Has immediate access to a utility service

Procedures:

- City staff will prepare an annexation plan prior to advertising the annexation and send it to property owners within the annexation boundaries
- Staff will hold a neighborhood meeting prior to advertisement of the proposed annexation
- A public hearing will be held by P&Z for its recommendation
- A public hearing will be held by the Council for the final decision, passage of the annexation ordinance, and adoption of a reasoned statement of relevant criteria and standards

Category C

The City does not intend to exercise its annexation authority for category C annexations

Road Rights-of-way

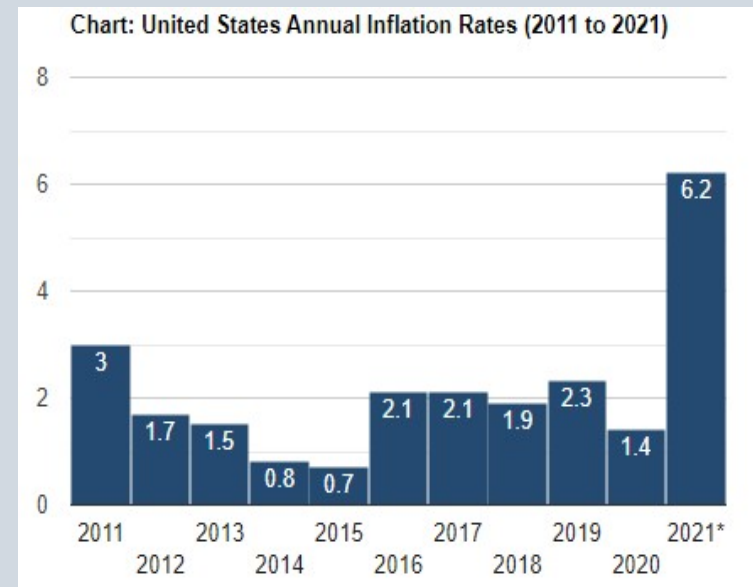
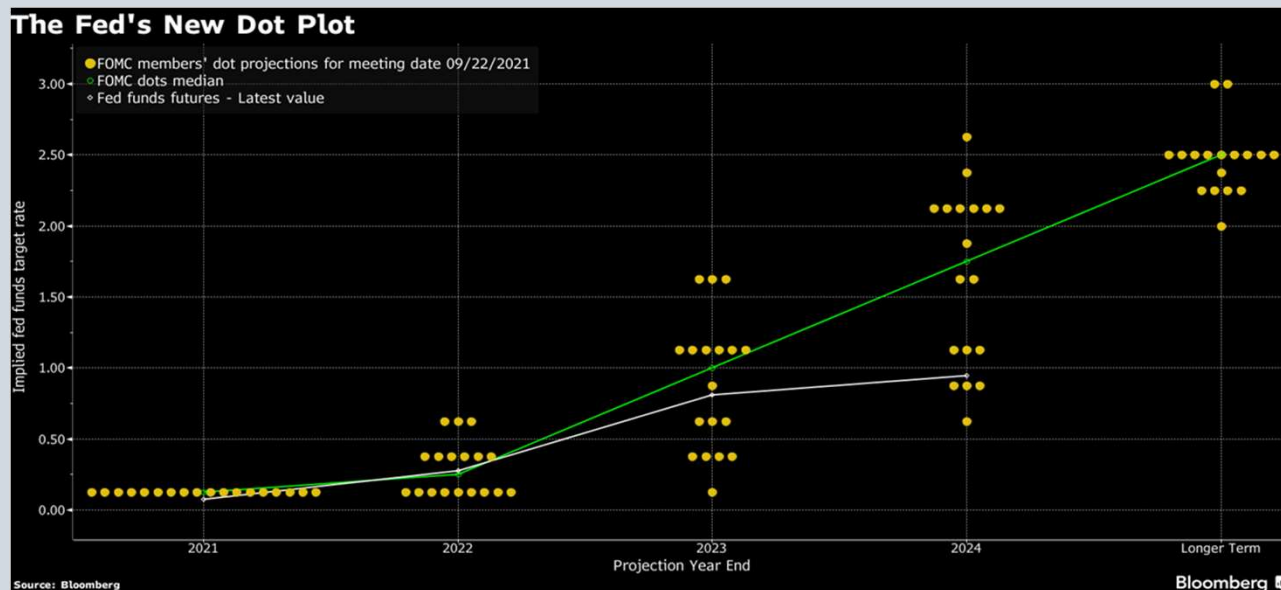
For non-local roadways, ~~Generally the City will not annex a County right-of-way when annexation of property occurs on one side of the right-of-way. until annexation has occurred on both sides of the right-of-way.~~ The City recognizes that there may be times when it is appropriate to wait to annex the County right-of-way ~~prior until to~~ the City ~~having has~~ annexed property on both sides of the right-of-way. In these cases City Public Works staff will work with County Public Works staff to determine the appropriate limits for annexing right-of-way.



Fiscal Year Ending September 30, 2021
Financial Presentation
Monday, December 13, 2021

Market Review

- Effective March 2020, the **Federal Open Market Committee** dropped the federal funds rate in a target range of 0.00 to 0.25 percent. It is expected that this range will be maintained until labor market conditions have increased and inflation runs above its 2% goal “for some time”.
- FOMC officials are now evenly split (9 vs. 9) as to whether to raise the federal funds rate in 2022.
- Consumer Price Index (CPI) 12 month increase at 6.2%, largest 12 month increase since 1990. Unemployment has dropped from 6.7% in November 2020 to 4.2% in November 2021.

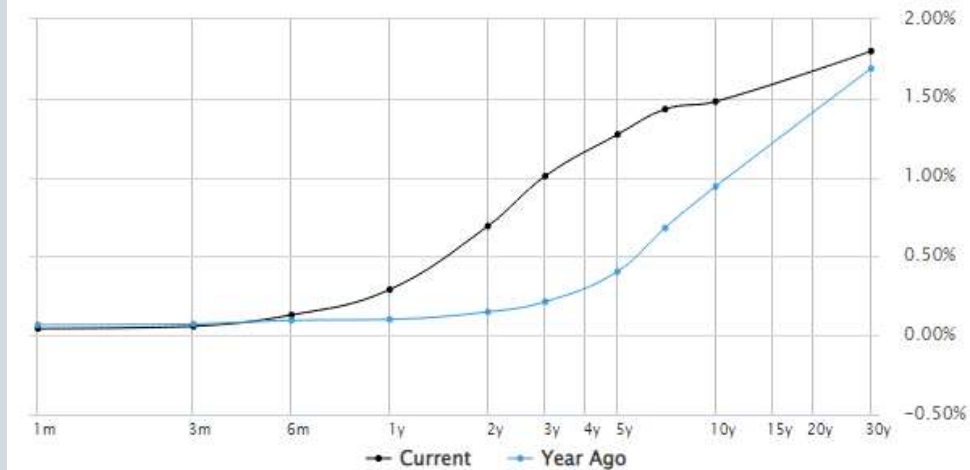


Market Review (Continued)

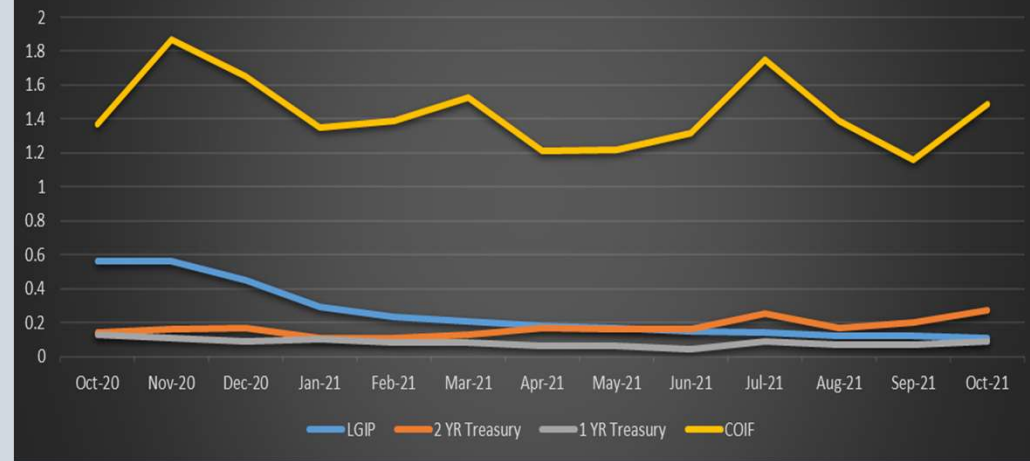
Treasury yield is the return on investment, expressed as a percentage, on the U.S. government's debt obligations. Looked at another way, the Treasury yield is the effective interest rate that the U.S. government pays to borrow money for different lengths of time.

Date	1 Mo	3 Mo	6 Mo	1 Yr	2 Yr	3 Yr	5 Yr	10 Yr
Current	0.043	0.058	0.129	0.290	0.691	1.008	1.271	1.479
Year Ago	0.068	0.072	0.095	0.102	0.149	0.213	0.404	0.942
Difference	(0.025)	(0.014)	0.034	0.188	0.542	0.795	0.867	0.537

YIELD CURVE - US



Benchmarks



Cash Flow Report

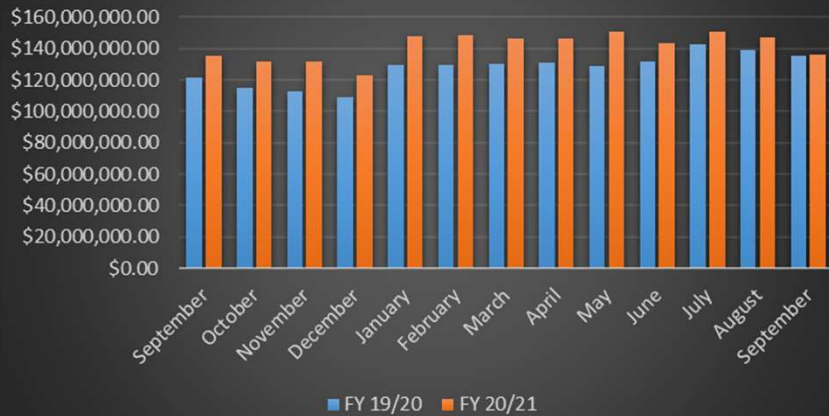
CITY CASH

	September	October	November	December	January	February	March	April	May	June	July	August	September
FY 19/20	\$121,145,429	\$115,042,314	\$112,929,611	\$109,282,685	\$129,459,163	\$129,593,601	\$129,955,987	\$131,130,447	\$129,048,967	\$131,672,494	\$142,705,993	\$139,328,914	\$135,042,848
FY 20/21	\$135,042,848	\$131,864,238	\$131,655,197	\$123,088,817	\$148,108,600	\$148,752,605	\$146,247,352	\$145,938,460	\$150,878,944	\$143,528,965	\$150,501,124	\$146,904,680	\$136,354,897

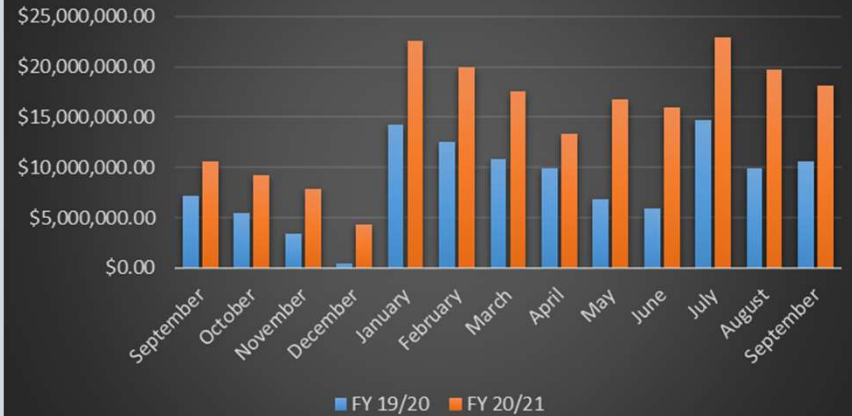
GENERAL FUND CASH

	September	October	November	December	January	February	March	April	May	June	July	August	September
FY 19/20	\$7,151,795	\$5,440,795	\$3,443,054	\$407,127	\$14,277,927	\$12,565,339	\$10,848,892	\$9,871,716	\$6,814,870	\$5,862,364	\$14,687,914	\$9,936,414	\$10,584,802
FY 20/21	\$10,584,802	\$9,199,392	\$7,861,552	\$4,343,483	\$22,536,587	\$20,009,020	\$17,586,430	\$13,369,627	\$16,746,659	\$15,940,814	\$22,981,296	\$19,762,264	\$18,170,550

City Cash Flow



General Fund Cash Flow



Fiscal Year Ending September 30, 2021- City-Wide Revenue

Revenue	2020/21 Budget	Actual (September 30)	Percentage Received
Taxes and Franchise Fees	\$ 39,348,709	\$40,078,585	102%
Intergovernmental Revenue	37,415,762	49,917,239	133
Government Charges for Services	9,047,332	11,719,905	130
Enterprise Charges for Services	87,877,043	92,455,166	105
Permits and Fees	1,425,550	1,641,190	115
Interest Revenue	2,510,000	1,159,072	46
Contributions	1,967,700	343,247	17
Miscellaneous Revenue	21,513,329	3,310,481	15
Other Financing Sources	14,889,496	7,573,231	51
Total Revenues	\$ 215,994,921	\$208,198,116	96%

Fiscal Year Ending September 30, 2021 – City-Wide Actual Expenditures

Expenditure	2020/21 Budget	Actual (September 30)	Percentage Expended
Salaries and Wages	\$51,093,836	51,100,515	100
Benefits	23,474,953	21,973,709	94
Operating Expenses	79,598,578	71,245,456	90
Capital Outlay	85,031,500	62,368,860	73
MERF Depreciation	3,837,800	3,805,800	99
Debt Service Payments	1,100,000	2,275,222	(207)
Miscellaneous Expense	50,138,719	6,406,328	13
Transfers	(11,952,153)	(15,328,772)	(128)
Total Expenditures	\$ 282,323,233	\$203,847,118	72%

Fiscal Year Ending September 30, 2021 – General Fund Revenue

Revenue	2020/21 Budget	Actual (September 30)	Percentage Received
Taxes and Franchises	\$ 30,634,885	\$31,243,980	102%
Intergovernmental Revenue	15,359,688	22,682,871	148
Government Charges for Services	2,206,600	2,545,811	116
Licenses & Permits	1,405,550	1,617,740	115
Interest Revenue	150,000	144,204	97
Contributions	137,000	113,462	83
Miscellaneous	957,500	426,248	45
Other Financing Sources (Transfers)	(1,563,426)	(1,704,426)	109
Total Revenues	\$ 49,287,797	\$57,069,890	116%

Fiscal Year Ending September 30, 2021 – General Fund Expenditures

Expenditure	2020/21 Budget	Actual (September 30)	Percentage Expended
Salaries and Wages	\$ 28,455,648	29,433,058	104%
Benefits	13,754,829	12,881,421	94
Operating Expenses	15,687,459	14,007,741	90
Capital Outlay	1,572,500	1,729,758	110
MERF Depreciation	1,330,300	1,330,300	--
Miscellaneous Expense	1,183,499	849,376	72
Transfers	(11,662,153)	(11,528,302)	99
Total Expenditures	\$ 50,322,082	\$48,703,353	97%

Fiscal Year Ending September 30, 2021 – Highlights

- Economic outlook over the first part of 2022 will be instrumental in the City's investment portfolio for next fiscal year
- Salaries, wages and benefits continue to experience pressure with both city-wide and general fund expenditures
- The City received an increase in grant revenues through CARES where expenditures occurred last fiscal year with the reimbursement this fiscal year
- American Rescue Plan Act - \$10.5M total allocation for the city
 - \$5.3M received in May 2021
 - \$5.2M to be received in May 2022



Questions

Follow-up Discussion: Ordinance Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTER 6 TO CLARIFY CONDITIONS FOR ISSUANCE OF A PRIVATE PATROL SERVICES LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City currently licenses companies and individuals who provide private patrol services within City limits; and

WHEREAS, conditions and disqualifications for licensing are set out in Title 4, Chapter 6; and

WHEREAS, recently the Council has reviewed the current conditions and qualifications and has determined that there are clarifications and improvements that should be made; and

WHEREAS, the Council has determined that a licensee should be at least eighteen (18) years of age due to the maturity and reasonable decision making required to carry out the activities permitted by the private patrol license, and because the minimum age requirement promotes the health, safety, and welfare of the general public; and

WHEREAS, the Ordinance sets out City private patrol services license conditions in a thorough and clear manner so that applicants, licensees, and members of the public understand them.

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

SECTION 1: Title 4, Chapter 6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

...

4-6-5: QUALIFICATIONS, PRIVATE PATROL PERSON: No person shall be issued a license as a private Patrol Person who:

(A) Is not at least ~~twenty-one (21)~~eighteen (18) years of age.

(B) ~~Is not a citizen of the United States.~~ Where the applicant or licensee has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or admitted that sufficient evidence exists which could be likely to convince a judge or jury to find the applicant or licensee to be guilty beyond a reasonable doubt, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):

- a. 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.
- b. Aggravated, first degree, second degree and third-degree arson, Sections 18-801 through 18-805, Idaho Code.
- c. Felony injury of a child, Section 18-1501, Idaho Code.
- d. Abuse, neglect or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.
- e. The sexual abuse of a child under sixteen years of age, Section 18-1506, Idaho Code.
- f. The ritualized abuse of a child under eighteen years of age, Section 18-1506A, Idaho Code.
- g. The sexual exploitation of a child, Section 18-1507 or 18-1507A, Idaho Code.
- h. Lewd conduct with a child under the age of sixteen years, Section 18-1508, Idaho Code.
- i. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.
- j. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code.
- k. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.
- l. Voluntary manslaughter, Section 18-4006, Idaho Code.
- m. Poisoning, Section 18-4014 or 18-5501, Idaho Code.
- n. Assault with intent to murder, Section 18-4015, Idaho Code.
- o. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.
- p. Mayhem, Section 18-5001, Idaho Code.
- q. Inducing individuals under eighteen years of age into prostitution, Section 18-5609, Idaho Code.
- r. Inducing a person under eighteen years of age to patronize a prostitute, Section 18-5611, Idaho Code.
- s. Rape, Section 18-6101 or 18-6108, Idaho Code.
- t. Robbery, Section 18-6501, Idaho Code.

u. Incest, Section 18-6602, Idaho Code.

v. Crimes against nature (excepting consensual sexual activities), Section 18-6605, Idaho Code.

w. Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.

x. Video voyeurism, Section 18-6609, Idaho Code.

y. Stalking in the first degree, Section 18-7905, Idaho Code.

z. Any felony punishable by death or life imprisonment.

2. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

a. Such person has been released from, and is no longer under, any form of treatment in relation to such classification, and

b. Such person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the person is no longer mentally ill and presents no threat or danger to any child. Such examination shall not be at City expense.

~~(C) Has been convicted of a felony or of any crime or offense involving violence or moral turpitude, or of any offense concerning the sale or transportation of intoxicating or alcoholic liquor.~~Where the applicant or licensee has:

1. 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 or 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 five (5) years immediately preceding the date of application for license or renewal:

a. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.

b. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.

c. 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.

d. Arson, as defined in Sections 18-801 through 18-804, Idaho Code.

- e. Aggravated assault, Section 18-905, Idaho Code.
- f. Aggravated battery, Section 18-907(1), Idaho Code.
- g. Felony domestic violence, Section 18-918, Idaho Code.
- h. Attempted strangulation, Section 18-923, Idaho Code.
- i. Burglary, Section 18-1401, Idaho Code.
- j. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.
- k. Transporting a minor in a motor vehicle while under the influence, Section 18-1501(3), Idaho Code.
- l. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.
- m. Misdemeanor theft, as defined in Title 18, Chapter 24 of the Idaho Code.
- n. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.
- o. Grand theft, Section 18-2407(1), Idaho Code.
- p. Forgery of a financial transaction card, Section 18-3123, Idaho Code.
- q. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.
- r. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.
- s. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.
- t. Driving without privileges, Section 18-8001, Idaho Code.
- u. Driving under the influence of alcohol, drugs, or other intoxicating substances, Section 18-8004, Idaho Code.
- v. Persons under twenty-one (21) years of age with at least point zero two (0.02) but less than point zero eight (0.08) alcohol concentration, Section 18-8004A, Idaho Code.
- w. Driving under the influence with excessive alcohol concentration, Section 18-8004C, Idaho Code.

x. Any person who pleads guilty to or is found guilty of a violation of the misdemeanor driving under the influence of alcohol, drugs, or other intoxicating substances provisions of Section 18-8004(1)(a), Section 18-8005, Idaho Code.

y. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, Section 18-8006, Idaho Code.

z. Leaving scene of accident resulting in injury or death, Section 18-8007, Idaho Code.

aa. Any person who is eighteen (18) years of age or older who sells, gives, or furnishes, or causes to be sold, given, or furnished, alcoholic beverages, including any distilled spirits, beer or wine, to a person under the age of twenty-one (21) years, Section 23-603, Idaho Code.

bb. Any violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code.

cc. Insurance fraud, Section 41-293, Idaho Code.

dd. Damage to or destruction of insured property, Section 41-294, Idaho Code.

ee. Reckless driving, Section 49-1401(1), Idaho Code.

ff. Public assistance fraud, Section 56-227, Idaho Code.

gg. Provider fraud, Section 56-227A, Idaho Code.

(D) Has supplied false or misleading information, failed or refused to provide or to disclose information required on the application form or by this Chapter, failed to disclose a suspension or revocation of a driver's license, or refused to authorize the investigation required herein. No such applicant or licensee shall be able to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the denial or revocation of the license under this Subsection or for a period of six (6) months following the date that the Clerk became aware of disqualifying information, whichever is later in time.

(E) Has violated any of the provisions of this Chapter during licensure. Violation of any provision of this Chapter during licensure, shall result in immediate and automatic revocation of the license. Such revocation of the license shall be effective as of the date of such violation. No such person shall be qualified to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the revocation of the license under this Subsection or for a period of six (6) months following the date the Clerk became aware of such information, whichever is later in time, unless otherwise provided in this Chapter.

(F) Where an applicant or licensee does not meet the conditions of licensure in this Chapter.

...

4-6-7: QUALIFICATIONS, PRIVATE PATROL SERVICE: A private patrol service license shall not be issued to any individual, firm, partnership or corporation under any of the following conditions:

(A) If the individual, any member of the firm or partnership, or any officer of the corporation is less than ~~twenty-one (21)~~eighteen (18) years of age.

(B) ~~If the individual, any member of the firm or partnership or any officer of the corporation is not citizen of the United States.~~Where the applicant or licensee has:

1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or admitted that sufficient evidence exists which could be likely to convince a judge or jury to find the applicant or licensee to be guilty beyond a reasonable doubt, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):

a. 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.

b. Aggravated, first degree, second degree and third-degree arson, Sections 18-801 through 18-805, Idaho Code.

c. Felony injury of a child, Section 18-1501, Idaho Code.

d. Abuse, neglect or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.

e. The sexual abuse of a child under sixteen years of age, Section 18-1506, Idaho Code.

f. The ritualized abuse of a child under eighteen years of age, Section 18-1506A, Idaho Code.

g. The sexual exploitation of a child, Section 18-1507 or 18-1507A, Idaho Code.

h. Lewd conduct with a child under the age of sixteen years, Section 18-1508, Idaho Code.

i. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.

j. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code.

k. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.

l. Voluntary manslaughter, Section 18-4006, Idaho Code.

- m. Poisoning, Section 18-4014 or 18-5501, Idaho Code.
- n. Assault with intent to murder, Section 18-4015, Idaho Code.
- o. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.
- p. Mayhem, Section 18-5001, Idaho Code.
- q. Inducing individuals under eighteen years of age into prostitution, Section 18-5609, Idaho Code.
- r. Inducing a person under eighteen years of age to patronize a prostitute, Section 18-5611, Idaho Code.
- s. Rape, Section 18-6101 or 18-6108, Idaho Code.
- t. Robbery, Section 18-6501, Idaho Code.
- u. Incest, Section 18-6602, Idaho Code.
- v. Crimes against nature (excepting consensual sexual activities), Section 18-6605, Idaho Code.
- w. Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.
- x. Video voyeurism, Section 18-6609, Idaho Code.
- y. Stalking in the first degree, Section 18-7905, Idaho Code.
- z. Any felony punishable by death or life imprisonment.

2. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

- a. Such person has been released from, and is no longer under, any form of treatment in relation to such classification, and
- b. Such person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the person is no longer mentally ill and presents no threat or danger to any child. Such examination shall not be at City expense.

~~(C) If the individual, any member of the firm or partnership or any officer of the corporation has been convicted of a felony or of any crime or offense involving violence or moral turpitude, or of any offense concerning the sale or transportation of intoxicating or alcoholic liquor. Where the applicant or licensee has:~~

1. 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 or 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 five (5) years immediately preceding the date of application for license or renewal:

a. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.

b. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.

c. 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.

d. Arson, as defined in Sections 18-801 through 18-804, Idaho Code.

e. Aggravated assault, Section 18-905, Idaho Code.

f. Aggravated battery, Section 18-907(1), Idaho Code.

g. Felony domestic violence, Section 18-918, Idaho Code.

h. Attempted strangulation, Section 18-923, Idaho Code.

i. Burglary, Section 18-1401, Idaho Code.

j. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.

k. Transporting a minor in a motor vehicle while under the influence, Section 18-1501(3), Idaho Code.

l. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.

m. Misdemeanor theft, as defined in Title 18, Chapter 24 of the Idaho Code.

n. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.

o. Grand theft, Section 18-2407(1), Idaho Code.

p. Forgery of a financial transaction card, Section 18-3123, Idaho Code.

q. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.

- r. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.
- s. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.
- t. Driving without privileges, Section 18-8001, Idaho Code.
- u. Driving under the influence of alcohol, drugs, or other intoxicating substances, Section 18-8004, Idaho Code.
- v. Persons under twenty-one (21) years of age with at least point zero two (0.02) but less than point zero eight (0.08) alcohol concentration, Section 18-8004A, Idaho Code.
- w. Driving under the influence with excessive alcohol concentration, Section 18-8004C, Idaho Code.
- x. Any person who pleads guilty to or is found guilty of a violation of the misdemeanor driving under the influence of alcohol, drugs, or other intoxicating substances provisions of Section 18-8004(1)(a), Section 18-8005, Idaho Code.
- y. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, Section 18-8006, Idaho Code.
- z. Leaving scene of accident resulting in injury or death, Section 18-8007, Idaho Code.
- aa. Any person who is eighteen (18) years of age or older who sells, gives, or furnishes, or causes to be sold, given, or furnished, alcoholic beverages, including any distilled spirits, beer or wine, to a person under the age of twenty-one (21) years, Section 23-603, Idaho Code.
- bb. Any violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code.
- cc. Insurance fraud, Section 41-293, Idaho Code.
- dd. Damage to or destruction of insured property, Section 41-294, Idaho Code.
- ee. Reckless driving, Section 49-1401(1), Idaho Code.
- ff. Public assistance fraud, Section 56-227, Idaho Code.
- gg. Provider fraud, Section 56-227A, Idaho Code.

(D) Has supplied false or misleading information, failed or refused to provide or to disclose information required on the application form or by this Chapter, failed to disclose a suspension or revocation of a driver's license, or refused to authorize the investigation required herein. No such applicant or licensee shall be able to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the denial or revocation of the license under this Subsection or for a period of six (6) months following the date that the Clerk became aware of disqualifying information, whichever is later in time.

(E) Has violated any of the provisions of this Chapter during licensure. Violation of any provision of this Chapter during licensure, shall result in immediate and automatic revocation of the license. Such revocation of the license shall be effective as of the date of such violation. No such person shall be qualified to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the revocation of the license under this Subsection or for a period of six (6) months following the date the Clerk became aware of such information, whichever is later in time, unless otherwise provided in this Chapter.

(F) Where an applicant or licensee does not meet the conditions of licensure in this Chapter.

...

4-6-16: LICENSE; AUTHORITY: The issuance of any license under this Chapter shall not be construed as granting any power of arrest other than that granted a private person under Idaho Code and this Code. Nor shall the provisions of this Chapter be construed as authority to carry weapons contrary to the Idaho Code.

~~4-6-17: GROUNDS FOR LICENSE REVOCATION: Any license issued under this Chapter may be revoked by the City Council for any of the following reasons:~~

~~(A) Any violation of any provision of this Chapter.~~

~~(B) The conviction of the licensee in any court of any crime or offense involving violence or moral turpitude.~~

~~(C) Obtaining the license under any false or fraudulent pretense or statement.~~

~~(D) The conviction of the licensee in any court of any felony or any offense involving or concerning the sale or transportation of intoxicating or alcoholic liquor.~~

~~4-6-18~~17: AUTOMATIC REVOCATION OF LICENSE: Any license issued under this Chapter shall be revoked immediately and without notice to the licensee upon the cancellation or termination of the bond or insurance required by this Chapter unless the licensee posts a new comparable bond or obtains comparable insurance and files a certificate of such insurance with the Clerk prior to the date on which the original bond or insurance is canceled or terminated.

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 _____, 2021.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

KATHY HAMPTON, CITY CLERK

REBECCA L. NOAH CASPER, Ph.D., MAYOR

(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, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTER 6 TO CLARIFY CONDITIONS FOR ISSUANCE OF A PRIVATE PATROL SERVICES LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

KATHY HAMPTON, CITY CLERK

(SEAL)

