

**CITY OF IDAHO FALLS, IDAHO
COUNCIL MEETING AGENDA
REGULAR MEETING**

Thursday, April 23, 2015

7:30 p.m.

**COUNCIL CHAMBERS
680 PARK AVENUE**

The Mayor, City Council, and Staff welcome you to tonight's meeting. We appreciate and encourage public participation. If you wish to express your thoughts on a matter that the Council will be considering at this meeting, please contact them by email or personally. If you wish to comment on a matter that is not on the Agenda, you should comment during Agenda Item Number 5. An amendment to this Agenda may be made upon passage of a motion that states the reason for the amendment and the good faith reason that the Agenda item was not included in the original Agenda posting. Note: Items listed under "RECOMMENDED ACTION" in this agenda are potential outcomes; however, these matters have not yet been decided. City Council Meetings are live streamed at www.idahofallsidaho.gov, then archived. Thank you for your interest in City Government.

1. **Call to Order and Roll Call.**
2. **Pledge of Allegiance.**
3. **Vote of Consent and Administration of Oath of Office for David M. Smith to fill the vacancy for Council Seat No. 2.**
4. **Reading of Proclamation recognizing 2015 Administrative Professionals Week.**
5. **Public Comment and Mayor's Response Time (Limit 15 Minutes):** *This is the opportunity for members of the public to speak to the City Council regarding matters that are not on the Agenda; not noticed for a public hearing; not currently pending before the Planning Commission or Board of Adjustment; not the subject of a pending enforcement action; and not relative to a City personnel matter. If you want to speak, please state your name and address for the record and please limit your remarks to three (3) minutes. The Mayor and/or staff may respond to comments from a previous meeting. NOTE: The Mayor may exercise discretion to decide if and when to allow public comment on an Agenda Item that does not include a public hearing. If the Mayor determines that your comments may be made later in the meeting, she will let you know when you may make your comments.*
6. **CONSENT AGENDA:** Any item will be removed from the Consent Agenda at the request of any member of the Council and that item will be considered separately later. Approval by roll call vote:
 - a. Items from the Mayor:
 1. Appointment of Hal Peterson to serve on the Library Board of Trustees (Term to Expire December 31, 2019).
 - b. Items from the City Clerk:
 1. Approval of Minutes from the April 6, 2015 Council Work Session, the April 9, 2015 Regular Council Meeting, and the April 9, 2015 Idaho Falls Power Board Meeting.

2. Approval of License Applications, including transfer of a Beer License to Black Rock Fine Wine & Craft Beer, all carrying the required approvals.
- c. Items from the Idaho Falls Power Division:
 1. Roof Replacement at IFP Administrative Building. Idaho Falls Power respectfully requests authorization to advertise and receive bids for work necessary to replace the roof on the administrative building. The project was slated for next budget year in the Capital Improvement Plan. However, due to recent failures of the aged membrane, staff is requesting this item be advanced for completion this summer. While the item was not included in this year's budget, the anticipated expenditure schedule for two large capital improvement projects will lead to those expenditures rolling to next fiscal year budget leaving money available in this year's authorized expenditure level. The expenditure would qualify for funding from our Rate Stabilization Fund as it is a Capital Improvement.

RECOMMENDED ACTION: To approve all items on the Consent Agenda according to the recommendations presented.

7. **REGULAR AGENDA:**

A. **Municipal Services Division:**

1. **Bid IF-15-13 New 95-gallon Refuse Containers:** It is the recommendation of Municipal Services and of Public Works to accept the lowest responsive responsible bid of Otto Environmental Systems to furnish 4,500 95-Gallon Refuse Containers in the lump sum of \$208,620.00.

RECOMMENDED ACTION: To accept the lowest responsive responsible bid of Otto Environmental Systems to furnish 4,500 95-Gallon Refuse Containers in the lump sum of \$208,620.00 (or take other action deemed appropriate).

2. **Bid IF-15-15 One (1) New 2015 or Newer Side Load Refuse Container Body - Minimum 29 Cubic Yard Mounted on One (1) New 2015 or Newer Conventional Cab And Chassis:** It is the recommendation of Municipal Services and of Public Works to accept the lowest responsive responsible bid of Freightliner of Idaho to furnish One (1) 2015 30-yard Challenger Side Load Refuse Container Body mounted on a New 2016 Freightliner Cab and Chassis for the lump sum total amount of \$138,514.00 with the trade-in of Unit #7017.

RECOMMENDED ACTION: To accept the lowest responsive responsible bid of Freightliner of Idaho to furnish One (1) 2015 30-yard Challenger Side Load Refuse Container Body mounted on a New 2016 Freightliner Cab and Chassis for the lump sum total amount of \$138,514.00 with the trade-in of Unit #7017 (or take other action deemed appropriate).

3. **Bid IF-15-11 New 2015 or Newer Cab and Chassis (Only) for use as a Sewer Sludge Truck:** It is the recommendation of Municipal Services and of the Public Works Division to accept the lowest responsive responsible bid of Rush Truck Center to furnish a New 2015 International Model #7400 SBA 6 x 4 Cab and Chassis (only) for a total amount of \$51,600.00 with trade-in of Unit #1152.

RECOMMENDED ACTION: To accept the lowest responsive responsible bid of Rush Truck Center to furnish a New 2015 International Model #7400 SBA 6 x 4 Cab and Chassis (only) for a total amount of \$51,600.00 with trade-in of Unit #1152 (or take other action deemed appropriate).

4. **Bid IF-15-16 Water Line Materials:** It is the recommendation of Municipal Services and the Public Works Division to award the low bid meeting specifications. Total purchase amount for all items will be \$609,639.54. As per the bid specifications, the bids were evaluated according to lump sum amounts in each section.

RECOMMENDED ACTION: To award the low bid meeting specifications for Water Line Materials in the total purchase amount for all items of \$609,639.54 (or take other action deemed appropriate).

5. **Hydroelectric Property Insurance Placement:** It is respectfully requested that the Mayor and Council authorize the placement for Hydroelectric generation property with Starr Technical Risks Agency, Aspen Specialty Insurance Company, Essex Insurance Company, Lloyds of London, Insurance Company of the West, and Landmark American Insurance Company. The City is purchasing \$100 million of property insurance with \$100 million of layered flood and earthquake coverage. The total insurance package will cost \$331,900.00. The deductible will be \$250,000.00 for property loss and 45 days of business interruption. The coverage will be from April 29, 2015 to April 29, 2016.

RECOMMENDED ACTION: To authorize the placement for Hydroelectric generation property with Starr Technical Risks Agency, Aspen Specialty Insurance Company, Essex Insurance Company, Lloyds of London, Insurance Company of the West, and Landmark American Insurance Company with a total insurance package at a cost of \$331,900.00. (or take other action deemed appropriate).

6. **Charge Off - Unpaid Conservation Loan Accounts, Utility Accounts and Ambulance Accounts as of September 30, 2014:** Municipal Services respectfully requests authorization to charge off as uncollectable all conservation loan accounts that have not had a transaction since 2010. These accounts total \$87,905.76 which is 14.7% of the total conservation loans outstanding as of September 30, 2014. The conservation loan charge off has not been done in previous years. Additionally, it is requested to authorize charge off of uncollectable Utility and Ambulance Accounts that have not had a transaction since 2010. These charge offs include but are not limited to; bankruptcies, skips, deceased persons, and those with no assets. The Utility accounts total \$340,586.74 which is .54% of sales for the year, and the Ambulance accounts total \$658,889.89.

RECOMMENDED ACTION: To charge off as uncollectable all conservation loan accounts that have not had a transaction since 2010, for a total amount of \$87,905.76, as well as charge off of uncollectable Utility and Ambulance Accounts that have not had a transaction since 2010. The Utility accounts total \$340,586.74 and the Ambulance accounts total \$658,889.89 (or take other action deemed appropriate).

B. **Legal Division:**

1. **Proposed change of designations in Idaho Falls City Code (IFCC):** As part of the continuing effort by the City Attorney's office to make the IFCC more usable and clear, attached please find an ordinance which proposes various changes to the IFCC.

RECOMMENDED ACTION: To accept the proposed ordinance with change of designations in Idaho Falls City Code (IFCC) (or take other action deemed appropriate).

2. **EMS Division relocation in the Idaho Falls City Code:** During work on a recent ordinance that proposes changing various designations of departments, divisions, and some division titles within the City Code, the Fire Chief requested that the EMS Division regulations be relocated to the part of the IFCC that contains other fire-related regulations. As a result, the proposed ordinance removes the EMS Division regulations from Title 4, Chapter 4 of the City Code and relocates them to Title 3, Chapter 2.

RECOMMENDED ACTION: To accept the proposed ordinance to remove the EMS Division regulations from Title 4, Chapter 4 of the City Code and relocate them to Title 3, Chapter 2 (or take other action deemed appropriate).

C. **Planning and Building Division:**

1. **Final Plat and Reasoned Statement of Relevant Criteria and Standards, Dora Erickson Elementary, Division No. 1, 1st Amended:** Attached is the application and Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Dora Erickson Elementary Division No. 1, 1st Amended. The Planning Commission considered the plat at its April 7, 2015 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. The application is now being submitted to the Mayor and City Council for consideration.

RECOMMENDED ACTION: The following recommendations in sequential order (or take other action deemed appropriate):

- a. To accept the Final Plat for Dora Erickson Elementary Division No. 1, 1st Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- b. To approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Dora Erickson Elementary Division No. 1, 1st Amended and give authorization for the Mayor to execute the necessary documents.

2. **Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Eagle Ridge Division No. 3:** Attached is the application, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Eagle Ridge Division No. 3. The Planning Commission considered the plat at its February 3, 2015 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. The application is now being submitted to the Mayor and City Council for consideration.

RECOMMENDED ACTION: The following recommendations in sequential order (or take other action deemed appropriate):

- a. To approve the Development Agreement for Eagle Ridge Division No. 3, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. To accept the Final Plat for Eagle Ridge Division No. 3, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.

c. To approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Eagle Ridge Division No. 3 and give authorization for the Mayor to execute the necessary documents.

D. **Public Works Division:**

1. **Bid Award - Minor Street Overlays - 2015:** On April 7, 2015, bids were received and opened for the Minor Street Overlays - 2015 project. Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, HK Contractors in an amount of \$621,911.00 and, authorization for the Mayor and City Clerk to sign contract documents.

RECOMMENDED ACTION: To approve the plans and specifications for Minor Street Overlays - 2015, to accept the lowest responsive, responsible bidder, HK Contractors in an amount of \$621,911.00 and, give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2. **Bid Award - Water Line Replacements - 2015:** On April 14, 2015, bids were received and opened for the Water Line Replacements - 2015 project. Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, 3H Construction in an amount of \$1,026,128.40 and, authorization for the Mayor and City Clerk to sign contract documents.

RECOMMENDED ACTION: To approve the plans and specifications for Water Line Replacement - 2015, to accept the lowest responsive, responsible bidder, 3H Construction in an amount of \$1,026,128.40 and, give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

3. **Professional Services Agreement - Materials Testing For Pancheri Drive; Bellin Road to Skyline Drive:** Attached is a Professional Services Agreement with Materials Testing & Inspection (MTI), with respect to the Pancheri Drive; Bellin Road to Skyline Drive project. Under the agreement, MTI will provide construction sampling and testing services as necessary for a not-to-exceed amount of \$72,500.00. The City will be responsible for 7.34% of this amount. This agreement has been reviewed by the City Attorney. Public Works recommends approval of this professional services agreement; and, authorization for Mayor and City Clerk to sign the necessary documents.

RECOMMENDED ACTION: To approve the Professional Services Agreement with Materials Testing & Inspection (MTI), with respect to the Pancheri Drive; Bellin Road to Skyline Drive project for a not-to-exceed amount of \$72,500.00, and give authorization for Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

4. **Easement Vacation Request - Block 2, Lot 1, Evans Addition:** The owners of the subject lot are asking that approximately 184 feet of the 8-foot-wide utility easement along the northwest side of the lot be vacated. The property owner intends to construct an addition to the existing garage. All utilities have agreed to the vacation. Public Works requests authorization for the City Attorney to prepare documents needed to accomplish the vacation.

RECOMMENDED ACTION: To request authorization for the City Attorney to prepare documents needed to accomplish the Easement Vacation Request - Block 2, Lot 1, Evans Addition (or take other action deemed appropriate).

Motion to Adjourn.

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 Telephone Number 612-8414 or the ADA Coordinator Lisa Farris at Telephone Number 612-8323 as soon as possible and they will make every effort to adequately meet your needs.



Memorandum

To: Idaho Falls City Council
From: Rebecca Casper, Mayor
Date: April 21, 2015
Re: City Council, Appointment of David M. Smith

I respectfully request City Council consent for the appointment of David M. Smith to the position of Idaho Falls City Council Seat No. 2.

Mr. Smith will add critical expertise to our City Council. He has stellar professional credentials and financial experience. His record of community service is also exemplary. Council members may recall that he was also a member of the Citizen Review Committee for the Municipal Services Division in 2014. This means he is already familiar with internal city processes. His professional training should serve the city organization and our citizens well as we enter into the budget season—especially since this process necessarily highlights city financial processes and practices.

I am confident our city will be well served with Mr. Smith in this position. I encourage you to offer both your supporting vote and the helping hand of a colleague as he joins the Council.

For further information please find attached both a resume and the application for Mr. David M. Smith.

S MITH & COMPANY, PLLC

Forensic Accounting

Certified Public Accountant
Certified Valuation Analysis
Certified Financial Forensics
Accredited in Business Valuations
Accredited in Business Appraisal Review
Certified Fraud Examination
Master Analyst in Financial Forensics
Certified Machinery & Equipment Appraisal

March 13, 2015

Mayor Casper
Idaho Falls City Council
Mayor's Office - City Hall
308 Constitution Way
Idaho Falls, ID 83402

RECEIVED

MAR 13 2015

MAYOR'S OFFICE

RE: Open Council Seat

Dear Mayor and City Council:

This letter is to express my interest in a temporary appointment to the open City Council seat. My interest in the position is to help make Idaho Falls a better place to live. When I started my practice in public accounting over thirty years ago, my father passed on a sage piece of advice: If you expect to make a living in a community, you must give back to the community. He lived his own advice, and I have enjoyed emulating his example. I have worked with a number of not-for-profit entities over the years, either in a professional capacity, volunteering, fund raising, or providing financial support to fulfill this civic duty. I have considered running for city office in the past, but felt a conflict of interest due to my wife's employment with the City. She has recently ended her employment due to health issues.

I am a native of Idaho Falls and a qualified elector. Except for college, I have always lived within the City. My children (5) all attended public school in District 91 and have all moved on.

I believe I am uniquely qualified to fill the Council seat. Due to my professional background I can "hit the ground running" with a short learning curve. I began my career in public accounting in 1978. One of my first client engagements was to work on the City of Idaho Falls external audit team. Not only did we audit the entire City (including parts of the Electric Division) we prepared and issued the financial statements. In those days, the external auditors actually prepared the financial statements. I have also audited various other not-for-profits and Idaho Counties.

I am a Certified Public Accountant licensed in three states, a Certified Fraud Examiner, and I am Certified in Financial Forensics by the American Institute of CPAs. I have other pertinent education and certifications that are included in my resume. I have prepared, examined, evaluated, and reviewed more budgets in 30 years than anyone should ever have to. I can say I know how to read a financial statement.

310 Elm Street, Idaho Falls, Idaho 83402 Phone 208-524-2601 Fax 208-522-0502
david@smithco-cpa.com

valued mailed 2/12/15

I was a charter member of the Strategic Benchmarking for Value (SBV) network. This network was created to help other valuation professionals obtain tools for consulting with clients regarding the value of their business. The tools were strategic planning and management tools. I authored tools and analysis for benchmarking rates of return with the DuPont Formula, credit worthiness calculators, and conducting customer surveys. Unfortunately, the SBV Network died with the unexpected death of its founder. Evidently, the charter members did not include succession planning in its own strategic planning. Succession planning is also a problem within departments of the City of Idaho Falls.

I participated in the Citizens Review Committee (CRC) for Municipal Services. The CRC committee met with many City employees and gained an understanding of the function of the departments, and who actually provides the services. We identified problems and offered suggestions. However, suggestions are easy to make when you don't have to find the funding source.

I understand the temporary appointment would last until the next general election, and the term would end in January 2016 when the new Council is sworn in. Whether I would run for the position in the general election depends upon my personal satisfaction with my performance and on feedback from Citizens, the Mayor, and the City Council. If my skills, training, education and experience do not add a benefit to the Council, then I should step down and allow room for another Citizen to fill the seat.

I was the last president of the Eastern Idaho Economic Development Corporation which is the predecessor to the Eastern Idaho Economic Development Council (aka Grow Idaho Falls). After the creation of the Council, I provided the monthly accounting services to the Board of Directors and tracked all the loans made by the revolving loan fund, which later became the Regional Development Alliance. When I was President of the Economic Development Corporation, I had a discussion with one of the founders of Micron regarding locating some of the Micron operations in Idaho Falls. That discussion, and a great deal of public interaction, painfully pointed out the most important element of economic development is education: access to education, an educated workforce, and available teaching opportunities. It's not enough to have workers available, they need access to the education and training (or retraining).

The key to municipal economic development is providing the proper business environment. That extends to City services and the role of government. Providing potential new business with tax breaks and municipal freebies takes away from the benefit of having new neighbors. New businesses and new citizens require additional infrastructure and services. If municipal gifts or concessions are too great, the burden of paying for the additional infrastructure falls on the existing businesses and taxpayers. I believe it is more often a larger benefit to the City to provide the best environment for the existing businesses.

A great business environment includes providing amenities and activities that attract and retain employees, as well as the basic services required of city government. Those amenities need to be scaled to the population, of interest to the citizens, and affordable to the taxpayer. My views on economic development, taxation, administration, budgeting, and governance are all intertwined. The City needs to meet the basic services necessary and yet provide an enjoyable and safe environment that fosters economic growth and opportunity at the least possible cost to the taxpayers.

In summary, I believe I am uniquely qualified to step into the Council seat with a shorter learning curve due to my education and experience, and can provide a valuable benefit to the Council and the City of Idaho Falls.

Respectfully,

A handwritten signature in dark ink, appearing to read 'D. Smith', with a stylized flourish at the end.

David M. Smith

Resume attached.

David M. Smith CPA
Forensic Accountant
310 Elm Street
Idaho Falls, ID 83402
(208) 524-2601

Professional Position

Smith and Company CPAs PLLC – Owner (1989 to current)

Founded the firm in 1989 as a full service accounting firm serving a local market.
Planning, Preparing, and auditing for taxes and financial reporting. Specializing in
Forensic Accounting since 1995.

Education

Carroll College, Bachelor of Arts in Accounting, Helena, Montana - 1978

Certifications

Certified Public Accountant – Idaho State Board of Accountancy

Certified Public Accountant – Wyoming State Board of Accountancy

Certified Public Accountant – Hawaii State Board of Accountancy

Certified Fraud Examiner – Association of Certified Fraud Examiners

~~Certified in Financial Forensics – American Institute of Certified Public Accountants~~

Chartered Global Management Accountant - American Institute of Certified Public Accountants

Master Analyst in Financial Forensics (Forensic Accounting) - National Association of Certified
Valuation Analysts

Master Analyst in Financial Forensics (Financial Litigation) - National Association of Certified
Valuation Analysts

Certified Valuation Analyst - National Association of Certified Valuation Analysts

Accredited in Business Valuations - American Institute of Certified Public Accountants

Accredited in Business Appraisal Review – National Association of Certified Valuators and
Analysts

Professional Experience

Expert Witness (Plaintiff or Defendant) – Business valuation engagements, commercial damages, corporate defamation, personal injury, wrongful termination, stockholder dissention, asset tracing, reconstruction of income, breach of contract, fraud, embezzlement, construction delay damages

Civil litigation and criminal investigation

Fraud Investigation

Special Master – Assigned by the Court to resolve litigation, hold hearings, and rule on evidence

Special Master – Appointed by the Court by stipulation to provide expert opinions

Receivership – Appointed by the Court by stipulation to act as receiver and wind up entities

Prior City of Idaho Falls audit team

Extensive experience dealing with corporate counsel, law firms, bankers, chief operating officers, chief executive officers, law enforcement, clients, and employees

Self starter as a self employed professional for over thirty years, able to work independently or as part of a team

Experienced at working well under pressure after more than twenty five “tax seasons”

Practicing to the highest standards of business ethics and confidentiality rules for over thirty years

Affiliations

Financial Consulting Group – FCG is the largest U.S. litigation and business valuation group.

Membership is by invitation only. David Smith has attended more hours of education from FCG than any other member in the United States.

Association of Certified Fraud Examiners

American Institute of Certified Public Accountants

Idaho Society of Certified Public Accountants

Hawaii Society of Certified Public Accountants

National Association of Certified Valuation Analysts

National Equipment & Business Brokers Institute

Publications

Automating Small and Medium Sized Businesses - Co-author, Management Consulting Services
Microcomputer Subcommittee of the American Institute of Certified Public Accountants
Current Update in Valuations – Co-author, National Association of Certified Valuation Analysts
Current Update in Valuations – author, International Association of Consultants Valuers and Analysts

Presentations

Idaho Falls Estate Planning Council, Quantifying Marketability Discounts
Pocatello Estate Planning Council, Quantifying Marketability Discounts
Eastern Idaho Credit Union Association, IRA's and Roth IRA's
Idaho Falls Estate Planning Council, Charitable Gift Annuities
Idaho Falls Estate Planning Council, Corporate Charitable Gift Techniques
Idaho Falls Estate Planning Institute, Charitable Estate Planning
Idaho State Tax Institute, Idaho State University, LLC Operating Agreements
Idaho Falls Estate Planning Council, Buy-Sell Agreements from a Valuation Perspective
National Equipment & Business Brokers Institute – Book Value vs. Fair Market Value
National Association of Certified Valuation Analysts – Current Update in Valuations
National Association of Certified Valuation Analysts – Forensic Academy
Idaho Falls Estate Planning Counsel – Current Economic Conditions
VPS/FCG Straight Talk Series, Valuation of Small Business and Professional Practices – A Practical Approach
Idaho Falls Estate Planning Counsel – Valuation War Stories
Idaho State University – Masters in Accounting Program – Forensic Accounting

Awards

1997 E.F. McDermott Award for Dedicated Service to the Human Needs in our Community, United Way of Idaho Falls and Bonneville County
2000 Outstanding Member Award - National Association of Certified Valuation Analysts
2009 Outstanding Service Award – Financial Consulting Group
Certified in Financial Forensics Champion - American Institute of Certified Public Accountants
2008 and 2009 Instructor of Distinction Award - National Association of Certified Valuation Analysts
The Financial Consulting Group Educational Achievement – 500 hours of continuing education

Professional Service

Management Consulting Services Microcomputer Subcommittee of the American Institute of Certified Public Accountants – three years. Co-author of Automating Small and Medium Sized Businesses.

Certification Committee - National Association of Certified Valuation Analysts, three years

Litigation and Forensics Committee - National Association of Certified Valuation Analysts, three years

Current Update in Valuations Committee - National Association of Certified Valuation Analysts
Co-author and Instructor

Forensic Academy - National Association of Certified Valuation Analysts Instructor

Current Update in Valuations - International Association of Consultants Valuers and Analysts
author

Community Service

City Club of Idaho Falls – Board Treasurer

Bonneville – Idaho Falls Crimestoppers, Inc. – Board President for over twenty years

Intermountain United Way Foundation, Inc. – Incorporator. Vice President of Planned Giving

United Way of Idaho Falls and Bonneville County – Board Treasurer for thirteen years

Idaho Falls Family YMCA – Board Treasurer for seven years

Idaho Falls Ski Racing Facility, Inc. – Board Treasurer for twenty three years

Idaho Falls Ski Club – Member at Large, Treasurer, Vice President and President

Bonneville Historical Society - Financial Advisory Committee three years

Junior Achievement Advisor – two years

Idaho Falls Exchange Club – Board President, twice, Board Treasurer two years, Board member multiple times, member for over thirty years

Yellowstone District Exchange Club – Board member

Eastern Idaho Economic Development Corporation – Past President

Campaign Treasurer – Gregory Crocket for the House

Campaign Treasurer - Karen Cornwell for City Council

Campaign Treasurer - Paul Wilde for Bonneville County Sherriff

City of Idaho Falls Citizens Review Committee – 2014 Municipal Services

Personal

Native of Idaho Falls

Married for over twenty years, five grown children

PROCLAMATION

WHEREAS, administrative professionals play an essential role in coordinating office operations in all sectors of the economy worldwide; and

WHEREAS, the first National Secretaries Week was organized in 1952 in conjunction with the United States Department of Commerce and various office supply and equipment manufacturers; and

WHEREAS, in 2000, the International Association of Administrative Professionals (IAAP) determined that Professional Secretaries Week and Professional Secretaries Day must be changed to Administrative Professionals Week and Administrative Professionals Day to keep pace with changing job titles and vastly increased responsibilities of the modern administrative workforce; and

WHEREAS, the work of administrative professionals today requires advanced knowledge and expertise in communication, computer software, office technology, project management, social media, organization, customer service and other office management responsibilities; and

WHEREAS, Administrative Professionals Week celebrates and sheds light on administrative professionals' devoted, valued work; and

WHEREAS, there are more than 22 million administrative and office support professionals working in the United States; and

WHEREAS, the City of Idaho Falls has outstanding administrative professionals who play an integral and central role in ensuring that our offices run effectively and that our residents, customers and visitors receive exceptional service.

NOW, THEREFORE, I, REBECCA L. NOAH CASPER, MAYOR of the City of Idaho Falls, do hereby proclaim the week of April 19th, 2015 as

Administrative Professionals Week

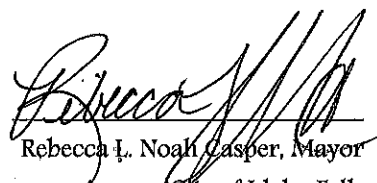
and Wednesday, April 22, 2015 as

Administrative Professionals Day

in the City of Idaho Falls and I call this observance to the attention of our citizens.

FUTHERMORE, I call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world and encourage all to thank the administrative professionals who provide support, assistance and to service others and make the workplace better.




Rebecca L. Noah Casper, Mayor
City of Idaho Falls

CONSENT AGENDA:



Memorandum

To: City Council
From: Rebecca Casper, Mayor
Date: April 20, 2015
Re: Appointments/Reappointments to City Boards, Committees and Commissions

Attached please find communication from the appropriate Division Director(s) as well as resume(s) for the citizen volunteers I would like to appoint to serve on the following City of Idaho Falls Boards, Committees and Commissions.

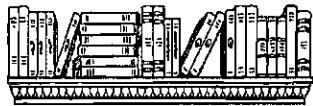
Name	Commission (City code citation)	Sponsoring Department	Term Expires	Status
Hal Peterson	Library Board of Trustees	Idaho Falls Public Library	April 2019	Reappoint

Each applicant has been screened and subsequently recommended by the respective department director. I then reviewed the application submitted by this/these individual(s) (a copy is attached in your packet) and met with the recommended applicant(s). Upon review and reflection, I am confident that these individuals meet the criteria set forth in the city code. Furthermore I believe they will make a positive contribution to the good work of the City.

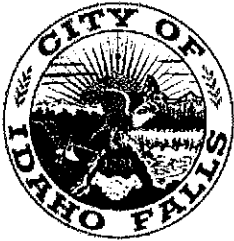
I request your confirming vote to ratify this/these appointments at the Regular Council Meeting on Thursday evening, April 23, 2015. In addition to your vote, I also invite you to support the good work of these citizen volunteers. Their work improves the quality of community life in our city by a large measure.

If you have any questions or comments, please feel free to contact me.

Memorandum



IDAHO FALLS
PUBLIC
LIBRARY



457 West Broadway
Idaho Falls, Idaho 83402

(208) 612-8450
(208) 612-8467 fax

Website:
www.ifpl.org

Library Board

Hal Peterson, Chair
Claire Pace
Mary Lund
Rodd Rapp
Kristin Hague
Sharon Parry,
City Council Liaison

Library Director

Robert Wright

To: Honorable Mayor Rebecca Casper

From: Robert Wright, Library Director

Date: April 1, 2015

RE: Appointment of Hal Peterson as a Library Trustee

Mayor Casper:

During the February and March meetings of the Idaho Falls Public Library Board of Trustees, the trustees discussed the April appointment of a library trustee. The board unanimously requests that Hal Peterson be appointed to continue serving on the Library Board of Trustees.

The board feels that the expertise, professional experience and community contacts that Mr. Peterson possesses are essential to balance the board in representing the community and to guide the direction of library policy now and into the future. Mr. Peterson is currently serving as Chair of the Board and is leading the effort to incorporate the review committee's recommendations into the library's strategic plan and budget.

I have attached Mr. Peterson's application for Trustee as well as his resume for your review. Thank you for your consideration of this request.

to expire: 12/31/2019



City of Idaho Falls
Boards, Committees and Commissions
Citizen Application

Thank you for your willingness to serve our community. Please fill out this form and attach a résumé to this application. If you wish, you may also submit a cover letter explaining your interest in city service.

Your application will be kept on file. When there is an opening on a relevant City Board, Committee or Commission, your application will be reviewed. Return the completed form to the Mayor's office at: City of Idaho Falls Mayor's office: P.O. Box 50220, Idaho Falls, ID 83405 or mayor@idahofallsidaho.gov.

Name:	Hal R. Peterson	
Mailing Address:	548 Tyra Dr.	
City, State, Zip:	Idaho Falls, ID 83401	
Email Address:	halrp1@gmail.com or h.peterson@bankofidaho.net	
Daytime Phone:	528-3031	<input checked="" type="checkbox"/> Message? <input type="checkbox"/> Text?
Evening Phone:	523-1679	<input checked="" type="checkbox"/> Message? <input type="checkbox"/> Text?
Cell Phone:	589-1091	<input type="checkbox"/> Message? <input checked="" type="checkbox"/> Text?

What is your motivation for service on this/these committee(s)?

I have served on the Library Board for the past 7 years and have not only enjoyed my association with the other board members, but have been privileged to participate in the growth and development of the library as a community asset. I would enjoy continuing my service on this board.

How does your background training and experience lend itself to service on this/these committee(s)?

The years already spent on the board have provided me with the training and experience necessary to be an asset to the board. My work experience in banking and civic service has given me a broad background in relevant experiences.

Please list any relevant areas of expertise, education or training you possess that will be helpful for service.

Please see attached resume.

FOR OFFICE USE ONLY:

Date received by Mayor's Office:

Date appointed:

City Division(s) application forwarded to:

Board, Committee or Commission appointed to:

HAL R. PETERSON

548 Tyra Dr. Idaho Falls, ID 83401

Tel. 208-523-1679

Career Objective: Seeking a career that will challenge those managerial, sales, and administrative Skills thus attained from job experience and education.

Education: B.S., December 1980 Brigham Young University
Major: Business Management with special emphasis in finance and financial and estate planning.

Associate Degree, April 1978, Ricks College
Emphasis: General education requirements.

Cannon Trust School, May 2003
Completed courses and exam for "Certified Trust and Financial Advisor" (CTFA) designation.

Experience: VP & Sr. Trust Officer, Bank of Idaho, Idaho Falls, Idaho
January 1999 to present.
Duties include managing the Trust and Wealth Management Department. Implementing new policies and procedures. Manage staff personnel. Member of executive management.

- Responsible for trust and investment account new business.
- Administer approximately 160 accounts consisting of trusts, IRAs, probates, and agency accounts.
- Regular calling program on bank employees, current customers, prospects, attorneys, accountants, and other professionals.
- Responsible for the creation of marketing material. Responsible for compliance and policy function as well as investment policy and implementation.
- Portfolio management for all assigned managed accounts.

VP & District Sales Manager, Key Bank of Idaho, Idaho Falls, Idaho
February 1997 to November 1999.

- Responsible for sales production in 8 Key Centers in East Idaho
- Provide coaching, mentoring, motivation, recognition, and counseling to sales personnel
- Interview potential candidates for employment
- Employee performance reviews and career development plans
- Conduct team meetings and sales rallies

VP & Trust Officer, KeyTrust Company, N.A., Idaho Falls, Idaho
September 1994 to November 1999.

- Manager of two person trust office in east Idaho
- Responsible for trust and investment management new business
- Administered approximately 120 accounts consisting of trusts, IRAs, probates, and agency accounts.
- Assisted in internal branch audit functions.
- Regular calling program on bank employees, current customers, prospects, attorneys, accountants, and other professionals.
- Member of Trust Administrative Committee and Account Review Committee
- Community involvement

Development Officer: The Church of Jesus Christ of Latter-day Saints, LDS Foundation, Ricks College, Rexburg, Idaho
July 1992 to July 1994

- Responsible for the development and closing of major gifts to the LDS Church and Ricks College
- Plan and present seminars on charitable giving to professionals and church groups
- Regular calling program on professionals to promote charitable giving

Regional Investment Center Manager: West One Bank, (U S Bank), Trust Division, Idaho Falls, Idaho
July 1984 to July 1992

- Manager of four person trust office
- Responsible for new business development
- Administered trust and pension accounts
- Portfolio management

Loan Officer: West One Bank (U S Bank), Rexburg, Idaho
January 1982 to July 1984

- Employee supervision
- Made consumer, commercial, and ag loans according to bank policy
- Analyze credit requests
- Marketing bank services
- Community Involvement
- Training of new lending officers

Assistant Manager/Loan Officer: First Security Bank of Utah, Highland Drive Office, Salt Lake City, Utah
January 1981 to January 1982

- Graduate of management training program
- Made consumer and commercial loans within bank policy
- Collected overdrafts and delinquent loans
- Assisted with monthly branch and audit requirements
- Interviewed prospective branch employees

Professional Interests: Active member and current treasurer of the Idaho Falls Kiwanis Club
Active member and past president of the Idaho Falls Estate Planning Council
Chairman of the Idaho Falls Public Library Board of Trustees
Past member of the Pocatello Estate Planning Council

Language: Served a voluntary two-year (1975-1977) LDS mission to Mexico. Learned to Read, write, and speak Spanish.

Interests: Enjoy participating in sports and outdoor activities such as snow and water skiing, hunting, camping, hiking, snowmobiling, and motorcycle riding.

References: Available upon request

APRIL 6, 2015

The City Council of the City of Idaho Falls met in Special Council Meeting (Council Work Session), Monday, April 6, 2015, at the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michael Lehto (arrived at 3:50 p.m.)
Councilmember Ed Marohn
Councilmember Barbara Ehardt
Councilmember Thomas Hally
Councilmember Sharon D. Parry

Also present:

Various Division Directors and public citizens

Mayor Casper called the meeting to order at 3:00 p.m.

Planning and Building Division -

Item 1 - FY2015 Community Development Block Grant (CDBG) Annual Action Plan. Lisa Farris, the Grant Administrator, appeared and led the discussion. Lisa indicated the total number of projects has been about the same for the last two years. She provided a handout for each Councilmember and Mayor and provided information for each applicant, the project description, the criteria for each category, and the formula used to determine the funding. The Council was provided with two options for consideration. After a lengthy discussion regarding the Applicants and Descriptions, the Council decided on the following:

<i>FY2015 CDBG Applicant</i>	<i>Project Application Description</i>	<i>Council Amount Approved</i>
<i>Public Service 15% Max</i>		
Idaho Falls Legal Aid (O5C) 570.201(e)	Legal Aid Assistance for victims of domestic violence.	\$8000
(BMPO) Bonneville Metropolitan Planning (O5D) 570.201(e)	Match of 7.34% for Transportation Grant requirement to access Safe Routes to School grant of \$50,000. SR2S grant provides evaluation/encouragement/incentives for LMA schools.	\$3670
CLUB, Inc. (O3T) 570.201(e)	Presumed homeless Crisis Intervention (CIT) Case management/support for crisis housing and related services.	\$12,000
EICAP (O5C) 570.201(e)	Legal Aid Assistance for Grandparent raising grandchildren GRG).	\$10,000
	<i>Total Public Service Requests/Options</i>	<i>\$33,670</i>
<i>Slum/Blight 30% Max</i>	<i>Project Application Description</i>	
IFDDC (14E) 570.202(a)(3)	Public Facility - Slum/Blight SBA Area Improvements include: facades, awnings, roofs, signs, and code corrections.	\$60,000
<i>LMI projects 70% Min</i>	<i>Project Application Description</i>	
Planning Dept. Code Enfc. (15) 570.202(c)	Code Enforcement Program in (3) LMI Census Tract neighborhoods.	\$70,786
City Public Works Dept. (O3L) 570.201(c)	Public Facility & Improvement with Curb/Gutter, and Sidewalk Replacement in LMI neighborhood.	\$40,000
City Public Works Dept. (O3J) 570.201(c)	Public Facility & Improvement/Water Line Repairs for individuals in LMI neighborhood.	\$10,000

APRIL 6, 2015

LIFE, Inc. (14A) 570.202	Single Unit Housing Rehab to Improve ADA access for disabled individuals with ADA ramps and bathroom remodels (5-7 homes).	\$20,000
Bonneville County Behavioral Health Crisis Center (O3P) 570.201(c)	Health Facilities - Repairs to exterior of the Behavioral Health Crisis Center of East Idaho (1650 N Holmes).	\$5,000
Hospice of Eastern Idaho (O3) 570.201(c)	Public Facilities & Improvements - Replace (2) furnaces and air conditioning units and paint exterior portion of office building	\$9250
Sr. Citizen Comm. Center (O3A) 570.201(c)	Public Facility/Improvement Sr. Centers Replace kitchen swamp cooler and window. Exterior concrete repairs to ADA ramp/entry.	\$10,636.4
Habitat for Humanity Idaho Falls (HFHIF) Acquisition (1)570.201(a) Disposition (04) 570.201(b)	Acquisition and Disposition - Allocate funds to purchase and demolish or rebuild (1) home located within the (3) US Census Tracts for an LMI family to purchase.	\$15,000
	Total LMI Project Requests & Total Options	\$180,672
Administration 20% Max (21A) 570.206	Administer CDBG - Includes supplies, office equipment, training and resources.	\$68,586
	Total	\$342,928
	FY2015 CDBG Allocation \$342,928	

Project/Activity Categories with Min/Max percentages allowed by HUD/CDBG FY2015 Allocation \$342,928

Admin	20% max	\$68,586 Administration of CDBG Program
PS	15% max	\$33,670 Included as 70% LMI
S/B	30% max	\$60,000 Slum/Blight Area
LMI Direct	70% min	\$180,672 LMI includes Code Enfc.(\$70,786)
		\$342,928

City's General Budget (FY) starts Oct 1, 2015

CDBG Plan Year (PY) runs April 1, 2015 to March 31, 2016

FY2015 CDBG allocation expected on/before June, 2015

Mayor Casper stated with the approval of the Council, a resolution regarding the CDBG funding would be prepared and adopted at the Regular Council Meeting on Thursday, April 9, 2015. She also stated that a future discussion needed to take place concerning city-owned buildings and county-owned buildings with regard to grant monies and consistency of CDBG funds.

Planning and Building Division-

Item 2 - Area of Impact: Growth Patterns and Policies. Director Brad Cramer appeared to discuss and explain the agenda item. Director Cramer stated this was a continued discussion regarding the Area of Impact Agreement which will start with some more in-depth discussions in the future. He presented a large map with the boundaries of the area of impact. One of the center pieces of the discussion is the current zoning map. He indicated that statute is not very helpful and only states it should include areas that could be reasonably annexed into the city in the future. One of the advantages of Idaho Falls is the very consistent growth in the past decades of rate-population wise and land-mass wise. The city grows 1 to 1-1/2 percent in population each year which helps make planning a lot easier. Director Cramer would suggest looking at 20 years out for planning, including looking at strategic areas, such as the Idaho Falls Airport. He also stated the comprehensive plan encourages in-field development. After further discussion and comments from all Councilmembers, Director Cramer indicated there would be additional discussions at future work sessions. Mayor Casper recommended the Councilmember's meet one-on-one with Director Cramer for any ideas they would like to share.

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Parks and Recreation Division-

Revised Fee Schedule - Director Greg Weitzel appeared and explained the Revised Fee Schedule agenda item. He indicated there are three small fees increases. One is a request for a \$.25 per admission conservation fund program called Quarters for Conservation for admission at the zoo. This fund has become a national program. For the city's zoo accreditation one of the key recommendations is that a portion of the budget is dedicated to conservation. Upon fee admission, each person would be given a quarter (token) to deposit in an area designated at the zoo where the individual would like the funds to be applied for conservation. Director Weitzel indicated he would email the 4-page proposal to all councilmembers. One other fee corrected a clerical error for Cemetery Burial fees. The third fee was a \$500.00 rental fee for the Japanese Friendship Garden for groups wanting to rent the entire park and would include all utilities, expenses, and privacy. Director Weitzel stated this is a request coming from the community. These fee increases are scheduled for public hearing and approval at the April 9, 2015 Regular Council Meeting.

Municipal Services Division-

Workers Compensation Review and Settlement Authority - Director Craig Rockwood appeared and stated a class action lawsuit was filed against the State of Idaho against the Idaho State Insurance Fund, which is the Workman's Compensation Reserve Fund. The court ruled and awarded over \$35 million to the plaintiffs. The City of Idaho Falls was a member of the State Insurance Fund at the time (the city has since become self-insured as of 2010) and was awarded \$517,795.77. Director Rockwood indicated Council authorization was needed to accept the payment. He also requested authorization to deposit the funds into the city's Worker's Compensation Insurance Fund to build up the reserves.

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: REQUEST TO ACCEPT STATE INSURANCE FUND CLASS ACTION LAWSUIT SETTLEMENT

Municipal Services respectfully requests authorization to accept settlement for the class action lawsuit against the Idaho State Insurance Fund number ISDQ2-10013810-1 in the amount of \$517,795.77. The class action lawsuit against the State Insurance Fund was for failure to pay dividends or paying an amount less than a pro rate basis based on premiums. More information on the class action lawsuit can be found at www.CDADQ-SIFaction.com.

Furthermore, we request the settlement amount of \$517,795.77 be deposited in the City's Worker's Compensation Fund to build reserves against future claims. As of September 30, 2014, the City's reserves were \$575,910.00. Our goal is to reach a reserve equal to our secondary insurance policy of \$2,000,000.00.

Following a short presentation given by Mark Hagedorn, Lead Accountant, regarding the Worker's Compensation Fund over the past four years, it was moved by Councilmember Marohn, seconded by Councilmember Hally, to accept settlement for the class action lawsuit against the Idaho State Insurance Fund number ISDQ2-10013810-1 in the amount of \$517,795.77 and that the amount be deposited in the City's Worker's Compensation Fund. Roll call as follows:

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Aye: Councilmember Hally
Councilmember Lehto
Councilmember Parry
Councilmember Ehardt
Councilmember Marohn

Motion carried.

Mayor and City Council Reports-

-Mayor Casper stated when there is a question within the City, this is the time of Council discussion regarding liaisons duties or roles of the Mayor. Mayor Casper informed the Council of several up-coming events and asked for their attendance. Mayor Casper shared the city information from the most recent interaction with the Priority Based Budgeting (PBB) regarding the results/goals and the scoring criteria of each program. Mayor Casper is hopeful the scoring process can be completed by the end of April. Another workshop will be held with the PBB in the future. Mayor Casper indicated some questions had been asked regarding the location of the new Fire Station. Chief Hanneman is continuing to work with councilmembers as he was instructed. Mayor Casper shared the new logo for REDI - Regional Economic Development in Idaho. The new interim director is Darlene Gerry. Grow Idaho Falls is dissolving and REDI will be the new organization. Mayor Casper stated this year's four Citizen Review Committee's (Public Works, Police, Parks & Recreation and Power) are meeting on a regular basis but will not be giving final reports until the August/September time frame. Idaho Falls Downtown Development Corporation (IFDDC) held a community meeting with attendance of Mayor Casper, Greg Weitzel, Kent Fugal and Brad Cramer to discuss downtown growth and development. IFDDC would like to host a more comprehensive strategic vision conversation. Mayor Casper gave a report on her recent Washington DC trip, which has been rebranded to Community to Capital (C2C). A portion of the trip was dedicated to the National Chamber of Commerce who gave their input on efforts to create a healthier business climate in this country. The C2C group also met with key offices at the Department of Energy regarding the diversity of our nuclear site. Idaho Department of Transportation is undergoing reorganization. SAUSA has been funded at 70% of total cost, local communities in Eastern Idaho will be asked to contribute to the 30%. A candlelight vigil being held at Ross Park in Pocatello was expanded to include a memorial for the Kenyon students massacred last week.

Councilmember Lehto asked for status of the newly-appointed Councilmember, this is still in process. A citizen wrote an email to Councilmember Lehto regarding the instant horse racing dilemma, which was passed on to the Mayor and Parks and Recreation Director. A brief discussion was held regarding the approval of required licensing needed from the city and county. Councilmember Lehto also received an email regarding creating an ordinance for rabbits which was forwarded to Director Cramer for response. Councilmember Lehto met with Chief Hanneman and is comfortable moving forward having his questions answered. He encouraged all councilmembers to become educated on the up-coming budget process.

Councilmember Parry asked that when items are put in mailboxes that the source is listed. Councilmember Parry stated work is on-going with Director Craig Davis, Idaho Falls Airport Director. She also stated the Sign Ordinance and the Dog Ordinance are on-going.

Councilmember Hally gave an update on the Parks and Recreation Department and the three up-coming Master Plans, including Tautphaus Park proposals, Design Committee

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for Heritage Park, and the zoo. Councilmember Hally indicated there is money available for a grant from a \$50,000.00 fine for entities such as the Parks Department for the River Gardens.

Councilmember Ehardt gave an update and information regarding Hitt Road and 17th Street.

Councilmember Marohn also encouraged all councilmembers to meet with their liaisons to become educated on the up-coming budget process. He's working on a 'cheat sheet' for the budget process and will be sharing a draft before the budget cycle. Councilmember Marohn and Councilmember Parry are also working on a Task Force Agreement for maintenance of Hitt Road with Ammon.

Public Works Division-

17th Street and Hitt Road Intersection Right of Way Discussion - Idaho Falls Mall Property. Director Chris Fredericksen shared information regarding 17th Street and Hitt Road and the development of the intersection. The Public Works Division worked with the City Attorney to acquire the Right of Way from the developer (the Mall), who was required, by City Code, to dedicate up to 57 feet of Right of Way. If property is not being developed, there is no reason to dedicate the Right of Way. Dillard's want to purchase the property they have been leasing, Public Works is looking at this at re-plat not re-development. The City was working on the plat in this area and Director Fredericksen indicated it's in the city's best interest to amend this entire plat. Kent Fugal, City Engineer, indicated that Hitt Road has the full 57 feet of Right of Way, it's only the 17th Street side that the city does not have the 57 feet. A letter was sent to the property owner to purchase the Right of Way.

After further discussion, it was moved by Councilmember Ehardt, seconded by Councilmember Hally, to acquire the Right of Way at 17th Street and Hitt Road. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Marohn
Councilmember Lehto
Councilmember Hally

Nay: Councilmember Parry

Motion carried.

Notice of Executive Session-

Councilmember Lehto provided information to those present regarding the request and the requirements for an Executive Session.

It was moved by Councilmember Lehto, seconded by Councilmember Parry, to move into Executive Session pursuant to the provisions of Idaho Code Section 67-2345(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

Mayor Casper provided further explanation regarding specific criteria required to retire into Executive Session. She explained this is not an evaluation of an employee

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performance, this is a decision to determine if the city is market competitive. Also, the city does not currently use a systematic employee evaluation program, rather most employees are paid based on a step and grade system and any bonuses given are based on longevity, not on performance. There is no documentation or objective criteria that applies to exempt or appointed employees. Although Mayor Casper indicated she cannot vote to retire into Executive Session, she recommended to the Council not to go into Executive Session based on this criteria.

Councilmember Hally commented the handbook specifies the Council does not supervise or direct employees as charge of City Council, that is not a responsibility of the Council and he feels to formally evaluate them would be out of bounds.

City Attorney Randy Fife stated the Council has the authority to go into Executive Session to evaluate employees. His understanding of the State Code says the Mayor has administrative and supervisory authority over employees but no case defines it clearly. The Council will need to set guidelines for discussion. That discussion can happen in open session.

Councilmember Ehardt commented based upon her discussion with the City Attorney there is no reason to retire into Executive Session. She prefers the discussion is held in the open meeting.

Councilmember Parry commented she thinks it's important for the Council and Mayor to recognize there is some sensitivity regarding evaluations particularly Division Directors and if Council is open to have discussion in public then that's fine. She believes within the Market Study there is minimum, mid, and high range and the discussion should be where does the employee fall within those ranges but believes the sensitivity should be discussed in Executive Session.

City Attorney reminded the Council no final decision can be made for any purpose in Executive Session, it is for discussion only.

The motion to move into Executive Session was amended by Councilmember Lehto, seconded by Councilmember Parry, to convene to the small annex conference room and upon conclusion return to regular session. Roll call as follows:

Aye: Councilmember Parry
Councilmember Lehto

Nay: Councilmember Ehardt
Councilmember Hally
Councilmember Marohn

Motion failed.

Human Resources Division-

Approval of Market Adjustments for Idaho Falls Power. Director Melanie Marsh requested approval of the wage adjustments for 11 Idaho Falls Power personnel based upon wage studies from (1) 2014 Northwest Utilities Salary, Wage and Benefits Survey conducted by Milliman and (2) Idaho Falls Power Compensation Study conducted by Personnel Concepts, and is also requesting ratification for the wage adjustments. Director Marsh

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further explained the wage studies regarding the wage structure and the different matrix of the detailed analysis. She recommends that the Power Division has its own separate pay plan due to the sensitivity in the market. Councilmember Lehto offered his opinion of the need to compensate our management team and indicated this discussion started eight months ago. Although he believes the recommendations are time sensitive and needed this discussion it still may not prevent the power personnel from seeking employment elsewhere. He further explained the power industry and the process and decisions made by the city regarding the power rates. Councilmember Marohn stated Idaho Falls Power is an enterprise fund and work off of fees. There is no direct impact to the tax levy or general fund base. He further stated the whole Idaho Falls Power Division is very efficient and doesn't cost the city anything other than through services. Mayor Casper shared a letter from the Chairman of the Idaho Falls Power CRC on behalf of the committee in support of the employees. After further discussion and comments by the councilmembers, it was moved by Councilmember Lehto, seconded by Councilmember Ehardt, to approve market adjustments for various management positions in the Idaho Falls Power Division and also to approve the wage adjustments for Idaho Falls Power Personnel effective March 23, 2015. Roll call as follows:

Aye: Councilmember Lehto
Councilmember Marohn
Councilmember Ehardt
Councilmember Hally

Nay: Councilmember Parry

Motion carried.

Mayor Casper has requested the Human Resources Director and the City Attorney review Title 1 Chapters 7 & 8 in the City Code. The Code can be interpreted in a few different ways so she feels the code needs clarification.

After further discussion by the Council, there was a motion by Councilmember Marohn, seconded by Councilmember Hally, that the meeting adjourn at 6:35 p.m.

The City Council of the City of Idaho Falls met in a Special Council Meeting (Council Work Session), Thursday, April 9, 2015, at Idaho Falls Power in the Large Conference Room located at 140 S Capital in Idaho Falls, Idaho at 7:00 a.m.

There were present:

Mayor Rebecca Casper
Councilmember Barbara Ehardt
Councilmember Michael Lehto
Councilmember Ed Marohn
Councilmember Sharon Parry
Councilmember Tom Hally

Also Present:

Jackie Flowers, Idaho Falls Power Director
Bear Prairie, Idaho Falls Power Assistant Manager
Mark Reed, Idaho Falls Power Generation & Operations Superintendent
Randy Fife, City Attorney
Colleen Wright, Idaho Falls Power Administrative Assistant
Lincoln Beard, Idaho Falls Power Meter Technician

Mayor Casper opened the meeting at 7:00 a.m.

Sharon Parry requested that the calendar entries for the Board Meetings be better demarcated.

Jackie began the presentation for today starting with the first item on the agenda:

Metering System – Staff introduced a few items for broad policy guidance from the City Council, following which, they will work with the City Attorney on any required language adjustments.

Deployment status – Idaho Falls Power has completed the conversation of the metering system to Advanced Meter Infrastructure (AMI). There are currently 135 customers on the Opt Out list which equates to less than ½ of a percent of all customers.

Opt Out List – Council confirmed interest in retaining the opt out option for these customers moving forward with the caveat that the list will be capped at current levels with no new additions to the opt out list. Staff affirmed the need for Council to establish a fee for Opt Outs, Jackie Flowers indicated she would be working with Municipal Services over the next couple months. Sharon Parry requested that the Council be given copies of the last round of letters that were sent out to Opt Out customers. Staff recommends grandfathering those customers that are currently on the Opt Out list. Randy Fife stated that the account holder not the property owner (if different) has the relationship with the city. Council agreed that the meter does not move from property to property. It was agreed that an opt out property (with a radio-disabled AMI meter) will have the radio enabled upon change of ownership/customer. Sharon Parry suggested staff inform Idaho Falls Realtors that the opt out cannot be transfer with the property. Jackie Flowers will be speaking with the Board of Realtors this summer and she will include that in her presentation. Jackie also suggested the possibility of placing a sticker on the meter that states “Non Transferable”. Council agreed that any opt out customer who is placed on the disconnect list will be removed from the opt out policy. When the meter is being shut off for non-payment, the meter will be changed to a radio enabled AMI meter. Council also agreed that any opt out meter that

has been tampered with will result in the customer being removed from the opt out list and a radio enabled AMI meter will be immediately installed upon discovery of the tampering. Staff will work with the City Attorney on necessary policy changes and update Council in a future meeting.

Remote Disconnect - Mark Reed and Lincoln Beard demonstrated remote disconnect/reconnect technology. Staff discussed how this technology will provide for a more efficient means of disconnect to include: eliminate travel time for staff and more flexibility in historic disconnect procedures. Staff also demonstrated the safety features related to on site generators, meter tampering, and on-site safety concerns for staff in hostile situations. Ed Marohn requested to know the percentage of commercial customers versus residential customers that have delinquent accounts. Staff indicated they will be working with Municipal Services to update associated policies and they will update Council in a future meeting.

Webportal/App – Jackie Flowers provided instruction to activate the webportal and free app to access electricity consumption data. Staff has been testing this for the past couple months and anticipates a broad roll out to customers will occur in June.

Pacific Northwest Smart Grid Demonstration Project

Overall Project - Jackie Flowers presented a project video that Bonneville Power Administration developed concerning the project. Jackie updated City Council on the project Summit held the week prior and indicated they will be working with the project lead to hold a “Summit Lite” in eastern Idaho for eastern Idaho and western Wyoming project participants to see project results. Jackie indicated that the project lead is completing the report and IFP staff is preparing a one page summary sheet for each asset that we tested during the project. As those are completed, they will be shared with City Council. The following information on some of the asset testing was then provided:

- Conservation Voltage Reduction (CVR) - Following the video Jackie Flowers and Mark Reed presented information about the Conservation Voltage Reduction testing that was completed.
- Automated Power Factor – Mark Reed gave a brief synopsis about Automated Power Factor Control
- There were three asset tests that involved customer volunteers: in-home displays, hot water heaters, and thermostats. The data sheets on the actual energy savings are still in development. An element of these assets involved customer experience surveys. Council was presented with the customer satisfaction survey summary pages for the three asset tests. Overall customers indicated a strong willingness to participate in future tests. Customers also expressed some frustration with the technology, which was consistent with staff experience given the vendor instability issues we had with these asset tests.

Grid Modernization – Jackie Flowers discussed the results of a back cast case study of the impact that CVR could have had in the December 4, 2013 load shed outage. Mike Lehto commented that given we are not building new base load energy but instead looking to decommission base load energy and that we cannot easily add transmission capacity with new transmission lines, we are left with an energy

policy centered around smart grid technology and grid modernization to extract efficiencies from the existing system. This has become the country's defacto energy policy. Jackie discussed how the results from the smart grid project will shape the future of the Capital Improvement Plan as we look to increase our efficiencies and system capacity.

A motion was called by Ed Marohn to adjourn and was seconded by Barbara Ehardt.

The meeting adjourned at 8:14 a.m.



A Division of the City of Idaho Falls

"A community with its own kind of energy"



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Jackie Flowers, General Manager
DATE: April 21, 2015
Re: Consent Agenda – Request Authorization to Advertise for Bids for Roof Replacement at IFP Administrative Building

Idaho Falls Power respectfully requests authorization to advertise and receive bids for work necessary to replace the roof on the administrative building. The project was slated for next budget year in the Capital Improvement Plan. However, due to recent failures of the aged membrane, staff is requesting this item be advanced for completion this summer. While the item was not included in this year's budget, the anticipated expenditure schedule for two large capital improvement projects will lead to those expenditures rolling to next fiscal year budget leaving money available in this year's authorized expenditure level. The expenditure would qualify for funding from our Rate Stabilization Fund as it is a Capital Improvement.

JRF/652

C: City Clerk
City Attorney
Municipal Services
File

PO Box 50220
140 S Capital
Idaho Falls ID 83405

Phone: 208-612-8430
Fax: 208-612-8435
www.ifpower.org

REGULAR AGENDA:



MUNICIPAL SERVICES

CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

PHONE: (208) 612-8249
FAX: (208) 612-8148

April 13, 2015

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Craig Rockwood, Municipal Services Director

SUBJECT: **BID IF-15-13 NEW 95-GALLON REFUSE CONTAINERS**

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services and of Public Works to accept the lowest responsive responsible bid of Otto Environmental Systems to furnish 4,500 95-Gallon Refuse Containers in the lump sum of \$208,620.00.

Respectfully,

A handwritten signature in black ink, appearing to be "C. Rockwood", written over a horizontal line.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch
Attachment

City of Idaho Falls

P. O. BOX 50220

IDAHO FALLS, IDAHO 83405

PHONE: (208) 612-8433

FAX: (208) 612-8536

Office of Purchasing Agent

Opening Date: April 6, 2015

BID TABULATION BID IF-15-13

New 95-Gallon Refuse Containers

BIDDER	1) Otto Environmental Systems Charlotte, NC	2) Rehing Pacific Company Los Angeles, CA	3) Cascade Engineering Inc. Grand Rapids, MI	4) Toter Statesville, NC
Manufacturer	Otto Environmental Systems	Rehing Pacific Company	Cascade Engineering Inc.	NO BID
Price per Each – Quantity 4,500	\$46.36	\$55.08	\$46.44	
Lump Sum Total Price	\$208,620.00	\$247,860.00	\$208,980.00	
Delivery Time	45 Days ARO	4 Weeks ARO	30 – 45 Days ARO	



CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

MUNICIPAL SERVICES

PHONE: (208) 612-8249
FAX: (208) 612-8148

April 13, 2015

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Craig Rockwood, Municipal Services Director

SUBJECT: **BID IF-15-15 ONE (1) NEW 2015 OR NEWER SIDE LOAD REFUSE CONTAINER BODY – MINIMUM 29 CUBIC YARD MOUNTED ON ONE (1) NEW 2015 OR NEWER CONVENTIONAL CAB AND CHASSIS**

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services and of Public Works to accept the lowest responsive responsible bid of Freightliner of Idaho to furnish One (1) 2015 30-yard Challenger Side Load Refuse Container Body mounted on a New 2016 Freightliner Cab and Chassis for the lump sum total amount of \$138,514.00 with the trade-in of Unit #7017.

Respectfully,

A handwritten signature in black ink, appearing to be "C. Rockwood", written over a horizontal line.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch
Attachment

City of Idaho Falls

P. O. BOX 50220

IDAHO FALLS, IDAHO 83405

PHONE: (208) 612-8433

FAX: (208) 612-8536

Office of Purchasing Agent

TABULATION BID IF-15-15

Opening Date: April 3, 2015

One (1) New 2015 or Newer Side Load Refuse Container Body - 29 Cubic Yard Mounted on One (1) New 2015 or Newer Cab and Chassis

BIDDER	1) Western Systems Spokane Valley, WA	Idaho Falls Peterbilt Idaho Falls, ID	Rush Truck Centers Boise, ID	Freightliner of Idaho Jerome, ID
REFUSE CONTAINER BODY	NO BID			
Manufacturer	Southwestern Equipment	Southwestern Equipment	Southwestern Equipment	
Model	30 yard Challenger	30 yard Challenger	30 yard Challenger	
Year	2015	2015	2015	
CAB AND CHASSIS				
Manufacturer	Peterbilt	International	Freightliner	
Model	348	7400 SBA 6x4	M2106	
Year	2016	2016	2016	
Delivery Time of Complete Unit	150-180 days	150-180 days	140-170 days	
Price Without Trade-In	\$173,939.00	\$163,200.00	\$160,514.00	
Trade-in Allowance #7017	\$22,000.00	\$22,000.00	\$22,000.00	
PRICE WITH TRADE-IN	\$151,939.00	\$141,200.00	\$138,514.00	
Sub-Bidder Container Refuse Body	Southwestern Equipment	Southwestern Equipment	Southwestern Equipment	



CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

MUNICIPAL SERVICES

PHONE: (208) 612-8249
FAX: (208) 612-8148

April 13, 2015

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Craig Rockwood, Municipal Services Director

SUBJECT: **BID IF-15-11 NEW 2015 OR NEWER CAB AND CHASSIS (ONLY) FOR USE AS A SEWER SLUDGE TRUCK**

Attached for your consideration is the tabulation for the above subject bid.

It is the recommendation of Municipal Services and of the Public Works Division to accept the lowest responsive responsible bid of Rush Truck Center to furnish a New 2015 International Model #7400 SBA 6 x 4 Cab and Chassis (only) for a total amount of \$51,600.00 with trade-in of Unit #1152.

Respectfully,

A handwritten signature in black ink, appearing to be "CR", followed by a long horizontal line and a loop.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch
Attachment

City of Idaho Falls

P. O. BOX 50220
IDAHO FALLS, IDAHO 83405
PHONE: (208) 612-8433
FAX: (208) 612-8536

Office of Purchasing Agent

Opening Date: April 7, 2015

BID TABULATION BID IF-15-14

One (1) New 2015 or Newer Cab and Chassis for use as a Sewer Sludge Truck

BIDDER	1) Rush Truck Centers Boise, ID	2) Freightliner of Idaho Jerome, ID	3) Schow's Truck Center Idaho Falls, ID	4) Idaho Falls Peterbilt Idaho Falls, ID
Manufacturer	International	Freightliner	Western Star	Peterbilt
Year	2016	2016	2016	2016
Model	7400 SBA 6 x 4	SD114	4700 SB	348
Delivery Time	60 – 90 Days	Approx. 150 Days ARO	150 Days	90 Days ARO
Price Without Trade-In	\$92,600.00	\$95,806.00	\$95,533.00	\$101,399.00
Trade-In Allowance of Unit #1152 (Cab and Chassis Only)	\$41,000.00	\$44,000.00	\$40,000.00	\$48,000.00
Price With Trade-In	\$51,600.00	\$51,806.00	\$55,533.00	\$53,399.00



CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

MUNICIPAL SERVICES

PHONE: (208) 612-8249
FAX: (208) 612-8148

April 16, 2015

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Craig Rockwood, Municipal Services Director
SUBJECT: **BID IF-15-16 WATER LINE MATERIALS**

Attached for your consideration is the tabulation for above subject bid.

It is the recommendation of Municipal Services and the Public Works Division to award the low bid meeting specifications as per Attachment "A". Total purchase amount for all items will be \$609,639.54. As per the bid specifications, the bids were evaluated according to lump sum amounts in each section.

Respectfully,

A handwritten signature in black ink, appearing to read "Craig Rockwood", with a long horizontal line extending to the right.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch
Attachment

ATTACHMENT A

Bid IF-15-16

Opened: April 9, 2015

<u>DESCRIPTION</u>	<u>BIDDER</u>	<u>AMOUNT</u>
SECTION I: Ductile Iron Pipe	HD Supply Waterworks	\$83,483.38
SECTION II: Main Line Pipe Fittings	Ferguson Enterprises, Inc.	\$43,640.50
SECTION III: Main Line Valves	HD Supply Waterworks	\$41,592.66
SECTION IV: Bolt Pack/Joint Restrainers	HD Supply Waterworks	\$8,016.35
SECTION V: Valve Boxes	Ferguson Enterprises, Inc.	\$15,775.00
SECTION VI: Fire Hydrants	HD Supply Waterworks	\$53,390.38
SECTION VII: Service Line Materials	Ferguson Enterprises, Inc.	\$66,216.25
SECTION VIII: Copper and Poly Tubing	Ferguson Enterprises, Inc.	\$50,004.00
SECTION IX: Galvanized Fittings	HD Supply Waterworks	\$11,861.91
SECTION X: Meters	HD Supply Waterworks	\$235,659.11
TOTAL PURCHASE AMOUNT		\$609,639.54

CITY OF IDAHO FALLS
Office of Purchasing Agent
PO Box 50220
Idaho Falls, ID 83405
(208) 612-8433 / Fax 208-612-8536

WATER DEPARTMENT LINE MATERIALS TABULATION IF-15-16

Bid Opening Date: April 9, 2015

BIDDER	1) Falls Plumbing Supply, Inc. Idaho Falls, ID	2) HD Supply Waterworks Idaho Falls, ID	3) Ferguson Waterworks Idaho Falls, ID	4) HD Fowler Company Idaho Falls, ID
Section I: Ductile Iron Main Line Pipe	NO BID	\$83,483.38	\$93,287.30	\$88,985.58
Lump Sum Total				
Section II: Main Line Pipe Fittings	NO BID	\$44,228.13	\$43,640.50	\$51,134.96
Lump Sum Total				
Section III: Main Line Valves	NO BID	\$41,592.66	\$50,375.00	\$44,531.98
Lump Sum Total				
Section IV: Bolt Pack / Joint Restrainers	NO BID	\$8,016.35	\$8,106.25	\$10,011.80
Lump Sum Total				
Section V: Valve Boxes	NO BID	\$20,204.75	\$15,775.00	\$25,806.25
Lump Sum Total				
Section VI: Fire Hydrants	NO BID	\$53,390.38	\$54,060.00	\$54,898.74
Lump Sum Total				
Section VII: Service Line Materials	NO BID	\$67,332.15	\$66,216.25	\$66,740.70
Lump Sum Total				
Section VIII: Copper and Poly Tubing	NO BID	\$51,197.40	\$50,004.00	\$56,779.20
Lump Sum Total				
Section IX: Galvanized Fittings	\$13,469.24	\$11,861.91	\$33,064.09	\$13,776.68
Lump Sum Total				
Section X: Meters	NO BID	\$235,659.11	\$241,851.00	NO BID
Lump Sum Total				
Calculation Error				



CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

MUNICIPAL SERVICES

April 16, 2015

PHONE: (208) 612-8249
FAX: (208) 612-8148

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Craig Rockwood, Municipal Services Director

SUBJECT: **HYDROELECTRIC PROPERTY INSURANCE PLACEMENT**

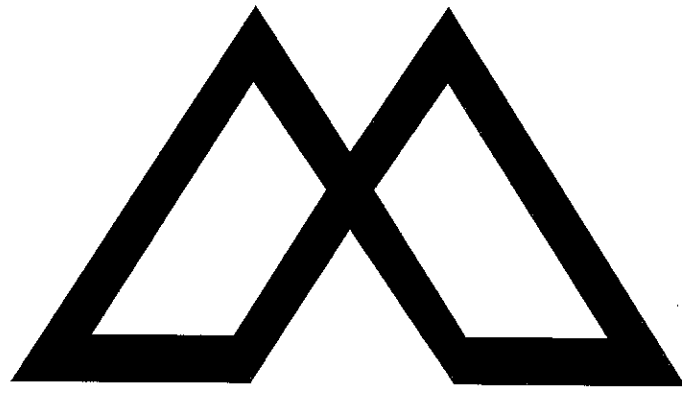
It is respectfully requested that the Mayor and Council authorize the placement for Hydroelectric generation property with Starr Technical Risks Agency, ApSen Specialty Insurance Company, Essex Insurance Company, Lloyds of London, Insurance Company of the West, and Landmark American Insurance Company. The City is purchasing \$100 million of property insurance with \$100 million of layered flood and earthquake coverage. The total insurance package will cost \$331,900.00. The deductible will be \$250,000.00 for property loss and 45 days of business interruption. The coverage will be from April 29, 2015 to April 29, 2016.

Respectfully,

A handwritten signature in black ink, appearing to be "C. Rockwood", written over a horizontal line.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch



MORETON

& COMPANY

TRUSTED SINCE 1910

INNOVATION · INTEGRITY · INSURANCE

Proposal of Insurance



City of Idaho Falls

P. O. Box 50220
Idaho Falls, ID 83405

Effective Date of Coverage:

April 29, 2105

Allan Ranstrom
Senior Vice President

Chad Ranstrom
Vice President

Lisa Reckamp
Account Manager

Moreton & Company

12639 West Explorer Drive, Suite 200 | Boise, ID 83713

(208) 321-9300 | Fax (208) 321-0101 | moreton.com

Insurance | Employee Benefits | Surety

CA License No. 0522220

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<u>DISCLOSURES/DISCLAIMERS</u>	<u>SECTION 2</u>
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<u>LOCATION SCHEDULE</u>	<u>SECTION 4</u>
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<u>EXCESS EARTHQUAKE AND FLOOD</u>	<u>SECTION 6</u>



TRUSTED SINCE 1910

Your Insurance Broker

Moreton & Company, founded in 1910, is an independently owned and operated insurance agency serving the insurance needs of business, public entities and residents.

Regional, national and international representation through Assurex Global allows us to draw on resources that are both expert and independent. Our expertise, dedication to superior service, and ability to provide quality, price effective products has made us the area's most diversified and resourceful independent broker.

Mission Statement

We will consistently exceed expectations by providing solutions that go beyond the needs of our clients and customers. We will be timely, fair, and professional with our suppliers, carriers, and partners. We will provide a prosperous, professional, and energetic workplace.

Changes & Developments

It is important that we be advised of any changes in your operations, which may have a bearing on the validity and/or adequacy of your insurance. The types of changes that concern us include, but are not limited to, those listed below:

- Changes in any operations such as new locations, expansion to another state, new products, or new applications of existing products. This includes traveling, shipping via ground, air, rail, etc., or to new states or foreign exposures.
- Mergers and/or acquisition of new companies, as well as dissolving of companies.
- Any newly assumed contractual liability, granting of indemnities or hold harmless agreements.
- Circumstances which may require increased insurance limits.
- Any changes in fire or theft protection such as the installation of or disconnection of sprinkler systems, burglar alarms, etc. This includes any alterations to same.
- Immediate advice of any changes to the vehicle schedule or to scheduled equipment such as contractor's equipment, electronic data processing, etc.
- Property of yours that is in transit or off-premises, unless we have arranged for the insurance previously.
- Any changes in existing premises including vacancy, (whether temporary or permanent), alterations, demolition, etc. Also, any new premises, either purchased, constructed or occupied.

Please contact your Sales Executive or Account Manager with any other changes not mentioned above. This list is not all inclusive for all the different changes our customers go through.

Disclosures/Disclaimers

- **This is a coverage proposal, not a legal contract.** This proposal is provided to help you understand your insurance program. It provides only a general description of insurance coverages and is not an insurance contract. Please refer to the actual policies for specific terms, conditions, limitations, and exclusions that will govern in the event of a loss. Specimen copies of all policies are available for review prior to the binding of coverage.
- If the contents of this proposal and the terms and conditions of the policy are contradictory, the language of the policy will govern.
- In evaluating your exposure to loss, we have been **dependent upon information provided by you.** If there are other areas that need to be evaluated prior to binding of coverage, please bring these areas to our attention. Should any of your exposures change after coverage is bound, let us know so your coverage reflects the changes.
- The liability or property limits shown on this proposal are per your request or per expiring policies. **Higher liability or property limits** may be available. We can provide you with a quotation on the additional cost for the increased protection.
- The coverages shown on this proposal are per your request or per expiring policies. **Additional coverages**, such as earthquake, flood, pollution liability, professional liability, cyber liability, etc. **may be available.** We can provide you a quotation on the additional cost for the increased protection.
- Annual Audit of Existing Coverages – Portions of your premiums may be estimate amounts that are based on your anticipated exposures. These policies, therefore, are subject to adjustment, based on your actual exposures. These exposures are generally developed at policy year-end either from previous reports sent to the insurance company or from an audit of your records by the insurance company. The audit, at the insurance company discretion, can be either voluntary (when you complete the forms sent to you) or actual (when the company sends its own people to verify information from your records). Once this is completed, you will receive an adjustment to the estimated premium that was billed originally.
It is important that if you have subcontractors working for you that you secure a certificate of insurance from them evidencing workers compensation coverage and general liability coverage. Otherwise, this exposure could be picked up at audit and charged to you.
- **Moreton & Company is concerned with the environment.** Policies and endorsements will be sent to you electronically. If you prefer paper copies, please let us know. We will accommodate your needs.
- **Moreton & Company will negotiate insurance coverage contracts** on your behalf. Please see your legal representative to negotiate other contracts.
- **Moreton & Company may receive commission** from insurers on transactions described in this proposal.
- **Moreton & Company may receive additional compensation** from insurers based on a combination of *premium volume and loss or claims experience*. If your premium is financed, we may also receive compensation from finance companies.
- One or more of the insurance policies that you are considering purchasing **may be underwritten by an insurer that is not admitted by the state in which your business operates.** These insurers are not protected by the Guaranty Fund in your state.
- The Fred A. Moreton & Company California license number is 0522220.
- In January 2015, the Terrorism Risk Insurance Act program was re-authorized for six years with the following changes:
 - Phases in an increase to the program's trigger from \$100 million to \$200 million by 2020.
 - Decreases federal share of losses from 85% to 80% by 2020.
 - Increases the government's mandatory recoupment amount from \$27.5 billion to \$37.5 billion by 2020.
 - Increases recoupment percentage amount from 133% to 140%.
 - Streamlines the certification process for an act of terror by removing the Secretary of State and Attorney General from the formal process.
 - Instructs the Secretary of Treasury to issue a certification timeline to Congress.



TRUSTED SINCE 1910

Premium Summary

Named Insured: City of Idaho Falls

Coverage	Expiring Premium	Renewal Premium
Property Including Fees	\$ 244,330.00	\$ 207,010.00
\$20,000,000 Excess Flood and Earthquake Including Fees/Tax	\$ 50,875.00	\$ 48,331.25
\$50,000,000 Excess Flood and Earthquake Including Fees/Tax	\$ N/A	\$ 76,558.75
Your insurance program, when written as proposed in this presentation, develops an estimated annual premium of	\$ 295,205.00	\$ 331,900.00

Payment Terms Available: Agency Bill, Annual Payment

City of Idaho Falls Hydroelectric
Property Insurance
Earthquake and Flood Coverage 2015-16

\$50 million Earthquake and Flood

Carriers: Landmark American Insurance Company
Insurance Company of the West
Lloyds of London

Premium: \$76,558.75

Total Limits: \$100 million Property damage
\$100 million Earthquake and Flood

Total Premium: \$331,900.00

\$20 million Earthquake and Flood

Carriers: Aspen Specialty Insurance Company
Essex Insurance Company

Premium: \$48,331.25

\$100 million Property damage (non EQ & Flood)

\$30 million Earthquake and Flood

Carrier: Starr Tech

Premium: \$207,010.00

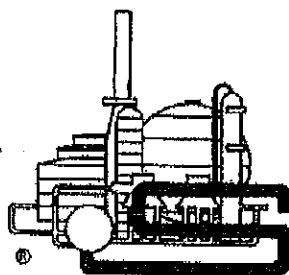


TRUSTED SINCE 1910

Location Schedule

Named Insured: City of Idaho Falls

Loc. No.	Street	City	State	Zip
1	Upper Dams Powerplant	Idaho Falls	ID	83401
	Building No.	Building Description		
	1	Upper dam		
Loc. No.	Street	City	State	Zip
2	Central (City) Dam	Idaho Falls	ID	83401
	Building No.	Building Description		
	1	Central dam		
Loc. No.	Street	City	State	Zip
3	Lower Power Plant	Idaho Falls	ID	83401
	Building No.	Building Description		
	1	Lower dam		
Loc. No.	Street	City	State	Zip
4	Gem State Plant	Idaho Falls	ID	83402
	Building No.	Building Description		
	1	Gem State dam		



TARR TECHNICAL RISKS AGENCY, INC.

Raymond Waishe
Assistant Vice President
Phone: (213) 446-4983

1000 Wilshire, Suite 2200
Los Angeles, CA 90017

QUOTATION

Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

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POLICY NUMBER: To Be Advised

MAILING ADDRESS OF INSURED: P.O. Box 50220
Idaho Falls, ID 83405

**DESCRIPTION AND LOCATION
OF PROPERTY INSURED:**

Per the statement of values submitted by Moreton
& Company, dated February 26 and March 18, 2015.

VALUES:	Property Damage:	\$210,088,516
	Business Interruption:	\$ 6,042,448
	Total Insured Value:	\$216,130,964

TERRITORY: 50 states of the United States of America plus the District of Columbia

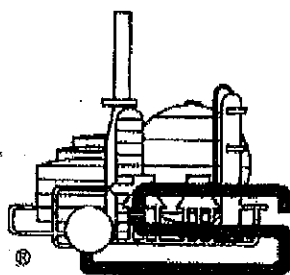
POLICY PERIOD: Effective: April 29, 2015 at 12:01 AM
Expiration: April 29, 2016 at 12:01 AM.

FORM: Per the expiring Starr Tech policy #: EUTN09160115 and endorsements except as modified by this quote and endorsements listed under Additional Terms and Conditions.

COVERAGE: All Risks of direct physical loss or damage, covering Property Damage, Business Interruption and Boiler & Machinery, but excluding Extra Expense.

VALUATION: Property Damage: The lesser of the following or as per policy form

1. The applicable Policy Limit, Policy Sublimit or aggregate limit or
2. The cost to rebuild or replace, on the same premises, on the same premises, the lost or damaged property with new property or comparable material and quality, and used for the same purpose or
3. The amount actually spent necessary to repair, rebuild, or replace the lost or damaged property or
4. Actual Cash Value if the property is not repaired, rebuilt or replaced within 2 years of the date of loss.



TARR TECHNICAL RISKS AGENCY, INC.

Raymond Walshe
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Los Angeles, CA 90017

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Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

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Time Element Coverages: Actual Loss Sustained-Gross Earnings

All as further described in the policy form and endorsements

POLICY LIMIT OF LIABILITY: \$100,000,000 any one occurrence.

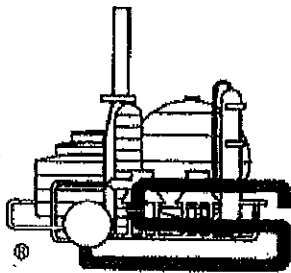
STARR TECH PARTICIPATION: 100%, that being \$100,000,000 part of \$100,000,000

SUBLIMITS: Sublimits are per occurrence unless specified as Annual Aggregate. If specified as Annual Aggregate, then the most the Company will pay for all losses (including any other coverage(s) or extension(s) of coverage applying) shall be the amount specified as Annual Aggregate

The sublimits below are part of and not in addition to the Policy Limit of Liability.

Sublimits are 100% and are subject to Starr Tech percentage participation.

BUSINESS INTERRUPTION	\$6,042,448	Monthly limit per plant
EXTRA EXPENSE:	\$1,000,000	
COURSE OF CONSTRUCTION AT OLD LOWER DAM:	\$6,000,000	
DEBRIS REMOVAL:	THE GREATER OF 25% OF ADJUSTED DIRECT PROPERTY LOSS OR \$5,000,000	
EXPEDITING COST	\$500,000	
TRANSIT	\$500,000	
EARTHQUAKE:	\$30,000,000	Annual Aggregate
EARTHQUAKE IN CALIFORNIA:	NO COVERAGE	
FLOOD	\$30,000,000	Annual Aggregate
NEWLY ACQUIRED-90 DAYS:	\$5,000,000	
VALUABLE PAPERS AND RECORDS:	\$5,000,000	
ACCOUNTS RECEIVABLE:	\$5,000,000	
DEMOLITION & INCREASED COST OF CONSTRUCTION:	\$2,500,000	
HAZARDOUS SUBSTANCES OR CONTAMINATION-NAMED PERILS	\$500,000	Annual Aggregate
HAZARDOUS SUBSTANCES OR CONTAMINATION-ACCIDENT	\$500,000	Annual Aggregate
ASBESTOS AND ASBESTOS-CONTAINING MATERIAL	\$250,000	Annual Aggregate
MISCELLANEOUS UNNAMED LOCATIONS	\$250,000	
GEM STATE DAM:	\$28,501,961	(Combined PD & TE)
UPPER DAM:	\$17,473,355	(Combined PD & TE)
CENTRAL DAM:	\$17,473,355	(Combined PD & TE)
LOWER DAM:	\$17,473,355	(Combined PD & TE)



TARR TECHNICAL RISKS AGENCY, INC.

Raymond Walsh
Assistant Vice President
Phone: (213) 446-4983

1000 Wilshire, Suite 2200
Los Angeles, CA 90017

QUOTATION

Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

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DEDUCTIBLES: All deductibles listed below are per occurrence

Property Damage: \$250,000 except

EARTHQUAKE: \$250,000 except

FLOOD: 3% of the total insurable values at risk per location subject to a minimum of \$500,000 for contents and \$500,000 for buildings per occurrence.

PROPERTY IN TRANSIT: \$10,000

TIME ELEMENT (BI and EE): 1,080 Hours

*If a number of hours apply as a TIME ELEMENT deductible then the Company shall not be liable for any losses occurring during the specified number of hours immediately following the occurrence

As respects real and personal property, all claims for loss, damage or expense arising out of any one occurrence shall be adjusted as one claim and from the amount of each such adjusted claim there shall be deducted the sum stated on the Declarations Page.

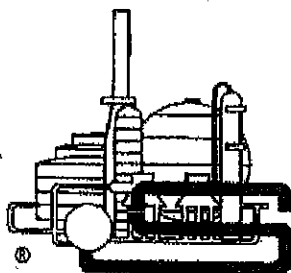
Deductibles for Property Damage and Time Element shall be applied separately.

TERRORISM

As respects Acts of Terrorism as defined by the Terrorism Risk Insurance Act of 2002, as amended, the Insured has the option to exclude this coverage. To exclude coverage the Insured must affirmatively opt out of the coverage by signing the attached Policyholder Disclosure Statement prior to binding. If the Insured elects to exclude coverage, then the attached Terrorism Exclusion (Form #61330 - 01/15) shall be endorsed on to the Policy.

We also offer a coverage option for Acts of Terrorism not Certified under the Terrorism Risk Insurance Act, as amended. If the Insured chooses to exclude this coverage, then the attached Terrorism Exclusions (Form #61331 or 61332 - 01/15) shall be endorsed to the Policy. To exclude coverage, the Insured must affirmatively opt out of the coverage by signing one of the attached letters A or B.

In all cases, Terrorism coverage outside of the United States is excluded. (Endorsement NMA 2918)



STARR TECHNICAL RISKS AGENCY, INC.

Raymond Walshe
Assistant Vice President
Phone: (213) 446-4983

1000 Wilshire, Suite 2200
Los Angeles, CA 90017

QUOTATION

Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

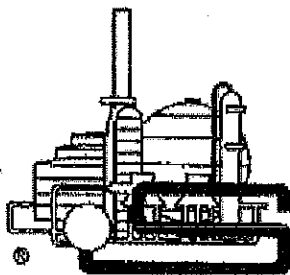
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The table below can be used to determine the endorsements and documentation that are needed to effect coverage desired by the Insured.

Certified Terrorism Coverage (TRIA)	Non-Certified Terrorism Coverage	Applicable Terrorism Exclusion	Letter Required From Insured
purchased	rejected	61332 & 61333	Policyholder Disclosure Statement and Letter B
purchased	purchased	61333	Policyholder Disclosure Statement
rejected	purchased	61330	Policyholder Disclosure Statement
rejected	rejected	61330 and 61331	Policyholder Disclosure Statement and Letter A

ADDITIONAL TERMS AND CONDITIONS:

1. Starr Tech agrees to commit to a 2 year term for this policy, subject to review at the first anniversary of the policy period per the terms and conditions as outlined in the attached Multi-Year Policy Agreement endorsement.
2. Coverages and/or Extensions of Coverage not specifically mentioned, even though they may be outlined in your submission, are not included.
3. Premium to be paid in full within 30 days of inception.
4. Business Interruption coverage shall only apply to those locations where Business Interruption values have been declared.
5. 72 Hour Occurrence Definition applies to Wind, Flood, Earthquake and Riot.
6. Transmission and Distribution lines, line transformers, towers and poles, equipment or apparatus connected therewith, located beyond 1,000 ft. from any Insured premises are excluded.
7. Extra Expense coverage, if provided, does not include generation, transmission, purchase, replacement, trade or distribution of electrical power.
8. Signed Statement of Property Values to be provided within 30 days of effective date.
9. In addition to the expiring endorsements, the following Company Mandated Endorsements and Policy Documents will be attached upon policy issuance:
 - a. Terrorism Exclusions (Based on Table Above)
 - b. U.S. Treasury Department's Office of Foreign Assets Control ("OFAC") Advisory Notice To Policy Holders (IL 00 17 11 98)
 - c. Loss Notification Instructions
 - d. Asbestos Exclusion
 - e. Authorities Endorsement.
 - f. Biological or Nuclear Exclusion Endorsement
 - g. Bridge Wording
 - h. Electronic Data/Media Exclusion Endorsement



TARR TECHNICAL RISKS AGENCY, INC.

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Assistant Vice President
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QUOTATION

Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

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- i. Mold Exclusion
- j. Political Risk Exclusion
- k. Trade or Economic Sanctions Endorsement - ALL-21101 (11/06)
- l. State Amendatory Endorsements

10. See attached document (under separate cover) for additional endorsements to be attached.
- m. Multi-Year Policy Agreement Endorsement

STARR TECH PREMIUM:

\$199,750, plus applicable State or Local Surcharges, Taxes and Fees, excluding Acts of excluding Acts of Terrorism.

STARR TECH CERTIFIED TERRORISM PREMIUM:

\$9,054, plus any State or Local Surcharges, Taxes or Fees, as respects Certified Acts of Terrorism as defined by the Terrorism Risk Insurance Act, as amended.

STARR TECH NON-CERTIFIED TERRORISM PREMIUM:

\$1,006, plus applicable State or Local Surcharges, Taxes and Fees, as respects Non-Certified terrorism.

STARR TECH BOILER AND MACHINERY JURISDICTIONAL INSPECTION FEE:

\$2,760
TBD - A quote for the Jurisdictional Inspection Services is still pending and will be provided as soon as it is available. This fee is exclusive of any commissions, taxes, fees or surcharges.

STARR TECH LOSS CONTROL ENGINEERING INSPECTION FEE:

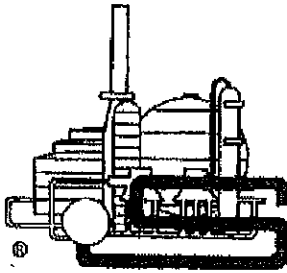
\$4,500 The Engineering Fee is exclusive of any commissions, taxes, fees or surcharges.

JURISDICTION:

State of New York

CURRENCY:

United States Dollars (\$US)



TARR TECHNICAL RISKS AGENCY, INC.

Raymond Walshe
Assistant Vice President
Phone: (213) 446-4983

1000 Wilshire, Suite 2200
Los Angeles, CA 90017

QUOTATION

Revision #1 - March 27, 2015

NAMED INSURED: City of Idaho Falls

Page 6 of 29

SECURITY: ACE American Insurance Company (A.M. Best Rating: A+, Financial Size XV)

CANCELLATION: 30 days except 10 days for nonpayment of premium.

PRODUCER & ADDRESS*: Moreton & Company
12639 West Explorer Drive, Suite 200
Boise, ID 83713
Attn: Mr. Chad Ranstrom or Mr. Allan Ranstrom

PRODUCER FEIN #: 870218394

*NOTE: Broker to provide licensing information which will be verified prior to binding.
No policies will be bound with a business entity or broker whose license is 1) not current and 2) has not been confirmed.

THE COMPANY MAY WITHDRAW THIS QUOTATION AT ANY TIME PRIOR TO ACCEPTANCE AND IN NO EVENT WILL IT REMAIN OPEN FOR ACCEPTANCE BEYOND April 28, 2015. COVERAGE MAY NOT BE BOUND WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE COMPANY.

Authorized Signature:


Star Technical Risk Agency, Inc.

Date: March 27, 2015



TRUSTED SINCE 1910

Current Excess Earthquake and Flood

Named Insured:	City of Idaho Falls
Insurance Company Name:	Essex Insurance Company & Aspen Insurance
A.M. Best Rating:	A (Excellent)
Effective Date:	4/29/2015

Earthquake - Commercial

Limits	Deductible
\$20,000,000 excess of \$30,000,000	\$250,000

Flood - Commercial

Limits	Deductible
\$20,000,000 excess of \$30,000,000	3% of the total insurable values at risk per location subject to a minimum of \$500,000 for content and \$500,000 for buildings per occurrence Time Element-1080 hours per occurrence



TRUSTED SINCE 1910

Optional Excess Earthquake and Flood

Insurance Company Name: Landmark American Insurance Company
A.M. Best Rating: A+ (Superior)

Limits	Deductible
\$27,500,000 excess of \$50,000,000 Flood and Earthquake	Follows Underlying

Insurance Company Name: Insurance Company of the West
A.M. Best Rating: A- (Excellent)

Limits	Deductible
\$10,000,000 excess of \$50,000,000 Flood and Earthquake	Follows Underlying

Insurance Company Name: Lloyds
A.M. Best Rating: A (Excellent)

Limits	Deductible
\$12,500,000 excess of \$50,000,000 Flood and Earthquake	Follows Underlying



CITY OF IDAHO FALLS

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220

MUNICIPAL SERVICES

April 20, 2015

PHONE: (208) 612-8249

FAX: (208) 612-8148

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Craig Rockwood, Municipal Services Director

SUBJECT: **CHARGE OFF – UNPAID CONSERVATION LOAN, UTILITY ACCOUNTS & AMBULANCE ACCOUNTS AS OF SEPTEMBER 30, 2014**

Municipal Services respectfully requests authorization to charge off as uncollectable all conservation loan accounts that have not had a transaction since 2010. These accounts total \$87,905.76 which is 14.7% of the total conservation loans outstanding as of September 30, 2014. The conservation loan charge off has not been done in previous years.

Additionally, it is requested the authorize charge off of uncollectable Utility and Ambulance Accounts that have not had a transaction since 2010. These charge offs include but are not limited to; bankruptcies, skips, deceased persons, and those with no assets. The Utility accounts total \$340,586.74 which is .54% of sales for the year, and the Ambulance accounts total \$658,889.89.

HISTORY OF UTILITY ACCOUNT CHARGE OFFS		
2004	\$273,811.19	0.47%
2005	\$315,043.64	0.55%
2006	\$290,936.70	0.49%
2007	\$278,657.49	0.47%
2008	\$316,047.90	0.53%
2009	\$430,264.54	0.70%
2010	\$340,586.74	0.54%

AMBULANCE CHARGE OFFS UNCOLLECTABLE	
2004	\$647.03
2005	\$21,853.31
2006	\$181,617.36
2007	\$176,461.09
2008	\$278,311.10

Respectfully,

A handwritten signature in black ink, appearing to read "Craig Rockwood", with a long horizontal line extending to the right.

CRAIG ROCKWOOD
MUNICIPAL SERVICES DIRECTOR

CR/ch

MEMORANDUM

DATE: April 16, 2015
TO: Mayor Casper
FROM: Randy Fife, City Attorney
RE: Proposed change of designations in Idaho Falls City Code (IFCC)

As part of the continuing effort by the City Attorney's office to make the IFCC more usable and clear, attached please find an ordinance which proposes various changes to the IFCC.

Because it is common practice to refer to the main unit that an appointed officer is in charge of as a "department" (and not a "division" as is Idaho Falls' practice), the ordinance proposes changing the word "division" to "department" throughout. Consistent with that change is the change from "department" to "division".

Additional name changes, as requested by respective Division Directors, are as follows:

"Planning and Building Division" to "Community Development Department";

"Fire and Public Safety Division" to "Fire Department"; and

"Electric Light Division" to "Idaho Falls Power."

The Airport has had various names such as "Airport Division, Fanning Field, and Idaho Falls Municipal Airport." The proposal is to refer to the Airport as "the Airport, Airport Department, Idaho Falls Regional Airport, or IFRA."

The change from "Planning Commission" to the "Planning and Zoning Commission" is meant to better inform the public about the varied functions of the Commission.

There are other minor changes in grammar and punctuation. Change is proposed to allow some Directors to make internal assignments as necessary and without needing to seek an ordinance to do so.

The following is a short summary of major changes:

Current	Proposed Change
"Division"	"Department"
"Department"	"Division"
Planning and Building Division	Community Development Department
Fire and Public Safety Division	Fire Department
Electric Light Division	Idaho Falls Power
Airport Division/Fanning Field/Idaho Falls Municipal Airport	The Airport/Airport Department/Idaho Falls Regional Airport/IFRA
Planning Commission	Planning and Zoning Commission

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE IDAHO FALLS CITY CODE, TO RENAME “DIVISIONS” TO “DEPARTMENTS” AND “DEPARTMENTS” TO “DIVISIONS”; RENAMING SOME DIVISIONS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, City Code establishes the names of various Divisions within the City; and

WHEREAS, most “Divisions” are known elsewhere as “Department”; and

WHEREAS, the references to “Divisions” and “Departments” has been a continuing source of uncertainty or confusion; and

WHEREAS, Council believes that changing the references to “Divisions” to “Departments” will help the citizens and others better relate to City government; and

WHEREAS, some Division names have been changed or are no longer in popular use; and

WHEREAS, the modernization and change of such Division designations is desirable.

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

SECTION 1. Section 1-3-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-3-5: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have the meanings ascribed below, unless the context clearly indicates otherwise:

...

BUILDING OFFICIAL: The Director of the Community Development Services Department ~~Planning and Building Division~~ of the City, or his or her nominee.

...

SECTION 2. Section 1-8-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-8-4: RULES AND REGULATIONS: All employees shall abide by rules and regulations adopted by the department~~division~~ in which they are employed and by rules and regulations adopted by the Personnel Department and approved by the Mayor.

SECTION 3. Section 1-8-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-8-5: **AVAILABILITY OF POLICIES:** Any person hired after the effective date of this Code shall be given a copy of the Personnel Policy, the Code of Conduct and his or her pay grade classification schedule at the time he or she is hired. Notwithstanding the foregoing, nothing herein shall prevent the application or enforcement of any policy or procedure set forth in the Personnel Policy or Code of Conduct in the event an employee fails to receive a copy thereof at the time of his or her employment. One copy of the Personnel Policy, Code of Conduct and classified pay grade schedules shall be maintained in the office of the City Clerk, Personnel Department and each ~~department~~division of the City. If the Personnel Policy or Code of Conduct is amended or modified after the effective date of this Code, a copy of such amendment or modification shall be posted for a period of not less than two weeks in the office of the City Clerk, Personnel Department and in a conspicuous place in each of the administrative offices of each ~~department~~division of the City.

SECTION 4. Section 1-9-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-9-2: **BONDS:** Before performing any duties of their respective offices, the following appointive officers shall furnish an official bond in the following amounts:

Director of Municipal Services	\$5,000
Controller	\$5,000
Clerk	\$5,000
Treasurer	\$5,000
Deputy Treasurer	\$5,000
Purchasing Agent	\$1,000
Water Superintendent	\$2,000
City Engineer	\$1,000
Fire Chief	\$1,000
Street Superintendent	\$1,000

All officers and employees of the Police ~~Department~~Division shall be covered by a blanket bond as follows:

Chief of Police	\$2,000
All other officers or employees	\$1,000

All office employees in the Mayor and City Clerk's office and all building inspectors shall be covered a blanket bond in the amount of five thousand dollars (\$5,000).

Such bonds shall be approved by the Mayor and Council and shall be filed with the Clerk, except the bond of the City Clerk, which shall be filed with Mayor. The premiums on such bonds shall be paid by the City.

SECTION 5. Section 1-15-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

1-15-6: **OFFICIAL CITY MAP:** A map of the City, kept current by the Director of the Community Development Services Department ~~Planning and Building Division~~ and drawn to a scale of one inch to five hundred feet (1" to 500'), shall, at all times, be kept on file in the Community Development Services Department ~~Planning and Building Division~~, which map shall be known as the Official Map of the City. The boundaries of the City as shown on said map shall constitute the official city limits of the City. Such map shall be deemed to be a part of this Code as fully as if set forth herein.

SECTION 6. Section 2-4-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

2-4-7: **DEPARTMENTS AND EMPLOYEES GOVERNED BY CIVIL SERVICE:** The Civil Service shall consist of all positions of employment existing or created in the Police and Fire ~~and Public Safety Departments~~ Divisions, except for the following: Chief of Police, Police Captains, Fire Chief, Deputy Fire Chief, Fire Division Chief(s), Fire Battalion Chief(s), Airport security police officers, record clerks, parking monitors, animal control officers, school crossing guards, dispatchers, secretaries, stenographers and other positions whose duties are primarily clerical.

SECTION 7. Section 2-10-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

2-10-5: **DUTIES:** The Committee shall meet as often as necessary to perform the duties set forth below or as necessary to respond to requests from the Mayor or Council. The Committee shall make recommendations to the Council regarding the safety and protection of City employees, equipment and property. It shall conduct a continuing program of inspection and study to prevent accidents, fire and health hazards upon public property, and shall coordinate its work with the Directors and ~~department~~ heads of relevant City departments ~~divisions~~ and divisions ~~departments~~. The Committee shall furnish the Mayor and Council a report of each Committee meeting. The report shall include recommendations on policy, expenditures, and program progress. The Committee also shall recommend training methods, types of safety equipment, investigate all accidents of an unusual or hazardous nature and shall receive, examine, and disseminate accident reports and statistics.

SECTION 8. Section 2-12-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

2-12-4: **ORGANIZATION, OFFICERS, RULES, MEETINGS:**

(A) The Commission may make all rules necessary for the execution of its duties as set forth in this Chapter. Rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during normal working hours.

(B) The Commission shall elect officers from among its members. The Chairman shall preside at meetings of the Commission. The Vice Chairman shall, in the temporary absence of the Chairman, perform the duties of the Chairman.

(C) All meetings of the Commission shall be open to the public and shall follow the requirements of the Idaho Open Meeting Law. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings and actions. The Community Development Services Department ~~Planning and Building Division~~ shall be responsible for maintaining the records of the Commission, including photographs and other documents pertaining to each year's awards. A pictorial display of the annual recipients will be shown at a city building for one month after the recipients are officially recognized.

SECTION 9. Section 2-13-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

2-13-5: POWERS, DUTIES AND RESPONSIBILITIES:

(A) The Commission shall have the following powers, duties and responsibilities:

...

(4) Recommend prioritized modifications to facilities, programs, services and communications to the Mayor and Council, Municipal Services Director and Department~~Division~~ Directors;

...

SECTION 10. Section 3-1-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-1: CREATION OF POLICE DEPARTMENT~~DIVISION~~: The Police Department~~Division~~ is hereby established as an administrative department~~division~~ of the City.

SECTION 11. Section 3-1-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-2: OFFICES: The following offices are created within the Police Department~~Division~~: Police Chief, Assistant Chief, ~~Captain of Police~~, Captain, Lieutenant, Sergeant, Patrolman and other such offices as the Mayor and Council deem necessary to preserve the peace, enforce the laws and safeguard the property and inhabitants of the City. Notwithstanding the foregoing, the Mayor and Council may allow any office to remain vacant for any period of time.

SECTION 12. Section 3-1-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-3: **APPOINTMENT OF OFFICERS AND MEMBERS:** The Mayor, subject to confirmation by at least four (4) members of the Council, shall appoint the Chief of Police, ~~and~~ All other officers and members of the Police ~~Department~~Division, shall be appointed pursuant ~~subject~~ to the Civil Service statutes and ordinances and the rules and regulations of the Civil Service Commission.

SECTION 13. Section 3-1-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-4: **CHIEF OF POLICE:** The Chief of Police shall be the chief administrative officer of the ~~Police Department~~Division and all officers of the ~~Department~~Division shall be under his immediate supervision, direction and control. The animal control shelter shall be under the immediate supervision, direction and control of the Chief of Police. The Chief of Police shall ensure the laws of the State of Idaho and ordinances of the City are obeyed and executed, and he shall have such other powers and duties prescribed herein or granted or imposed by law. The Chief of Police may be removed, with or without cause, by the Mayor, subject to confirmation by a vote of at least four members of the Council, provided the Council may, on its own initiative, remove the Chief upon a unanimous vote of the full Council.

SECTION 14. Section 3-1-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-8: **CONDUCT OF POLICE OFFICERS:** All police officers on duty shall refrain from drinking any spirited liquor, wine, beer or any intoxicating beverage, nor shall any officer perform any duty of their office while in an intoxicated condition; nor shall they, whether on or off duty, violate any laws or ordinances of the City, the State of Idaho or the United Sates, or conduct themselves in any manner which brings disrespect to the City or the Police ~~Department~~Division.

SECTION 15. Section 3-1-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-9: **COMPENSATION:** The compensation of the Chief of Police and all officers of the Police ~~Department~~Division shall be determined by the Council.

SECTION 16. Section 3-1-14 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-14: **OUTSIDE EMPLOYMENT:** No member of the Police ~~Department~~Division shall engage in any other employment or undertaking which will interfere with the performance of his or her duties or which will bring disrespect upon the City or the ~~Department~~Division. Before engaging in any outside employment or undertaking, all members of the ~~Department~~Division shall obtain the written approval of the Chief of Police.

SECTION 17. Section 3-1-16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-16: **UNCLAIMED PERSONAL PROPERTY:** The Chief of Police and officers of the ~~Department~~Division may take possession of any automobile, bicycle, wagon or other conveyance, machine, implement or other item of personal property found deserted and unclaimed for a period of twenty four (24) hours upon the streets or public property of the City. The Chief of Police and any officer of the Police ~~Department~~Division may take possession of any real personal property left or found upon private property when the ownership is unknown, when requested to do so by the owner of such real property.

SECTION 18. Section 3-1-18 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-18: **ADVERTISEMENT AND SALE OF UNCLAIMED PROPERTY:**

...

(B) **Notice of Sale:** A Notice of Sale shall be published at least once a week for not less than two (2) consecutive weeks in the official newspaper, with the second publication being not less than five (5) nor more than ten (10) days before the date of the sale. Whenever the Police ~~Department~~Division knows the name and address of the owner or other person entitled to possession of any article to be sold at such sale, a copy of the notice of sale shall also be mailed to such owner or other person entitled to possession at his or her last known address, postage prepaid, at least five (5) days prior to such sale.

...

(D) **Proceeds:** The proceeds of sale shall be applied first to all costs assessed or incurred against the personal property so sold including any storage charges and expenses of sale incurred by the City Clerk and the Police ~~Department~~Division, and the balance of such proceeds, if any, shall be deposited in a separate fund with the City Treasurer for a period of one (1) year from the date of sale. Any person claiming title to, or ownership of, such proceeds by reason of ownership of such personal property at the time of sale shall make written application therefor to the Police ~~Department~~Division. If satisfactory proof of such title or ownership is furnished within one (1) year of the receipt of such proceeds, then the proceeds shall be delivered to the claimant. If no claim and proof is made before the expiration of one (1) year from the date of the receipt of the proceeds, the same shall be credited to the general fund of the City, and no claim therefor shall be thereafter considered.

...

SECTION 19. Section 3-1-19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-1-19: **REIMBURSEMENT TO OWNER:** If the owner of any article held under the provisions of this Chapter, appears prior to the time of such sale and makes proper proof of ownership, the Chief of Police shall deliver possession thereof to the owner upon payment of any

storage costs therefor. The Chief of Police shall from time to time prepare a uniform schedule of reasonable storage charges for such articles, which schedule shall be filed with the City Clerk and at the office of the Police ~~Department~~Division.

SECTION 20. Section 3-2-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-1: ~~CREATION OF FIRE DEPARTMENT~~DIVISION: The Fire ~~and Public Safety Department~~Division is hereby established as an administrative ~~department~~division of the City.

SECTION 21. Section 3-2-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-2: ~~APPOINTMENT OF CHIEF AND ASSISTANT CHIEF~~: The Mayor, subject to confirmation of the Council, shall appoint the Fire Chief, ~~and Assistant Chief~~. The ~~Department~~Division shall be managed by the Fire Chief and, in his or her absence or removal, by the ~~Fire Department~~ employee who is next in command to the ~~Chief~~Assistant Chief. The Fire Chief may, subject to the approval of the Mayor ~~and City Council~~, hire ~~Department~~Division Chiefs and other officers and employees necessary for the proper operation of the ~~Department~~Division.

SECTION 22. Section 3-2-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-4: ~~DUTIES OF FIRE DEPARTMENT~~DIVISION: The Fire Chief shall manage the Fire ~~and Public Safety Department~~Division, and the equipment and property belonging thereto, and shall supervise and direct the ~~Department~~Division in preventing and fighting fires; preventing conditions hazardous to life, property or public welfare in occupancy of structures or premises; reducing fire hazards in the structure or on the premises from occupancy or operation; matters related to the construction, extension, repair alteration or removal of fire suppression or alarm systems; and conditions affecting the safety of fire fighters and emergency responders during emergency operations.

SECTION 23. Section 3-2-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-5: ~~FIRE CODE OFFICIAL~~ESTABLISHMENT OF DEPARTMENT OF FIRE PREVENTION.

(A) The Chief of the Fire ~~and Public Safety Department~~Division shall appoint a Fire Code Official for the purpose of administering and enforcing the Fire Code.

(B) The Fire Code Official shall have the general authority and responsibilities specified within the International Fire Code necessary for the implementation, administration, and enforcement of the Fire Code.

(C) In accordance with the procedures of the City ~~and those prescribed by the Chief of the Fire and Public Safety Division~~, the Fire ~~Chief~~Code Official shall have the authority

to appoint inspectors and designees as necessary to administer ~~the Fire Code~~
Official's duties under the Fire Code.

SECTION 24. Section 3-2-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-6: **LIMITATION OF OUTSIDE EMPLOYMENT:** No member of the Fire ~~and Public Safety Department~~Division shall engage in any other employment or undertaking that will interfere or conflict with their duties as a member of the Department~~Division~~. All members of the Department~~Division~~ shall first request the approval of the Fire Chief before engaging in such employment or undertaking, which approval shall be in writing.

SECTION 25. Section 3-2-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-7: **FIRE CHIEF TO MAKE MONTHLY REPORT:** The Fire Chief shall make ~~monthly reports to the Mayor and Council, as requested at the first regular Council meeting of each month. This report shall describe the condition of the Division, including a description of all fire or other hazardous occurrences that have taken place during the preceding month, and the expenses incurred by reason thereof.~~

SECTION 26. Section 3-2-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-2-8: **SCOPE OF DUTIES:** Nothing in this Chapter, the International Fire Code, or any other fire or public safety code adopted by the City, shall create a private duty or obligation of the City to any person, or give rise to any private right of action, on account of any failure by the City or any member of the Fire ~~and Public Safety Department~~Division to perform the duties prescribed therein.

SECTION 27. Section 3-3-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-3-1: **MUNICIPAL SERVICES DEPARTMENT~~DIVISION~~ ESTABLISHED:** The Department~~Division~~ of Municipal Services is hereby established as an administrative department~~division~~ of the City.

SECTION 28. Section 3-3-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-3-2: **APPOINTMENT OF MUNICIPAL SERVICES DIRECTOR:** The Department~~Division~~ of Municipal Services shall be managed by a Municipal Services Director who shall be appointed by the Mayor, subject to confirmation by at least four (4) members of the Council. The Director may be removed by the Mayor, with or without cause, subject to confirmation by a vote of at least four members of the Council, or by the Council upon its own initiative upon a unanimous vote thereof.

SECTION 29. Section 3-3-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-3-3: **DUTIES:** The Director of Municipal Services shall have the duty of planning, organizing, supervising and administering all activities and responsibilities of the Department~~Division~~.

SECTION 30. Section 3-3-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-3-4: **DIVISIONSDEPARTMENTS:** The Department~~Division~~ shall consist of five (5) divisions~~departments~~, each having the following powers and duties:

(A) The General Services Division~~Department of General Services~~ shall manage and supervise all City shops, garages, including all equipment and vehicles; administer and maintain all public buildings and other real or personal property owned or leased by the City; and administer and control the purchase of all equipment and supplies used by the various departments~~divisions~~ and divisions~~departments~~ throughout the City.

(B) The Finance Division~~Department of Finance~~ shall prepare, supervise and control the annual budget, supervise the general account of the City, maintain and keep records of all insurance coverage; account for all City utilities revenues; account for all moneys belonging to the City, file proper reports and financial statements.

...

(E) The Data Processing Division~~Department of Data Processing~~ shall be responsible to operate and maintain all computer and electronic media record-keeping equipment for the Department~~Division~~; to administer and supervise all data entry, computer programming and other record-keeping or electronic data retrieval operations of the Department~~Division~~.

SECTION 31. Section 3-3-5 of the City Code of the City of Idaho Falls, Idaho, is hereby deleted in its entirety:

3-3-5: ~~**MANAGEMENT OF DEPARTMENTS:** Each of the departments identified in the preceding section shall be managed respectively by the General Services Administrator, the Controller, the City Clerk, the Treasurer and the Data Processing Supervisor.~~

SECTION 32. Section 3-4-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-4-1: **ESTABLISHMENT OF DEPARTMENTDIVISION:** ~~The Idaho Falls Power (or “IFP” and formerly known as the “Electric Light Division”)~~ is hereby established as an administrative department~~division~~ of the City.

SECTION 33. Section 3-4-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-4-2: RESPONSIBILITIES AND DUTIES: Idaho Falls Power~~The Electric Light Division~~ shall have the following responsibilities and authority:

(A) The construction, operation and maintenance of all electric distribution and transmission lines and facilities, hydroelectric generating plants and all equipment and facilities necessary to generate, transmit and distribute electrical energy to the customers of Idaho Falls Power~~the Electric Light Division~~;

(B) Administration and enforcement of all rules, regulations, ordinances and statutes pertaining to the distribution of electrical energy to customers of Idaho Falls Power~~the Division~~, and the establishment of all rates, fees and tariffs charged to such customers;

(C) The administration of all covenants, terms and conditions on all ordinances providing for the issuance of bonds to construct any hydroelectric generating facility owned by the City, insofar as the same pertain to the construction, operation and maintenance thereof;

(D) The supervision and control of all employees of Idaho Falls Power~~the Electric Light Division~~;

(E) The installation, operation and maintenance of all traffic signalization equipment owned or operated by the City;

(F) The performance of all actions, duties or responsibilities as may be necessary for the sound, reasonable and prudent operation of Idaho Falls Power~~the Electric Light Division~~.

SECTION 34. Section 3-4-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-4-3: MANAGEMENT AND CONTROL: Idaho Falls Power~~The Electric Light Division~~ shall be managed by the Director of Idaho Falls Power~~the Electric Light Division~~. The Director shall be appointed by the Mayor, subject to confirmation by at least four (4) members of the Council. The Director may be removed by the Mayor, with or without cause, subject to a confirmation by a vote of at least four members of the Council, or by the Council upon its own initiative upon a unanimous vote of the full Council.

SECTION 35. Section 3-4-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-4-4: DUTIES OF DIRECTOR: The Director shall prepare and present the annual operating and capital budget of the Department~~Division~~; establish technical standards, methods and procedures for the Department~~Division~~ and assure the same are properly executed; employ, assign or reassign all personnel within the Department~~Division~~ and ensure all equipment is efficiently used and maintained; administer the operating budget of the Department~~Division~~ in accordance with the annual appropriation ordinance adopted by the Council; formulate and recommend to the Mayor and Council all policies and procedures for the planning, design, construction, maintenance and improvement of all hydroelectric generating facilities and electric

distribution and transmission lines and equipment; and administer such policies and procedures as directed by the Mayor and Council.

SECTION 36. Section 3-5-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-1: ESTABLISHMENT OF PUBLIC WORKS DEPARTMENT~~DIVISION~~:

The Department~~Division~~ of Public Works is hereby established as an administrative department~~division~~ of the City.

SECTION 37. Section 3-5-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-2: DUTIES OF THE DEPARTMENT~~DIVISION~~:

The Department~~Division~~ of Public Works shall supervise and control:

SECTION 38. Section 3-5-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-3: DIVISIONS~~DEPARTMENTS~~:

The Department~~Division~~ shall consist of six (6) divisions~~departments~~, each having the following duties:

(A) The Engineering Division~~Department~~ shall perform all engineering services, including the design and preparation of all contract drawings and specifications for all public works construction; the supervision and inspection of all such construction; the establishment of all street, alley and sidewalk grades; all city survey operations; and the review of all subdivision plats to determine compliance with applicable standards;

(B) The Water Division~~Department~~ shall manage, operate and maintain all public water supply and distribution facilities in accordance with policies established by the Council;

(C) The Sewer Division~~Department~~ shall operate and maintain all sanitary and storm sewer facilities owned or controlled by the City, and administer and enforce all ordinances relating to the construction or operation of sewers;

(D) The Street Division~~Department~~ shall i) construct and maintain all public streets, highways, alleys, walks, pavements and surfaces, ii) manage and administer street cleaning, street repairs, snow removal and iii) administer and enforce all ordinances relating to the construction and maintenance of public streets, sidewalks, rights of way, easements and all utility and communication lines therein;

(E) The Sanitation Division~~Department~~ shall be responsible for the collection and disposal of garbage, rubbish and other wastes.

(F) The Geographic Information Systems (GIS) ~~Division~~Department shall be responsible for the administration of the collection, maintenance and distribution of mapping and geographic information including aerial photography, cadastral, electric, water, sewer, storm, sanitation, snow, street, traffic, and related data.

SECTION 39. Section 3-5-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-4: MANAGEMENT OF ~~DIVISIONS~~DEPARTMENTS:

Each ~~division~~department set forth above shall be supervised respectively by the City Engineer, the Water Superintendent, the Sewer Superintendent, the Street Superintendent, the Sanitation Superintendent, and the GIS Coordinator, all of whom shall perform their duties under the direction of the Public Works Director.

SECTION 40. Section 3-5-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-5: PUBLIC WORKS DIRECTOR:

The ~~Department~~Division of Public works shall be managed by a Public Works Director, who shall be appointed by the Mayor, subject to confirmation by a vote of at least four (4) members of the Council. The Director may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four (4) members of the Council, or by the Council on its own initiative, upon a unanimous vote of the full Council.

SECTION 41. Section 3-5-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-6: DUTIES OF DIRECTOR:

The Director shall, together with the ~~division~~department heads, prepare and present the annual operating and capital budgets of the several ~~divisions~~departments of the ~~Department~~Division. The Director shall have full authority to establish technical standards, methods and procedures for the ~~Department~~Division and to see that they are properly executed. The Director shall have authority to employ, assign or reassign all personnel within the various ~~divisions~~departments and to resolve all disputes between the ~~divisions~~departments and resolve conflicting demands for labor and equipment. All public works construction projects approved by the Mayor and Council shall be carried out by the Director according to design and time schedules within allocated budgets. The Director shall formulate and recommend to the Mayor and Council policies and procedures for the planning, design, construction, maintenance, repair and improvement of all public works and places owned or operated by the City, except as otherwise provided in this Code.

SECTION 42. Section 3-5-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-5-7: NO PRIVATE DUTY:

Nothing in this chapter shall create a private right, duty or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employee of the Public Works Department~~Division~~ to perform the duties prescribed herein.

SECTION 43. Section 3-6-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-6-1: ESTABLISHMENT OF DEPARTMENT~~DIVISION~~: The Parks and Recreation Department~~Division~~ is hereby established as an administrative department~~division~~ of the City.

SECTION 44. Section 3-6-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-6-2: MANAGEMENT: The Parks and Recreation Department~~Division~~ shall be managed by the Parks and Recreation Director, under the supervision and control of the Mayor and Council. The Director shall be appointed by the Mayor, subject to confirmation by a vote of at least four (4) members of the Council. The Director may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four (4) members of the Council, or by the Council on its own initiate upon a unanimous vote thereof.

SECTION 45. Section 3-6-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-6-3: DUTIES: The Department~~Division~~ shall have the following duties:

...

(B) The establishment and administration of all budgets for the operation of the Department~~Division~~ and collection of all revenues accruing to the City on account of recreational facilities or lands owned by the City;

...

SECTION 46. Section 3-7-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-7-1: ESTABLISHMENT OF AIRPORT DEPARTMENT~~DIVISION~~: The Airport Department (or “Idaho Falls Regional Airport” or “IFRA” or the “Airport” and formerly known as “Fanning Field” or “Idaho Falls Municipal Airport”)~~Division~~ is hereby established as an administrative department~~division~~ of the City.

SECTION 47. Section 3-7-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-7-2: MANAGEMENT: The Airport Department~~Division~~ shall be managed by the Airport Director. The Airport Director shall be appointed by the Mayor, subject to confirmation

by a vote of at least four (4) members of the Council. The Airport Director may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four members of the Council, or by the Council upon its own initiative upon a unanimous vote of the full Council.

SECTION 48. Section 3-7-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-7-3: **RESPONSIBILITIES:** The Airport Director shall have the following responsibilities and authority;

(A) Supervision and management of all uses, operations and maintenance of all facilities, appurtenances, structures and equipment at the Idaho Falls Regional~~Municipal~~ Airport, ~~also known as "Fanning Field"~~;

(B) To administer and enforce all rules, regulations, ordinances and statutes of the City, the State of Idaho and the United States of America, insofar as the same may be applicable to the operation of the Airport;

(C) To recommend and advise the Council regarding Airport development, federal and state grants, budgets, policies, operations and design and construction of new facilities;

(D) To supervise and control all employees of the Airport Department~~Division~~.

(E) To administer the budget of the Airport Department~~Division~~ and to administer and ensure the collection of all revenues, fees, tariffs and charges derived from the operation of the Department~~Division~~;

(F) To provide for the safe, efficient and convenient operation of the Airport and the facilities, structures and improvements thereon;

SECTION 49. Section 3-7-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-7-5: **NO PRIVATE DUTY:** Nothing in this Chapter shall create a private right, duty or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employee of the Airport Department~~Division~~ to perform the duties prescribed herein.

SECTION 50. Section 3-8-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-8-1: COMMUNITY DEVELOPMENT SERVICES DEPARTMENT~~PLANNING AND BUILDING DIVISION~~ ESTABLISHED: The Department~~Division~~ of Community Development Services ~~Planning and Building~~ is hereby established as an administrative department~~division~~ of the City.

SECTION 51. Section 3-8-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-8-2: DUTIES: The Community Development Services Department~~Division of Planning and Building~~ shall have the following duties:

...

SECTION 52. Section 3-8-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-8-3: APPOINTMENT OF DIRECTOR OF COMMUNITY DEVELOPMENT SERVICES DEPARTMENT~~PLANNING AND BUILDING DIVISION~~: The ~~Division of Community Development Services Department~~Planning and Building shall be managed by the ~~Community Development Services~~Planning and Building Director who shall be appointed by the Mayor, subject to confirmation by at least four (4) members of the Council. The Director may be removed by the Mayor, with or without cause, subject to confirmation by a vote of at least four (4) members of the Council, or by the Council upon its own initiative upon a unanimous vote thereof.

SECTION 53. Section 3-9-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-9-1: ESTABLISHMENT OF HUMAN RESOURCES DEPARTMENT~~DIVISION~~: The Human Resources ~~Department~~Division is hereby established as an administrative ~~department~~division of the City.

SECTION 54. Section 3-9-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-9-2: MANAGEMENT: The Human Resources Department~~Division~~ shall be managed by the Director of Human Resources. The Director of Human Resources shall be appointed by the Mayor, subject to confirmation by a vote of at least four (4) members of the Council. The Director of Human Resources may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four (4) members of the Council, or by the Council upon its own initiative upon a unanimous vote thereof.

SECTION 55. Section 3-9-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-9-3: RESPONSIBILITIES OF DIRECTOR: The Director of Human Resources shall have the following responsibilities and authority:

(A) Assist the Mayor and other Department~~Division~~ Directors in the recruitment of qualified officers and employees and in the classification of personnel.

(B) Make recommendations and administer programs relating to employee wages and benefits.

(C) Make recommendations to the Mayor and ~~City~~ Council regarding the City Personnel Policy and assist the other ~~Department~~Division Directors in the administration, management and enforcement thereof.

(D) Assist the Mayor and ~~Department~~Division Directors in the processing of grievances filed by City employees.

(E) Make recommendations regarding employee benefit programs, including without limitation, health insurance, life insurance, retiree benefits, deferred compensation plans, PERSI programs and benefits, cafeteria plans or other compensation plans or benefits approved by the Council.

(F) Keep and maintain general employee personnel files and other personnel-related administrative records.

(G) Administer and manage labor relations, affirmative action programs and Title VII programs as directed by the Mayor and assist and train the other ~~Department~~Division Directors in their duties, obligations and responsibilities with respect thereto.

(H) Establish, promote and foster appropriate employee safety programs and policies.

(I) Make recommendations to and assist the ~~City~~ Council and the Director of Municipal Services in the preparation of the annual appropriation ordinance and budget, insofar as employee wages, benefits and claims may impact such ordinance and budget.

(J) Direct the work of and supervise all employees of the Human Resources ~~Department~~Division.

(K) Administer the budget of the Human Resources ~~Department~~Division and to account for and ensure that all fees, charges and revenues received by the Human Resources ~~Department~~Division are delivered to the City Treasurer.

(L) Administer, manage and assume such other duties, programs and policies as may be directed by the Mayor.

SECTION 56. Section 3-9-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-9-4: NO PRIVATE DUTY ESTABLISHED: Nothing in this Chapter shall create a private right, duty or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employees of the Human Resources ~~Department~~Division to perform the duties prescribed herein.

SECTION 57. Section 3-10-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-10-1: ESTABLISHMENT OF ~~DEPARTMENT~~DIVISION: The City Attorney ~~Department~~Division is hereby established as an administrative ~~department~~division of the City.

SECTION 58. Section 3-10-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-10-2: APPOINTMENT OF CITY ATTORNEY; MANAGEMENT:

The City Attorney shall be appointed by the Mayor, subject to confirmation by a vote of at least four (4) members of the Council. The City Attorney may be removed by the Mayor, with or without cause, subject to a confirming vote of at least four (4) members of the Council, or by the Council upon its own initiative upon a unanimous vote thereof. The City Attorney ~~Department~~Division shall be managed by the City Attorney.

SECTION 59. Section 3-10-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

3-10-4: NO PRIVATE DUTY ESTABLISHED:

Nothing in this Chapter shall create a private right, duty, or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employees of the City Attorney ~~Department~~Division to perform the duties prescribed herein.

SECTION 60. Section 4-1-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-1-4: APPLICATION FOR LICENSE: Any person desiring to obtain any license provided for in this Title shall first apply in writing under oath to the City Council. The application together with the license fee shall be delivered to the City Clerk. The City Clerk shall prescribe the form of the application. The application shall contain the following information.

...

The City Clerk shall forward a copy of each business license application to the Chief of Police, the Fire Chief, the Director of ~~Community Development Services~~Planning and Building and the State of Idaho Department of Health, as applicable, and other appropriate City ~~Department~~Division Directors for their review and recommendation.

SECTION 61. Section 4-1-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-1-5: TEMPORARY LICENSE: Upon receipt of the affirmative recommendation of the Chief of Police, Fire Chief, Director of ~~Community Development Services~~Planning and Building, and other City ~~Department~~Division Directors, as appropriate, the Clerk may issue a temporary license to any applicant, except applicants who require a criminal history or background check, unless the ordinance specifically allows for a temporary license.

SECTION 62. Section 4-1-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-1-6: **APPROVAL OF LICENSE:** Except as otherwise provided in this Title, the City Clerk shall present all license applications to the ~~City~~ Council not later than the second regular Council meeting after the application was delivered to the Clerk. At that meeting, the ~~City~~ Council may grant or deny the application or refer it to the appropriate City ~~department~~division for further investigation and review. In any event, the Council shall grant or deny the application on or before the second regular Council meeting following its initial presentation to the Council. After due consideration of the application, the Council shall either grant the application and order the Clerk to issue the license or deny the application and return the license fee with a notice of rejection to the applicant. The Council may deny the application upon finding that the applicant does not meet any of the qualifications of this Title, that applicant's conduct of business will contravene any provision of the City's Building Code, Fire Code, Zoning Ordinance, or any other applicable regulation, ordinance or statute of the City, Bonneville County, State of Idaho or the United States, that the applicant has been convicted of a felony, or that the applicant has engaged in any fraudulent, deceptive or unlawful business practices within ten (10) years prior to the date of his or her application for a business license.

SECTION 63. Section 4-5-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-5-3: **APPLICATION FOR LICENSE:** All applications for a Public Right-of-Way Contractor's License shall be on such forms and shall provide such information as the City Engineer deems necessary to determine the applicant's capability and responsibility to perform work within any public right-of-way. The license application shall be submitted to the Public Works ~~Department~~Division and shall be accompanied by payment of the license fee in an amount set from time to time by Resolution of the Council. Upon receipt of a fully-completed application, the Public Works ~~Department~~Division shall forthwith transmit the application and license fee to the Clerk. All applications shall be granted or denied by the Council within sixty (60) days following the receipt of the fully-completed application form by the Public Works ~~Department~~Division.

SECTION 64. Section 4-6-4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-6-4: **LICENSE APPLICATION, PRIVATE PATROL PERSON:**

(A) Applications for private Patrol Person licenses shall be made at the office of the City Clerk on a form furnished by the City. The application shall state the applicant's full name, age, residence, present and previous occupations for a period of three (3) years prior to the application and all other information necessary to show that the applicant meets the qualifications set forth in this Chapter. At the time of making application, the applicant shall have his or her fingerprints taken by the City Police ~~Department~~Division. The application shall be accompanied by a nonrefundable license fee.

SECTION 65. Section 4-7-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-7-2: DEFINITIONS: Certain words and phrases used in this Chapter are defined as follows:

...

DIRECTOR: The Director of the Community Development Services Department~~Planning and Building Division~~ of the City.

...

EMS DIVISION~~DEPARTMENT~~: The Emergency Medical Services Division~~Department~~ of the City of Idaho Falls, Idaho.

SECTION 66. Section 4-10-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-10-2: EMS DIVISION~~DEPARTMENT~~:

(A) ~~Establishment of EMS Division~~Department~~: There is hereby established within the Idaho Falls Fire & Public Safety Department~~Division~~, a united~~department~~ known as the Emergency Medical Services Division~~Department~~. The primary function of such division~~department~~ shall be to coordinate and regulate the delivery of private-emergency medical services provided to persons residing in or otherwise located within the City of Idaho Falls. The EMS Division~~Department~~ shall have the authority and responsibility to establish and enforce standards for pre-hospital patient care and patient transports, throughout the City of Idaho Falls.~~

(B) ~~EMS Director: The Director shall have responsibility for direction of the work force and management of the facilities and equipment of the EMS Department. If the Director is temporarily unavailable for any reason, direction of the EMS Department will lie with the EMS Division Chief or such other person appointed by the Director or City Council.~~

(C) ~~Director's Responsibilities: The Director's primary responsibilities shall include:~~

(1) ~~Assisting the City Council in developing and establishing standards for pre-hospital patient care throughout the City of Idaho Falls; and~~

(2) ~~Enforcing and regulating EMS services and other first response agencies pursuant to the provisions of this Chapter.~~

SECTION 67. Section 4-10-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-10-3: AUTHORITY OF EMS DIVISION~~DEPARTMENT~~ PERSONNEL: EMS Division~~Department~~ personnel rendering emergency medical services at the scene of a medical emergency, injury or sudden onset of acute illness to which they have been dispatched or

summoned shall be deemed to have complete medical and technical rescue authority until the patient is released to hospital staff upon arrival at a hospital.

SECTION 68. Section 4-10-14 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-10-14: USE OF WARNING DEVICES; EMERGENCY RESPONSE:

(A) Warning Devices: Ambulance services licensed under this Chapter are not authorized to provide transport services which would require the use of emergency warning devices, and shall not use any warning devices, except:

- (1) When requested by Idaho Falls EMS ~~Division~~Department to provide assistance during major incidents or disasters or for other requests of Idaho Falls;

SECTION 69. Section 4-13-11 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-13-11: RECORDS TO BE KEPT:

(A) All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep and file with the Idaho Falls Police ~~Division~~Department a digital copy of the following described records. All digital records shall be filed via the internet at a web site determined by the Police ~~Division~~Department using software as may be determined by the Police ~~Division~~Department. Such digital records shall be filed within seventy-two (72) hours after the time and date of the transaction. The digital records required for filing shall consist of the following records:

...

SECTION 70. Section 4-16-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-9: PERMIT REQUIRED:

...

(B) The City ~~Community Development Services Planning and Building~~ Administrator or his/her designee is responsible for granting, denying, revoking, renewing, suspending, and canceling Sexually Oriented Business permits for proposed or existing Sexually Oriented Businesses. The City ~~Community Development Services Planning and Building~~ Administrator or his/her designee is also responsible for ascertaining whether a proposed Sexually Oriented Business for which a permit is being applied for complies with all locational requirements of Sections 4-16-3, 4-16-5, and 4-16-6 of this Chapter, all applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of the Ordinance adopting this Chapter and the City Comprehensive Plan.

(C) The Idaho Falls Police ~~Department~~Division shall be responsible for enforcing all other provisions of this Chapter. The Idaho Falls Police ~~Department~~Division shall, upon request from the City ~~Community Development Services Department~~Planning & Building Administrator, provide information on whether an applicant has been convicted of a Specified Criminal Act during the time period set forth.

(D) The City ~~Community Development Services~~Planning and Building Administrator and the Idaho Falls Police ~~Department~~Division shall be jointly responsible for inspecting a proposed, permitted or non-permitted Sexually Oriented Business in order to ascertain whether it is in compliance with this Chapter.

...

(K) Prior to obtaining any permit or license to operate any Sexually Oriented Business defined in this Chapter, and as part of any application for a permit under this section, the applicant shall obtain from the City Director of ~~Community Development Services~~Planning and Building, or his or her designee, a certification that the proposed location of such business complies with the locational requirements of Sections 4-16-5 and 4-16-6 of this Chapter.

...

(M) By applying for a permit under this Chapter, the applicant shall be deemed to have consented to the provisions of this Chapter and to the exercise by the City Director of ~~Community Development Services~~Planning and Building or his/her designee, the Idaho Falls Police ~~Department~~Division and all other City agencies charged with enforcing the laws, ordinances and codes applicable in the City of their respective responsibilities under this Chapter.

SECTION 71. Section 4-16-10 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-10: INVESTIGATION AND APPLICATION:

(A) Upon receipt of an application properly filed with the City Clerk and upon payment of the non-refundable application fee, the City Clerk or his/her designee, shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the Idaho Falls Police ~~Department~~Division and any other City ~~departments~~divisions or agencies responsible for enforcement of health, fire and building codes and laws. Each ~~department~~division or agency shall promptly conduct an investigation of the applicant, application and the proposed Sexually Oriented Business in accordance with its responsibilities under law and as set forth in this Chapter. Said investigation shall be completed within twenty (20) days of receipt of the application by the City or its designee. At the conclusion of its investigation, each ~~department~~division or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefor. The Idaho Falls Police ~~Department~~Division shall only be required to certify the NCIC records request check mentioned at Section 4-16-11. The Idaho Falls Police ~~Department~~Division shall not be required to approve or disapprove applications.

SECTION 72. Section 4-16-11 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-11: ISSUANCE OF PERMIT:

(A) The City Council shall grant or deny an application for a permit within sixty (60) days from the date of its proper filing. Upon the expiration of the sixtieth (60th) day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the City Director of Community Development Services Department~~Planning and Zoning~~, or his/her designee, notifies the applicant of a denial of the application and states the reasons(s) for that denial.

...

(C) Denial of Application for Permit

(1) The ~~City~~ Council shall deny the application for any of the following reasons:

...

(e) The premises to be used for the Sexually Oriented Business have not been approved as being in compliance with health, fire and building codes by the department, division, or agency responsible under law for investigating said compliance.

SECTION 73. Section 4-16-13 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-13: INSPECTION:

(A) An applicant or permittee shall permit representatives of the City Community Development Services Department~~Planning and Building Office~~, the State Health Department, and the Idaho Falls Fire Department to inspect the premises of a Sexually Oriented Business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

SECTION 74. Section 4-16-15 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-15. SUSPENSION OF PERMIT:

(A) The City Director of Community Development Services Department~~Planning and Zoning~~ or the Chief of Police of the Police Department~~Division~~ shall suspend a permit for a period not to exceed thirty (30) days if he/she determines that a permittee, or an employee of a permittee, has:

...

- (5) Operated the Sexually Oriented Business in violation of a building, fire, health, or zoning statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the ~~department~~division, ~~division~~department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the City or its designee, shall promptly notify the permittee of the violation and shall allow the permittee a seven (7) day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven (7) day period, the City or its designee, shall forthwith suspend the permit and shall notify the permittee of the suspension.
- (6) Engaged in permit transfer contrary to Section 4-16-18 of this Chapter. In the event that the City Director of Community Development Services Department~~Planning Zoning~~ suspends a permit on the ground that a permittee engaged in a permit transfer contrary to Section 4-16-18 of this Chapter, the Director or his/her designee shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this Chapter has been satisfied.

...

SECTION 75. Section 4-16-18 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-18: TRANSFER OF PERMIT:

...

(C) No permit may be transferred when the City Director of Community Development Services Department~~Planning and Zoning~~, the Chief of Police or the City Council have notified the permittee that suspension or revocation proceedings have been or will be brought against the permittee.

...

SECTION 76. Section 4-16-19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-19: SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE:

...

9. Attached to the application form as provided above, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the Idaho Falls

Police ~~Department~~Division. Any fees for the photographs and fingerprints shall be paid by the applicant;

...

12. The City Clerk or his or her designee shall refer the Sexually Oriented Business Employee License Application to the Idaho Falls Police ~~Department~~Division for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the City Clerk or his or her designee shall issue a license unless the report from the ~~P~~police department finds that one (1) or more of the following findings is true:

- a. That the applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the sheriff's department or other department of the Ccity;

...

(C) Renewal of license:

1. A license granted pursuant to this section shall be subject to annual renewal by the City Clerk or his or her designee upon the written application of the applicant and a finding by the City Clerk or his or her designee and the Idaho Falls Police ~~Department~~Division that the applicant has not been convicted of any "Specified Criminal Act" as defined in Section 4-16-2 of this Chapter or committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.

SECTION 77. Section 4-16-20 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-20: REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS.

(A) A person who operates or causes to be operated a Sexually Oriented Business, other than an Adult Motel and regardless of whether or not a permit has been issued to said business under this Chapter, and who exhibits on the premises in a viewing room of less than one hundred fifty square feet (150 ft²) of floor space, a film, video cassette, DVD's, CD-ROMs, or other video reproduction which depicts Specified Sexual Activities or Specified Anatomical Areas, shall comply with the following requirements:

- (1) Upon application for a Sexually Oriented Business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square

feet (32 ft²) of floor area with no dimension greater than eight feet (8'). The diagram shall also designate the place at which this permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The City Director of Community Development Services Department~~Planning and Zoning~~ or his/her designee, may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the City Director Community Development Services Department~~Planning and Zoning~~ or his/her designee.

SECTION 78. Section 4-16-29 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-29: **IMMUNITY FROM PROSECUTION:** The City and its designee, the Idaho Falls Police Department~~Division~~ and all other departments, divisions, and agencies, and all other City officers, agents and employees, charged with enforcement of State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon property owned or controlled by a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

SECTION 79. Section 5-4-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-4-6: **OPEN BURNING DEFINED.**

(A) For the purposes of this Chapter, the term *open burning* shall mean the burning of any material where the products of combustion are not directed through a duct, passage, smoke stack or chimney, except:

- (1) Fires used for the preparation of food and camp fires used for recreational purposes under control of a responsible adult.
- (2) Fires used as part of a training exercise conducted by the City Fire ~~and Public Safety~~ Department~~Division~~.

(3) Safely operated industrial flares for combustion of flammable gases.

(4) Fires used for control or alleviation of a fire hazard and for weed control, where no alternate method of control exists, provided a permit has been first obtained from the Idaho Falls Fire ~~and Public Safety~~ Department~~Division~~.

(B) It shall be unlawful for any person to allow or cause open burning within the City.

SECTION 80. Section 5-9-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-9-6: RESTRICTED AREAS.

No person shall operate a watercraft within a water area which has been clearly marked by, or under the authority of the Chief of Police or the Director of the Idaho Falls Power Electric Light Division~~of the City~~, as a bathing, swimming or otherwise restricted area; provided, that this Section shall not apply in the case of an emergency, or to patrol or rescue craft. The Chief of Police or the Director of the Idaho Falls Power Electric Light Division is hereby authorized to designate and clearly mark the restricted areas of the waters of this City.

SECTION 81. Section 5-13-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-13-5: DAMAGING FIRE HYDRANTS: It shall be unlawful for any person to willfully or carelessly drive or run any vehicle against any fire hydrant or to park any vehicle within fifteen feet (15') of any fire hydrant. Any person who shall injure or damage any fire hydrant by accident, or by carelessness or otherwise, shall immediately report such injury or damage to the Water Division~~Department~~ and such person so injuring or damaging said hydrant shall be liable for any damage caused thereby.

SECTION 82. Section 5-13-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-13-6: UNLAWFUL USE OF FIRE HYDRANTS: It shall be unlawful for any person to draw or attempt to draw water from any fire hydrant unless he or she is an employee of the Police Department~~Division~~, Fire and Public Safety Department~~Division~~, Public Works Department~~Division~~ or has received written permission to do so from a Director of such Departments~~Divisions~~. In the event such permission is given, the City may assess an equitable charge for the use of such fire hydrant and consumption of water therefrom.

SECTION 83. Section 6-2-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-2-2: AMENDMENTS: The 2006 edition of NFPA 1123 Code for Fireworks Display, as so adopted, is amended as follows:

(A) DEFINITIONS:

...

(F) CONSUMER FIREWORKS — REVOCATION OF PERMIT: Any permit granted under this Chapter may be revoked by order of the Fire Code Official or any police officer or officer from the Fire and Public Safety ~~Department~~Division whenever probable cause appears that the permittee has violated or is in violation of this Chapter.

...

(J) CONSUMER FIREWORKS — WRITTEN RECORDS: Any person, association or corporation who holds a permit issued pursuant to this Chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information:

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.
- (4) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire and Public Safety ~~Department~~Division to inspect said record at any time during which the premises of the permittee are open for business.

...

(L) CONSUMER FIREWORKS — SEIZURE OF FIREWORKS: Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire Code Official may order any police officer or officer of the Fire and Public Safety ~~Department~~Division to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police ~~Department~~Division or Fire and Public Safety ~~Department~~Division shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

...

(U) DISPLAY FIREWORKS — APPROVED DISPLAYS: Approved displays shall include only the approved Division 1.3G, Division 1.4G, and Division 1.4S fireworks; shall

be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person.

SECTION 84. Section 6-2-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-2-7: ISSUANCE: Permits shall be granted only by the ~~City Council~~ after investigation and recommendation by the Chief of the Fire ~~and Public Safety Department~~Division. No permit shall be granted for sale on premises or under any conditions which would violate any State law or City ordinance. Each permit shall be valid for only one location designated in the permit. No permit shall be transferable, assignable or renewable. The permit shall be valid only for the year of its issue and shall permit the sale or offering for sale of "Safe and sane fireworks" only from midnight June 23, to midnight July 5.

SECTION 85. Section 6-2-16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-2-16: WRITTEN RECORDS:

(A) Any person, association or corporation who holds a permit issued pursuant to this chapter and who purchases fireworks for the purpose of sale at retail, shall at the time such purchase is made, keep and maintain a written record containing the following information.

- (1) The name and address of the wholesaler or distributor from whom the fireworks were purchased, and, if the wholesaler or distributor is a corporation or association, the name of every person who acted in behalf of such corporation or association;
- (2) The date and location of the purchase;
- (3) An itemized list describing the kind and nature of all fireworks purchased and the quantity thereof.

(B) Such written record, or a true and correct copy thereof, shall be kept at the location where said fireworks are offered for sale at retail. It shall be unlawful for any person to fail or refuse to allow any police officer or officer from the Fire ~~and Public Safety Department~~Division to inspect said record at any time during which the premises of the permittee are open for business.

SECTION 86. Section 6-2-17 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-2-17: SEIZURE OF FIREWORKS: Whenever there is probable cause to believe that any person is selling fireworks without a permit required by this Chapter, or that any person has sold or conveyed any fireworks contrary to the provisions of this Chapter, then the Chief of Police or Fire chief may order any police officer or officer of the Fire ~~and Public Safety Department~~Division to seize as evidence all fireworks offered for sale at the premises where such violation is alleged to have taken place. The Police ~~Department~~Division or Fire ~~and Public Safety~~

~~Department~~~~Division~~ shall hold the fireworks so seized pending trial or conviction of the person selling or offering the same for sale. In the event such person is convicted of selling fireworks contrary to this Chapter, then all rights to the fireworks shall be forfeited and the Chief of Police shall forthwith destroy the same.

SECTION 87. Section 6-3-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-3-2: DEFINITIONS: For the purposes of this Chapter, certain words and phrases are defined as follows:

...

(Q) Director of ~~the Community Development Services Department~~Planning and Zoning: The Director of the Community Development Services Planning and Zoning Department~~Division~~ of the City, or his or her nominee.

...

SECTION 88. Section 6-3-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

6-3-3: CHILD CARE FACILITY LICENSE: No person or entity shall own, operate or permit to be operated within the City any Child Care Facility without first having obtained an appropriate license under this Chapter.

(A) Type 1: Child Care Center. Any person or operator applying for a Type 1 license shall deliver the following documents to the City Clerk at the time the application is made.

...

- (7) A certificate issued by the Director of Community Development Services Department~~Planning and Zoning~~ certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety codes of the City. Each In-Home Child Care Facility under this Section must have the following exiting components:

...

- (8) A certificate issued by the Director of Community Development Services Department~~Planning and Zoning~~ certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.

...

(B) Type 2: Group Child Care. Any person or operator applying for a Type 2 license shall possess the following qualifications before a license may be issued for that facility.

...

- (7) A certificate issued by the Director of Community Development Services Department~~Planning and Zoning~~ certifying that the Child Care Facility has been inspected and that it meets the egress provisions of the International Building Code and other applicable health and safety codes of the City. Each In-home Child Care Facility under this Section must have the following exiting components:
- (8) A certificate issued by the Director of Community Development Services Department~~Planning and Zoning~~ certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.

...

(C) Type 3: Family Child Care. Any person or operator applying for a Type 3 license shall possess the following qualifications before a license will be issued for that facility.

- (7) A certificate issued by the Director of Community Development Services Department~~Planning and Zoning~~ certifying that the Child Care Facility is a permitted use within the zone in which the facility is located.

...

(I) RENEWALS: At least thirty (30) days before a License is to expire, the Applicant must apply for a renewal license. The fees for a renewal license are the same as set forth in subsection (H) above. Depending on the type of License, all information required under Sections 6-3-3(A), 6-3-3(B), and 6-3-3(C) shall be provided with the application in order to qualify for the License. The following items do not need to be shown on renewal licenses:

- (1) A certificate showing that the Facility has been inspected by Community Development Services Department~~Planning and Zoning~~;

...

SECTION 89. Section 7-3-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-3-1: ADOPTION OF CODES FOR SCHOOL BUILDINGS: There are hereby adopted as official building codes of the City of Idaho Falls, Idaho all of the International Building Codes referenced in Idaho Code Section 39-4109, provided such Codes shall be applicable only to the

extent set forth hereinbelow with respect to the construction of any new school building or addition or alteration to any existing school building which is estimated to cost in excess of \$25,000. One copy of each of such Codes shall at all times be maintained at the office of the City Clerk and one copy shall be maintained at the office of the Community Development Services~~Planning and Building~~ Department.

SECTION 90. Section 7-5-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-5-1: IDAHO STATE PLUMBING CODE ADOPTED

(A) Plumbing Code Adopted: The Idaho State Plumbing Code, adopted in 2013 pursuant to Idaho Code Title 54, Chapter 26, is hereby adopted as the official Plumbing Code of the City, except for those portions that are deleted, modified or amended by the provisions of this Chapter.

(B) Idaho State Plumbing Code on File: Three (3) copies of the Idaho State Plumbing Code adopted by this Chapter and duly certified by the Clerk, shall be retained by the City for use in and examination by the public. One (1) copy shall be filed in the Office of the City Clerk and two (2) copies shall be filed in the Office of the Department~~Division~~ of Community Development Services~~Planning and Building~~.

SECTION 91. Section 7-9-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-3: ENFORCEMENT: The Community Development Services Department~~Planning and Building Division~~ shall be responsible for the enforcement and administration of this Code. The Community Development Services Department~~Planning and Building Division~~ shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this Code. Upon presentation of proper credentials, an agent of the Community Development Services Department~~Planning and Building Division~~ may enter at reasonable times any building, structure, or premises in the City to perform any duty imposed by this Code.

SECTION 92. Section 7-9-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-5: APPLICATIONS: Application for such license shall be made in writing upon forms furnished by the City Clerk. The application shall contain such information as may be required by the Community Development Services Department~~Planning and Building Division~~ to determine compliance with this ordinance.

SECTION 93. Section 7-9-10 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-10: SIGN PERMIT REQUIRED:

(A) Subject to the provisions of this Code, no sign shall be erected, re-erected, constructed, altered or maintained, except as provided by this Code and a permit for the same has been issued by the Community Development Services Department~~Planning and Building Division~~. A separate permit shall be required for each person or entity erecting a sign or signs and a separate permit shall be required for each separate sign on a single supporting structure.

(B) A permit is not required for the following signs:

- (1) Traffic and other municipal signs, house numbers, legal notices, railroad crossing signs, danger and warning signs and state and federal highway signs.
- (2) Memorial tablets or tablets containing the name date, erection and use of the buildings, when built into the walls of the buildings and constructed of bronze, brass, marble, stone or other non-combustible materials.

(C) No illuminated or floodlighted sign shall be connected to the electrical wiring source unless an electrical permit has been issued by the Building Official or designee~~Inspection Department~~.

...

SECTION 94. Section 7-9-25 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-25: **MAINTENANCE OF SIGNS:** Signs regulated by this Code shall be maintained in good visual appearance and structural condition at all times. The Community Development Services Department~~Planning and Building Division~~ and its agents shall not be liable for the negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition.

SECTION 95. Section 7-9-26 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-26: **REMOVAL OF SIGNS:** Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon vacating the premises, or discontinuing the business advertised, cause the sign to be removed. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign to be removed if the person for whom the sign is maintained vacates the premises. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty (30) days after notice from the Community Development Services Department~~Planning and Building Division~~ shall be considered as a violation of this Code and shall subject the owner of the sign and the owner of the property to the penalties herein. If a sign is advantageous to pending sale of premises, permission may be granted, upon written proof of pending sale, to lease said sign on premises for a period not to exceed ninety (90) days, provided all copy is removed leaving a blank background area.

SECTION 96. Section 7-9-28 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-28: REMOVAL OF NON-CONFORMING SIGNS:

(A) Any sign not in conformance with the provision of this Code and/or which was erected or installed without a permit, shall be removed within thirty (30) days upon notification by the Community Development Services Department~~Planning and Building Division~~.

(B) The provisions of Section 7-9-18 shall apply to such non-conforming signs.

(C) Any existing sign, conforming to the provisions of this Code relative to size and location, but non-conforming to structural requirements shall be removed or replaced within one (1) year upon written notice from the City. However, if they are deemed to be a hazard or more than fifty percent (50%) damaged, they shall be removed or repaired in accordance with the structural requirements of this Sign Code within ten (10) days after receiving notice from the City.

(D) Any sign determined to be abandoned shall be removed within thirty (30) days of notification by the Community Development Services Department~~Planning and Building Division~~ to the property owner and/or owner of the business advertisement and or owner of the sign.

SECTION 97. Section 7-9-30 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-30: ERECTION OF SIGNS OVER PUBLIC STREETS OR SIDEWALKS - SAFETY PRECAUTIONS: Whenever any sign or other advertising structure shall be erected in whole or in part on or over any public street or sidewalk, the person or persons performing the work shall, before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material above the surface of any street or sidewalk or placing any material upon the traveled portion of any street or sidewalk, the persons or person performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and/or other adequate warning devices. The Community Development Services Department~~Planning and Building Division~~ may require the owner or sign contractor to provide a guard or guards to exclude all persons not concerned in the performance of the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accomplished by hoisting devices with proper design and adequate capacity to accomplish the work in accordance with established engineering practices, all of which hoisting equipment shall be kept and maintained in good and workable condition.

SECTION 98. Section 7-9-31 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-31: **PROMULGATION OF SAFETY REGULATIONS:** The Director of the Community Development Services Department~~Planning and Building Division~~ may establish such rules and regulations as reasonably necessary to protect the public from injury in the course of the erection of signs and other advertising structures and when such regulations are established, all holders of sign permits shall comply strictly therewith. Such regulations shall be filed with the City Clerk.

SECTION 99. Section 7-9-35 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-35: **SPECIALTY SIGNS:** Specialty signs may be hung over public streets or walks after approval by the Director of the Community Development Services Department~~Planning and Building Division~~. Permits issued pursuant to this paragraph will be issued without charge of any fee, but shall specify a period of time not to exceed fifteen (15) days during which such signs shall be permitted to be used.

SECTION 100. Section 7-9-40 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-40: **PORTABLE SIGNS:** One portable freestanding or portable A-frame sign is permitted per business, maximum height not to exceed three (3) feet in required front set back, maximum allowable area twelve (12) square feet per side if the sign is double faced. Such signs must be placed on private property and must conform to location requirements of this Code and the Zoning Ordinance of the City of Idaho Falls. In addition, all portable signs shall comply with the following requirements:

(A) All signs shall be located in such a way that sight clearance is not impeded for motorists or pedestrians.

(B) All wiring, if any, shall comply with the Electrical Code adopted by the City.

(C) All signs and their internal components shall conform to the standards of Underwriter's Laboratories (or other testing laboratories approved by the Community Development Services Department~~Planning and Building Division~~) for the conditions of use involved.

...

SECTION 101. Section 7-9-42 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-42: **ELECTRONIC MESSAGE CENTER SIGNS AND CHANGEABLE COPY PANELS:**

...

(G) Prior to the issuance of a permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed six thousand (6,000) NITS and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Director of the Community Development Services Department~~Planning and Building Division~~. The applicant shall also sign documentation provided by the Community Development Services Department~~Division~~ stating he/she has read and agrees to the standards set forth in this section.

...

(L) Electronic message signs shall be permitted as schools signs when approved by the Planning and Zoning Commission under Section 4-26.H. of the Zoning Ordinance and the following standards:

...

- (6) The Planning and Zoning Commission may modify the above standards where necessary to minimize adverse effects on adjoining residential uses or where necessary to assure visibility to students and parents on and immediately adjacent to the school entrance or parking areas.

(M). Electronic message signs shall be permitted as on-premise freestanding signs for planned unit developments and property developed under unified ownership or control when approved by the Planning and Zoning Commission as a Conditional Use Permit. The application submitted for a Conditional Use Permit, in addition to other materials and information requested by the Planning and Zoning Commission, shall include the following:

- (1) A plan for the development indicating the type and size of signs proposed for each lot and building;
- (2) A statement delineating which lots will be advertising on the electronic message sign; and,
- (3) Evidence of continuing unified management of the development. Such evidence may include lease agreement, private covenants recorded against the property, or other documentation as approved by the Community Development Services ~~Planning~~ Director.

To issue a Conditional Use Permit, the Planning and Zoning Commission shall make the following findings:

SECTION 102. Section 7-12-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-12-1: UNIFORM CODE FOR BUILDING CONSERVATION:

(A) Uniform Code for Building Conservation Adopted: The Uniform Code for Building Conservation, 1997 Edition, published by the International Conference of Building Officials, is hereby adopted as an official Code of the City, except the portions deleted, modified or amended by the provisions of this Chapter.

(B) Code on File: Three (3) copies of the Uniform Code for Building Conservation, 1997 Edition, duly certified by the Clerk, shall be retained by the City for use and examination by the public. One (1) copy shall be filed in the office of the City Clerk. Two (2) Copies shall be filed in the office of the Department~~Division~~ of Community Development Services~~Planning and Building~~.

SECTION 103. Section 8-1-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-1-2: DEFINITION OF TERMS: Certain terms used in this Chapter shall have the meanings herein given to them:

...

DIRECTOR: The Director of the Public Works Department~~Division~~ of the City or his duly authorized deputy, agent or representative.

...

SECTION 104. Section 8-1-51 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-1-51: HAZARDOUS WASTE NOTIFICATION:

(A) Any User that is discharging more than fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to the City, the EPA Region 10, Office of Air, Waste and Toxic Chemicals and, to the extent required by law and, the Idaho Department of Health and Welfare Environmental Quality ~~Division~~. Any existing User exempt from this notification, shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms or greater of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the City sewer system. Such notification shall include:

...

SECTION 105. Section 8-2-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-1: COMMERCIAL OPERATIONS: Any person who conducts any commercial operation from or upon the Idaho Falls Regional~~Municipal~~ Airport, ~~known as "Fanning Field,"~~

without having entered into a written lease or contract with the City, is guilty of a misdemeanor. The ~~City~~ Council may by resolution adopted in accordance with Section 8-2-4 of this Chapter, establish regulations defining a "commercial operation" for the purposes of this Section.

SECTION 106. Section 8-2-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-2: **COMMERCIAL AIRCRAFT:** Any person who operates any aircraft for commercial purposes, from the Idaho Falls ~~Regional Municipal~~ Airport, ~~also known as "Fanning Field,"~~ without having obtained a permit therefor from the City, is guilty of a misdemeanor. The ~~City~~ Council may by resolution adopted in accordance with Section 8-2-4 of this Chapter establish regulations defining the term "commercial purposes" as used in this Section.

SECTION 107. Section 8-2-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-3: **LANDING FEES - COMMERCIAL AIRCRAFT:** Any person who operates an aircraft for commercial purposes and who lands the aircraft at the Idaho Falls ~~Regional Municipal~~ Airport shall be charged a landing fee in an amount set from time to time by Resolution of the Council for each aircraft landing. Any person who fails to pay such fee prior to takeoff or within twenty-four (24) hours after landing, whichever is sooner, shall be guilty of a misdemeanor, provided, however, any person regularly operating an aircraft for commercial purposes may enter into a contract with the City to pay such fees on a monthly basis, notwithstanding the time frames set forth herein. Each person obligated to pay a landing fee on a monthly basis shall deliver a certified report of the amount of the fees due the preceding month at the time the fees are paid.

SECTION 108. Section 8-2-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-5: **PURPOSE OF FUEL FLOWAGE FEES:** The ~~City~~ Council finds and declares as follows:

(A) The City provides and maintains runways, taxiways, ramps, lights and runway lighting systems at the Airport and such services as runway, taxiway and lamp snow removal for all aircraft operating to or from, or otherwise using, the ~~Idaho Falls Regional Fanning Field Municipal~~ Airport, which facilities and services are funded in part by ad valorem property taxes, and

...

SECTION 109. Section 8-2-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-6: **DEFINITIONS:** The following words and phrases shall have the meaning defined herein:

AIRPORT: The Idaho Falls ~~Regional~~ Municipal Airport (or “IFRA” or the “Airport” and formally known as “Fanning Field” or “Idaho Falls Municipal Airport”.) ~~also known as the Fanning Field Municipal Airport.~~

...

SECTION 110. Section 8-2-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-8: **COLLECTION OF FUEL FLOWAGE FEE:** The fuel flowage fee shall be paid by the owner or operator of the aircraft into which the aviation fuel is dispensed at the time the fuel is dispensed and shall be collected by the fixed base operator or other person or entity dispensing the fuel. Fixed base operators or any other persons or entities who collect fuel flowage fees shall remit within five (5) days after the end of each calendar month all fuel flowage fees collected during said month to the Director of the Airport ~~Division~~. All fixed base operators or other persons or entities dispensing fuel at the Airport shall, within five (5) days after the end of each calendar month, furnish to the Director a statement indicating the total number of gallons of fuel dispensed during the month to all aircraft, the total number of gallons of fuel dispensed to general aviation aircraft and the total amount of fuel flowage fees collected.

SECTION 111. Section 8-2-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-2-9: **FAILURE TO COLLECT FUEL FLOWAGE FEE:** It is unlawful for any person or entity to:

(A) Dispense any aviation fuel to any general aviation aircraft upon the Airport without collecting the fuel flowage fee assessed by this Chapter;

(B) Fail to remit the fuel flowage fees to the Director of the Airport ~~Division~~ as required by this Chapter;

(C) Fail to deposit amounts collected as fuel flowage fees in a separate bank account within two (2) business days following the date of the collection thereof;

(D) Commingle any amounts collected as fuel flowage fees with any other moneys or accounts of the person or entity collecting such fees;

(E) Use, apply or divert any amounts collected as fuel flowage fees with any other moneys or accounts of the person or entity collecting such fees;

(F) Fail to keep complete, accurate and truthful records which show the amount of aviation fuel sold at or upon the Airport, the amount of aviation fuel dispensed to general aviation aircraft and the amounts collected as fuel flowage fees, or to refuse to permit any authorized representatives of the City to inspect such records upon request during the normal hours of business operation;

(G) Submit to the Director of the Airport ~~Division~~ any report or statement regarding fuel flowage fees with knowledge the same is inaccurate, incomplete or untruthful.

SECTION 112. Section 8-4-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-1: PURPOSE: The purpose of this Chapter is to:

(A) Establish reasonable rules and regulations for the operation of the Water ~~Division~~Department of the City.

SECTION 113. Section 8-4-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-6: DUTIES OF SUPERINTENDENT: The Superintendent of the Water ~~Division~~Department under the direction of the Director of Public Works shall supervise and manage the Water ~~Division~~Department including all supply and distribution lines, wells, pumps, and fire hydrant facilities.

SECTION 114. Section 8-4-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-7: RIGHT TO TURN OFF WATER: The Superintendent of the Water ~~Division~~Department may turn off water within the City water system when deemed necessary to maintain or repair the water system or when ordered to do so by the Mayor or Council.

SECTION 115. Section 8-4-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-9: MAYOR MAY LIMIT USE OF WATER: In times of, or in anticipation of, scarcity of water, or when the Water ~~Division~~Department is unable to furnish a sufficient supply of water, the Mayor may, by public proclamation limit the use of water to such extent as may be necessary for the public good. Such proclamation shall be published in two (2) consecutive issues of the official newspaper, and after such publication, the proclamation shall have the same force and effect as a City ordinance.

SECTION 116. Section 8-4-10 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-10: INSPECTION OF PREMISES: Free access for inspection shall, upon such reasonable notice as the circumstances permit, be allowed to the Superintendent of the Water ~~Division~~Department or to any other authorized person to all places supplied with water from the City water system.

SECTION 117. Section 8-4-12 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-12: EXTENSION OF WATER MAINS WITHIN CITY: The Water ~~Division~~Department or the City Council may extend water mains within the City at City's expense whenever, in their sole discretion, such extension is necessary for the health, welfare or safety of the residents of the City, provided however nothing herein shall require that such extension be made at City expense. The City may require any customer desiring water service to install at the customer's expense a water main along the entire frontage of such customer's property. The City may also require the customer to submit design drawings and specifications prior to the commencement of the construction of such extension.

SECTION 118. Section 8-4-19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-19: INSTALLATION AND MAINTENANCE: All service lines and connections from the main to and including the curb stop shall be installed, maintained, owned and exclusively controlled by the Water ~~Division~~Department.

SECTION 119. Section 8-4-20 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-20: ARRANGEMENT OF SERVICE PIPES: The service lines must be so arranged that the water supply to each building, place of business or tract of land shall be controlled by a separate curb stop placed near the property line, unless permission for a different arrangement is first authorized in writing by the Water ~~Division~~Department.

SECTION 120. Section 8-4-25 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-25: SERVICE CALL CHARGE: The Water ~~Division~~Department Superintendent may assess and collect a service charge, in an amount not to exceed the actual cost to the City, for service calls which are requested on Saturday or a legal holiday or during a time other than normal working hours and which are only for the convenience and benefit of the customer, or which are necessitated because of plumbing which does not meet the requirements of the Uniform Plumbing Code.

SECTION 121. Section 8-4-28 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-28: OWNERSHIP OF METERS: All water meters installed by the City shall remain the property of the City and may be removed or replaced by the Water ~~Division~~Department at any time.

SECTION 122. Section 8-4-29 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-29: MAINTENANCE OF METERS: The Water ~~Division~~Department shall maintain and repair all meters. Where replacement, repair or adjustment of any meter is rendered necessary by the act, neglect or carelessness of the owner or occupant of any premises, any expense incurred

by the Water ~~Division~~Department thereby shall be charged against and collected from the customer, and water service may be discontinued until the meter is repaired, replaced or adjusted.

SECTION 123. Section 8-4-40 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-40: FIRE SERVICE CONNECTION:

(A) All fire service connections between water mains and property lines shall be installed and maintained by the Water ~~Division~~Department, at the expense of the owner or occupant of the premises served, and shall be the property of the City. At the time of making application for service the applicant shall file with the Water ~~Division~~Department detailed plans showing all piping installed or to be installed for fire protection, all fire gates, automatic sprinklers and all other outlets, gates or appurtenances. Each fire service connection shall have a gate valve with an adequate valve box installed between the main and the property line of the premises served. No fire service connection larger than six inches (6") shall be installed without special permission from the Council. Upon receipt of such application, the Water Superintendent shall determine the cost for the installation of such service, taking into consideration the length and size of pipe, condition of street and sidewalk, all relative to the character of service, and such cost shall be paid by the applicant before such installation is made. No customer receiving metered water service shall use a fire service connection for domestic purposes or any purpose other than for fire protection. If the water superintendent finds a fire connection is being used for any purpose other than for fire protection upon the premises, the owner or occupant shall be notified and if such improper conditions are not corrected within ten (10) days, water service to the entire premises may be shut off until proper adjustments are made.

...

SECTION 124. Section 8-4-41 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-41: FIRE HYDRANTS: All public fire hydrants shall be maintained by the Water ~~Division~~Department. Members of the Public Works, Police and Fire ~~and Public Safety Departments~~Divisions shall have free access to such hydrants. No other person shall draw or attempt to draw any water from a fire hydrant unless he has the written permission from one of the directors of such ~~departments~~divisions. The Water Superintendent may assess an equitable charge for the consumption or use of water drawn from a fire hydrant.

SECTION 125. Section 8-5-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-2: EXCLUSIVE RIGHT TO SELL ELECTRICAL ENERGY; CUSTOMER SERVICE POLICIES: Idaho Falls Power~~The City Electric Light Division~~ shall have the exclusive right to sell and deliver electrical energy for residential, commercial and industrial lighting, power, heating and cooling uses located in whole or in part within the City, except as otherwise expressly permitted by law. No other person or entity may sell, re-sell, or distribute electrical energy to any customer whose point of delivery is located within or outside the City, or re-sell energy generated or distributed by the City, unless such delivery is expressly authorized by this Chapter. Idaho Falls

~~Power~~~~The City Electric Light Division~~ may from time to time promulgate written rules and regulations and/or customer service policies regarding its delivery of electrical services, provided such regulations are consistent with the provisions of this Chapter.

SECTION 126. Section 8-5-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-3: **OWNERSHIP OF ~~ELECTRIC LIGHT~~ SYSTEM:** All lines, equipment, pole and facilities on the supply side of the point of delivery are owned and controlled by the City, except as expressly provided herein.

SECTION 127. Section 8-5-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-9: **LIMITATIONS OF USE:** No customer shall sell, re-sell or offer to sell or re-sell such electric energy or permit others to use electric energy supplied to the customer's point of delivery, or install any master meter or sub-meter for such energy, unless such sale, use or installation is authorized in writing by Idaho Falls Power~~the City Electric Light Division~~. A customer shall not extend or connect his wiring or installation, or extend his use of service to other buildings or places of use in order to furnish service to more than one building or place of use through one meter or point of delivery unless such buildings, property or place of use is owned or operated by the customer and all electric service is used by the customer in the conduct of the same establishment and business. Notwithstanding the foregoing, Idaho Falls Power~~the Electric Light Department~~ may promulgate rules and regulations allowing the master metering, sub-metering, or re-metering of electrical energy for purposes of re-sale for multi-family residential buildings, shopping centers or other commercial uses where (1) such multi-family use existed prior to July 1, 2010, or (2) the HVAC or water heating systems are centrally located or operated and cannot be individually controlled by the tenant or occupant.

SECTION 128. Section 8-5-11 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-11: **METER SERVICE INSTALLATIONS:** Upon the payment of a meter installation fee in an amount set from time to time by Resolution of the Council per meter the City will, at its own expense, provide and maintain current transformers, if required, and meters to measure electrical consumption by the customer. The fee shall be paid to the City Community Development Services Department~~Planning and Building Division~~ prior to the issuance of a building permit. The customer shall provide, install and maintain the meter base and service in accordance with the City Electrical Code, the City Customer Service Policy and the specifications set forth in this Chapter. All meter bases shall be installed in a convenient place on the exterior of the building and placed so that the meter may be read at any time. The customer shall provide access to his meter at all reasonable times and shall not obstruct normal access to the meter. If a meter is inaccessible, energy consumption or demand may be estimated by the City and such estimates shall be deemed to be final. If the customer refuses or fails to provide access to the meter, or to remove the obstruction to access, the City may terminate the customer's service in accordance with the procedure set forth in Section 8-5-17 hereafter and the City may thereafter refuse to provide

electric services until proper access is provided and a disconnect fee, as provided in Section 8-5-18 of this Chapter has been paid.

SECTION 129. Section 8-5-25 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-25: **ALLOWABLE MOTOR STARTING CURRENTS:** No customer shall use any motor having a rated horsepower of ten (10) or greater without first obtaining a permit therefor. The City may require the installation of reduced voltage starting equipment or other equipment necessary to prevent interruptions of electric service within the customer's immediate service area as a condition for the issuance of the permit. Any customer desiring to use such motors shall make written application therefor to Idaho Falls Power~~the Electric Light Division~~, stating the size and serial number of the motor, the intended use, location of business and such other information Idaho Falls Power~~the Electric Light Division~~ may require in order to determine the impact the proposed use will have on the system. It shall be unlawful for any customer to use, install or replace any ten (10) HP or greater motor, except as specifically identified in and authorized by a permit issued Idaho Falls Power~~the Electric Light Division~~.

SECTION 130. Section 8-5-28 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-28: **OVERHEAD EXTENSIONS:** An extension is any continuation of, or branch from, the nearest available existing line of the City, including any increase of capacity of an existing line or facilities or the supply of three-phase electric service. The City will make an extension for electric service at its own expense whenever the estimated cost thereof is less than two hundred fifty dollars (\$250) per residential customer served by the extension or less than five hundred dollars (\$500) for any other customer served by the extension. If the estimated cost for making an extension exceeds the amount set forth above, the customer shall pay such excess amount to Idaho Falls Power~~the Electric Light Division~~ and Idaho Falls Power~~the Electric Light Division~~ shall then make such extension. In the event the actual cost of making such extension exceeds the amount estimated by Idaho Falls Power~~the Electric Light Division~~, the customer shall pay such excess before electric service is provided. All extensions of distribution lines beyond the primary meters shall be performed by and at the sole expense of the industrial customer.

SECTION 131. Section 8-5-29 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-29: **UNDERGROUND DISTRIBUTION LINES:** Idaho Falls Power~~The City Electric Division~~ may establish reasonable rules and regulations regarding the installation of underground distribution lines and related equipment for residential and commercial electric service. Such rules and regulations shall provide an orderly procedure for the safe, efficient and economical installation of such underground distribution lines. Such rules may require the customer or developer to install all lines, equipment and facilities directly related to the underground electric service requested or may establish fair and non-discriminatory charges for work or materials supplied by Idaho Falls Power~~the Electric Light Division~~ to the customer or developer.

SECTION 132. Section 8-5-30 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-30: SCHEDULE OF RATES:

(A) BILLINGS: Customers of Idaho Falls Power~~the Electric Light Division~~ shall be billed for electric energy and demand according to the schedule of rates set forth below. No other rates shall apply except by special permit or contract approved by the Council. Customer accounts shall be billed at intervals of approximately every thirty (30) days, provided that failure to so bill shall not relieve the customer of any obligation to pay for electric service when actually billed for such service.

...

(J) TEMPORARY OR CONSTRUCTION SERVICE: This rate is for temporary service that is single phase 120/240 volt and a maximum of two hundred (200) amps. All other construction service requirements must be negotiated with Idaho Falls Power~~the Electric Light Division~~. The Temporary or Construction Service Rate shall be in an amount set from time to time by Resolution of the Council for:

Construction of Residential Occupancies; and

Construction of Nonresidential Occupancies

...

SECTION 133. Section 8-6-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-3: DEFINITIONS: For the purpose of this Chapter, the definitions used in Chapter 26, Title 5 of this Code shall also apply to this Chapter. Certain other terms shall have the meanings ascribed below:

SANITARY SERVICE: The availability of sanitation services provided by the Sanitation Division~~Department~~.

SECTION 134. Section 8-6-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-8: REMOVAL OF WASTE: The Sanitation Division~~Department~~ will remove waste deposited in residential and commercial waste containers in accordance with the provisions of this Chapter. The Sanitation Division~~Department~~ may decline to remove waste from any container which does not meet the requirements of this Chapter or waste which is not placed in such waste containers. Notwithstanding such removal, every occupant of a residential and commercial property shall have the obligation to remove all waste accumulating on property under his or her control, in accordance with Section 8-6-4 of this Chapter.

SECTION 135. Section 8-6-10 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-10: **COMMERCIAL CONTAINERS:** All commercial containers shall consist of containers furnished by the City or approved by the City prior to being placed into service by the customer. All commercial containers shall be constructed and equipped in a manner compatible with the mechanized equipment of the Sanitation ~~Division~~Department. The Sanitation ~~Division~~Department may promulgate reasonable rules and regulations regarding the construction of customer-furnished commercial containers in order to assure uniformity, compatibility, adequacy and durability of the container.

SECTION 136. Section 8-6-11 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-11: **USE OF CONTAINERS:** It shall be unlawful to deposit, store or place waste into any waste container that does not have a tight-fitting or latchable lid or cover placed securely thereon. Notwithstanding the foregoing, grass, leaves, weeds and clippings from trees or ornamental shrubbery may be placed in cardboard cartons, bushel baskets, boxes or strong plastic garbage sacks, provided the same are securely covered or closed in a manner which prevents the contents from being blown, spilled or strung about by wind or animals. The Sanitation ~~Division~~Department will remove such containers provided the same do not exceed 50 pounds in weight or 10 cubic feet in volume.

SECTION 137. Section 8-6-13 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-13: **COLLECTION OF WASTE CONTAINERS:** The Sanitation ~~Division~~Department will collect waste containers in accordance with a collection schedule established and promulgated by the Sanitation ~~Division~~Department. Occupants needing more frequent removal of waste may request such removal from the Sanitation ~~Division~~Department, and the removal will be provided in accordance with the Schedule of Rates set forth hereafter. All waste containers shall be placed adjacent to the alley line of any premises on the day scheduled for pickup, or if the premises are not adjacent to an alley, then at the street curb or inside edge of the sidewalk where the sidewalk is adjacent to the curb, on the morning of the day scheduled for collection. All empty waste containers shall be withdrawn from the curb or inside edge of the sidewalk as soon as possible after removal of the waste from the container.

SECTION 138. Section 8-6-14 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-6-14: **EXCEPTIONS TO WASTE REMOVAL:** The Sanitation ~~Division~~Department shall have no duty to remove the following waste:

- (A) Dirt, earth or debris from construction or building renovation.
- (B) Appliances, large or heavy machines, tree trunks or other debris or waste not placed within a waste container meeting the specifications of this Chapter.
- (C) Hazardous waste, toxic chemicals, waste oils, lubricants or any other substance harmful to life or limb.

(D) Dead animals.

Notwithstanding the foregoing, every occupant of property within the City shall be fully responsible to remove such waste from his or her premises.

SECTION 139. Section 8-8-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-8-8: NOTICE OF VIOLATION: Prior to the issuance of any citation for a violation of Section 8-8-3 of this Code, the Public Works ~~Department~~Division of the City shall give notice in writing to all persons owning or controlling land abutting or adjoining a section of sidewalk where a mailbox exists in violation of this Chapter. The notice shall be personally served upon an adult residing upon said land and shall notify the person owning or controlling the land to remove the mailbox or bring it into conformity with the standards of this Chapter within thirty (30) days after receipt of the notice.

SECTION 140. Section 8-8-13 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-8-13: PERMITS:

...

(G) Installation on sidewalks maintained by City: If a person desires to install a bus bench on a sidewalk maintained by the City of Idaho Falls, e.g. Sunnyside Road, the head of the ~~department~~division which maintains the sidewalk shall give written consent to the installation of such bench. To reduce public maintenance costs, construction of pads for the benches or other measures may be required by the ~~department~~division. Such written consent shall accompany the application and be considered in the approval of the location by the Chief of Police and the ~~City~~ Council.

SECTION 141. Section 8-8-24 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-8-24: EMERGENCY REMOVAL OF BENCHES: The Police and the Fire ~~and Public Safety Departments~~Divisions shall have the authority, without prior notice to the permit holder or owner, to cause the removal of any bus stop bench which wholly or in part rests on or projects over any part of a public street or alley, or which interferes with or impedes access to any fire hydrant, fire call box, police call box, utility pole or post, or other public fixture, or which unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, or which creates any unreasonable risk of bodily injury or harm to persons or damage to property.

SECTION 142. Section 8-9-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-2: DEFINITIONS:

...

6. DIRECTOR: The duly appointed Director of City Parks and Recreation ~~Department~~Division or designee.

SECTION 143. Section 8-9-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-3: CITY FORESTER: The Director may appoint a person to serve as City Forester. The City Forester shall have such duties and perform such functions as shall be prescribed herein and as required by the Director of Parks and Recreation. The City Forester is hereby authorized to:

(A) Direct, manage, supervise and control the City street tree and park tree program for the planting, removal, maintenance and protection of all public trees and shrubs on all public areas and to supervise and assist the Parks and Recreation ~~Department~~Division personnel in the planting, removal, maintenance and protection of said trees and shrubs;

...

SECTION 144. Section 8-9-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-7: DUTIES AND RESPONSIBILITIES: The Shade Tree Committee shall provide advice to the Director, Mayor, City Forester and Council as to the preservation, protection and management of the community forest of Idaho Falls, in accordance with the intent and purpose of this Chapter. The Committee shall have the following duties and responsibilities:

...

(E) Assist City ~~Departments~~Divisions and ~~Divisions~~Departments in every way possible to enhance the City Forest;

...

SECTION 145. Section 8-9-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-8: SPECIES OF TREES PERMITTED:

It shall be unlawful to plant any tree within any public right-of-way or planting median or immediately adjacent to a public tree except the following species of trees:

Small Trees

Cherry, Canada Red

Cherry, Sargent

Crabapple, (persistent or fruitless varieties)

Elm, Camperdown

Hawthorne, Black

Prunus virginiana 'Shubertii'

Prunus sargentii

Malus spp.'Spring Snow/Thunderchild

Ulmus glabra 'Camperdownii'

Crateagus douglasii'

Hawthorne, Snowbird
Hawthorne, Washington
Hornbeam, American
Lilac, Japanese Tree
Maple, Amur
Maple, Bigtooth
Maple, Hedge
Mayday
Pear, Callery (varieties)
Plum, Newport
Serviceberry, Saskatoon

Crateagus mordenesis
Crateagus phaenopyrum
Carpinus, caroliniana
Syringa reticulata
Acer ginnala
Acer grandidentatum
Acer campestre
Prunus padus
Pyrus calleryana 'Cleveland/Princess'
Prunus cerasifera 'Newport'
Amelanchier alnifolia

Medium Trees

Amur Cork Tree
Beech, European
Birch, Heritage
Catalpa, Northern
Elm, Smoothleaf (varieties)
Hackberry
Honeylocust, (thornless varieties)
Linden, American (varieties)
Linden, Littleleaf
Linden, Corinthian
Linden, Littleleaf
Maple, Norway (varieties)
Maple, Red (varieties)
Oak, Columnar English
Walnut, English
Zelkova

Phellodendron amurense
Fagus sylvatica
Betula nigra 'Heritage'
Catalpa speciosa
Ulmus carpinifolia 'Homestead/Frontier'
Celtis occidentalis
Gleditsia triacanthos var. inermis
Tilia americana
Tilia cordata
Tilia cordata 'Corinthian'
Tilia cordata
Acer platanoides
Acer rubrum
Quercus robur Fastigiata
Juglans regia
Zelkova serrata

Large Trees

Coffeetree, Kentucky
Honeylocust, Thornless (native species)
Horsechestnut
Linden, American (native species)
Maple, Norway (native species)
Oak, Bur
Oak, Bur/Gambel Hybrid
Oak, Bur/English Hybrid

Gymnocladus dioicus
Gleditsia triacanthos var. inermis
Aesculus hippocastanum
Tilia americana
Acer platanoides
Quercus macrocarpa
Quercus macrocarpa x gambelii
Quercus macrocarpa x robur

Other species may be planted only with written permission from the Parks and Recreation ~~Department~~ Division.

SECTION 146. Section 8-9-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-9: UTILITIES:

(A) It shall be unlawful for any person to plant any public or private tree under or within twenty (20) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, electric transmission or distribution line or other utility except the following species of trees:

Cherry, Canada Red	Prunus virginiana 'Shubert'
Crabapple, (persistent or fruitless varieties)	Malus spp.
Elm, Camperdown	Ulmus blabra 'Camperdownii'
Honeylocust, Imperia	Gleditsia triacanthos var. inermis 'Imperial'
Lilac, Japanese Tree	Syringa reticulata
Maple, Amur	Acer ginnala
Mayday	Prunus padus
Mountain Ash, European	Sorbus aucuparia
Plum, Newport	Prunus cerasifera 'Newport'
Serviceberry, Saskatoon	Amelanchier alnifolia
Sumac, Staghorn	Rhus typhina

Other species may be planted only with written permission from the Parks and Recreation ~~Department~~Division.

SECTION 147. Section 8-9-16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-9-16: **STREET TREE CARE:** The ~~Department~~Division of Parks and Recreation shall have the right to remove, trim, destroy and control all street trees which are planted, grown or maintained in violation of the provisions of this Chapter. The ~~Department~~Division of Parks and Recreation shall have the right to plant, prune, maintain and remove street trees within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

SECTION 148. Section 8-10-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-10-2: **ORDER FOR CONSTRUCTION OR MAINTENANCE:** The Public Works ~~Department~~Division may order any person who fails to perform his or her duty under the preceding section upon a finding that such sidewalk, curb and gutter have not been constructed or maintained in accordance with the provisions of this Chapter. Upon the issuance of such order, the Public Works ~~Department~~Division shall serve a notice advising the owner of such property of his violation of this Chapter. The notice shall be served upon the owner by depositing the same into the United States mail, certified mail, return receipt requested, postage prepaid and addressed to the owner at the last known address or address shown on the assessment rolls of Bonneville County. Such notice shall advise the owner that if the sidewalk and curb and gutter are not installed, or maintained in accordance with the provisions of this Chapter or as otherwise required

by this Code within twenty (20) days after the date of such notice, the City may order that such work be accomplished and the costs thereof be assessed against the real property adjacent to such sidewalk and curb and gutter.

SECTION 149. Section 8-12-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-12-2: DEFINITIONS: For the purposes of this Ordinance words and phrases used herein shall have the meanings ascribed below:

...

AIRPORT: The City of Idaho Falls Regional Municipal Airport, ~~also known as Fanning Field.~~

...

SECTION 150. Section 8-13-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-13-1: DEFINITIONS: Certain terms used in this Chapter shall have the meanings ascribed below:

...

DIRECTOR: The Director of the Idaho Falls Power Electric Light Division, or his or her designee.

FIBER BACKBONE: A network of dark fiber, generally consisting of 96 or more strands of single mode fiber located within the public right of way, all as more particularly shown on the Fiber Map maintained on file at the offices of Idaho Falls Power Electric Light Division.

FIBER MAP: A map depicting the location of the public fiber backbone, including any amendments thereto, as may be determined by the Director of Idaho Falls Power Electric Light Division.

...

SECTION 151. Section 8-13-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-13-3: OWNERSHIP OF THE FIBER OPTIC NETWORK: There is hereby established as a division~~department~~ within the Idaho Falls Power Electric Light Division, the Public Fiber Optic Network System. Management of the public fiber optic network shall be vested solely in the City of Idaho Falls Power Electric Light Division, subject to such rules, regulations, and operational guidelines as may be approved by the City Council. Notwithstanding the foregoing, to the extent possible all operational costs, charges, expenses, revenues and receipts attributable to or derived from the operation of the public fiber optic network shall be separately accounted for or fairly apportioned between the fiber optic system and the electrical energy generation, distribution & transmission system, in order to establish fair, equitable and non-discriminatory rates for the delivery of fiber optic access, separate and apart from the establishment of electrical.

SECTION 152. Section 8-13-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-13-7: APPLICATION FOR FIBER OPTIC NETWORK ACCESS:

(A) Fiber optic access shall not be delivered to any customer until the customer or his or her authorized agent personally appears at the office of the Idaho Falls ~~Power~~Electric Light Division, 140 S. Capital Ave., Idaho Falls, Idaho and makes written application for delivery of fiber optic access. Such application shall be in such form as may be determined by the Director and the City Attorney. The Director may require appropriate identification of any customer or agent making application for fiber optic access. Customers requesting any fiber optic access which contemplates substantial extensions of the fiber backbone or the construction of significant enhancements or additions to the fiber optic network at public expense may be required to present site plans, improvement plans, feasibility plans, financial statements and financial guarantees contemporaneously with such application. Any customer who willfully gives materially false information in his or her application or who shall falsely represent his or her identity shall be guilty of a misdemeanor and fiber optic access to such customer may be subject to summary termination of access in accordance with Section 8-13-15 of this Chapter.

SECTION 153. Section 8-14-5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-14-5: EROSION CONTROL PLAN:

(A) The contents and form of the erosion control plan shall be established by the City Engineer. The Building ~~Division~~Department shall make such information available to contractors, developers and property owners upon request.

...

SECTION 154. Section 8-14-6 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-14-6: INSPECTIONS:

(A) The City Engineer or designated agent shall make inspections, approve the work completed, and/or notify the permit holder when the work fails to comply with the erosion control plan and permit as approved. A copy of the erosion control plan shall be maintained at the Construction Site at all times while construction work is being conducted. To obtain inspections, the permit holder shall notify the Building ~~Division~~Department at least two (2) working days before the start of construction, installation of sediment and erosion measures, completion of final grading and close of construction season or final landscaping.

(B) The purpose of inspections is to determine compliance with the control plan and its effectiveness. All inspections are to be documented in written form.

(C) Filing of an application with the Building ~~Division~~Department is deemed approval and authorization for such inspections at reasonable times.

SECTION 155. Section 9-1-8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-1-8: **CROSSING FIRE HOSE:** Any person who drives any vehicle over any fire hose of the ~~Fire and Public Safety Department~~ Division while such hose is being used to suppress any fire, without the consent of a police officer or the fire official in command, shall be guilty of an infraction.

SECTION 156. Section 9-2-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-2-2: **DISPLAY OF UNAUTHORIZED SIGNS OR SIGNALS:** Any person who places, maintains or displays upon any street, alley, public right of way or private property any unauthorized sign, signal, marking or device which imitates or resembles any official traffic control sign, signal or device is guilty of a misdemeanor. Such signs, signals or devices may be summarily removed by any police or fire or public safety officer or any employee of the Public Works Department ~~Division~~.

SECTION 157. Section 9-4-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-4-9: **PARKING AT AIRPORT:**

(A) Any person who parks or allows a vehicle to be parked at any time of the day or night in the following areas, shall be guilty of an infraction, to-wit:

- (1) International Way.
- (2) That portion of North Skyline Drive located north of International Way.
- (3) That portion of Borah Street located north of International Way.
- (4) That portion of Foote Drive located north of International Way.
- (5) Any ramp, runway, taxiway or area within the Idaho Falls ~~Regional Municipal~~ Regional Airport where signs prohibiting such parking have been posted, except as expressly authorized by the Director of Aviation.

Notwithstanding the foregoing, the ~~City~~ Council may designate areas within or upon such streets where parking may be allowed, provided signs allowing such parking are prominently displayed.

(B) Any person who parks a motor vehicle unattended for any period of time or any person who parks a motor vehicle for a period of time greater than the minimum amount of time to load or unload passengers and their luggage, within the passenger loading and unloading

zone designated by visible signs at the entrance to the Idaho Falls ~~Regional Municipal~~ Airport, shall be guilty of an infraction, then the minimum penalty shall be the sum of \$25.00.

SECTION 158. Section 9-4-13 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-4-13: **PAYMENT OF TOWING AND STORAGE FEES:** The owner of any motor vehicle or trailer that has been duly impounded, removed from the City streets, towed or stored at the direction of the Police ~~Department~~Division shall pay a reasonable towing and storage fee before such vehicle or trailer may be released. The towing and storage fee shall be paid to the person or company effecting the removal and towing and providing the storage for such vehicle or trailer. If the motor vehicle or trailer is towed or stored by City personnel, the towing and storage fees shall be paid to the City.

SECTION 159. Section 9-4-24 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

9-4-24: **NOTICE OF PARKING VIOLATIONS:**

...

- (C) Any person issued a parking notice may enter an admission in the following ways:
- (1) Depositing the notice of violation with the amount of penalty stated thereon in any collection box designated by the Police ~~Department~~Division;

...

SECTION 160. Section 10-1-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-3: **DEFINITIONS:**

...

DIRECTOR: The Director of the ~~Community Development Services Department~~Planning and Building Division of the City.

...

SECTION 161. Section 10-1-9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-9: **ALLEYS AND EASEMENTS:**

(A) The minimum width of any dedicated alley shall be twenty feet (20'), unless otherwise approved by the Public Works ~~Department~~Division and ~~Community Development Services Department~~Planning and Building Division. Alleys may be required along the rear line of business property, and in the rear of all lots fronting major thoroughfares.

SECTION 162. Section 10-1-17 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-17: FINAL PLAT APPROVAL PROCESS:

...

(E) Recording of Final Plat: The developer shall provide reproducible to the Public Works ~~Department~~Division in accordance with Section 50-1304, Idaho Code. Upon approval of the final plat, the Director shall file the plat with the Bonneville County Recorder's office. All final plats shall be recorded within ninety (90) days after approval by the ~~City~~ Council, unless an extension of time is granted by the ~~City~~ Council. If the final plat is not recorded within the specified time because of the developer's failure to meet the requirements specified herein, the Council may rescind its approval of the plat.

SECTION 163. Section 10-1-19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-19: SUBDIVISION APPLICATION FEES: The following fees are hereby established relative to the processing of subdivision applications.

(A) Preliminary Plat: Any person submitting a preliminary plat to the City for review and processing shall pay to the ~~Community Development Services Department~~Planning and Building Division of the City at the time of submittal thereof in an amount set from time to time by Resolution of the Council.

(B) Final Plat: Any person submitting a final plat to the City for review and processing shall pay to the Public Works ~~Department~~Division of the City at the time of submittal thereof a fee in an amount set from time to time by Resolution of the Council.

(C) Subdivision Improvement Plans: Any person submitting subdivision improvement plans to the City shall pay to the Public Works ~~Department~~Division of the City at the time of submittal thereof a minimum fee in an amount set from time to time by Resolution of the Council.

(D) Street and Utility Construction Inspection: Any person who requests acceptance by the City of any street, utility line or other public improvement shall submit improvement plans, profiles and specifications for such improvements to the Public Works ~~Department~~Division. Substantial construction of said public improvements shall not be commenced until the City Engineer has certified that such plans are in accordance with the City Standard Drawings and Engineering Specifications and that the applicant has paid a fee in an amount set from time to time by Resolution of the Council per lot or per acre, whichever is greater; provided that in no event shall such fee be less than a fee in an amount set from time to time by Resolution of the Council. If such improvement plans comply with all state and local laws and ordinances and any development or annexation agreement executed or to be executed between the City and such person, the City Engineer shall endorse his approval upon the improvement plans and shall cause a notice to be imprinted upon the subdivision plat stating that the City will not accept ownership or maintenance of such public improvements until a professional engineer licensed in the State of Idaho has

inspected the construction of such public improvements and has delivered his written certification to the City Engineer that such inspection was made and that construction of such improvements meets or exceeds the minimum standards set forth in the City Engineering Standard Drawings and Engineering Specifications. "As-built" drawings of such public improvements shall also be prepared by such engineer and delivered to the City Engineering Division~~Department~~ immediately upon completion of all public improvements shown on the plans, or upon completion of any portion thereof as required by the City. Upon delivery of the "as-built" drawings, together with the certification of the professional engineer, seventy-five percent (75%) of the fees imposed by this section shall be returned to the developer and the City Engineer shall then cause a "Notice of Public Acceptance of Street and Utilities" to be recorded in the Bonneville County Recorder's office for those public improvements which have been accepted by the City.

SECTION 164. Section 10-1-20 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-1-20: FEES PAID TO TREASURER: All fees received under the terms of this Chapter shall be paid forthwith to the City Treasurer by the City Department~~Division~~ or City Division~~Department~~ receiving the same.

SECTION 165. Section 10-3-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-3-2: FILING OF ZONING ORDINANCE: The Zoning Ordinance shall be published in pamphlet or booklet form, and one copy shall be placed and kept on file in the office of the City Clerk. Two (2) copies of said ordinance shall be placed and kept on file at the office of the Community Development Services Department~~Planning and Building Division~~.

SECTION 166. Section 10-3-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-3-3: OFFICIAL ZONE MAP: The Zoning Map on file in the office of the Community Development Services Department~~Planning and Building Division~~ is hereby adopted as the Official Zoning Map of the City of Idaho Falls. The Director of the Community Development Services Department~~Planning and Building Division~~ shall ensure the map accurately reflects all zone boundaries with the City at all times.

SECTION 167. Section 10-4-2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-4-2: DEFINITIONS: For the purposes of this Chapter the following words shall have the meaning ascribed below:

...

DIRECTOR: The Director of the Community Development Services Department~~Planning and Building Division~~ of the City.

...

SECTION 168. Section 10-4-3 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-4-3: APPLICABILITY: IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS:

(A) This Chapter shall apply to all areas of special flood hazards within the City.

(B) A scientific and engineering report prepared by the Federal Insurance Administration and entitled “The Flood Insurance Study for the City of Idaho Falls, Idaho,” dated April 1982, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this Chapter. Two copies of the flood insurance Study shall be kept on file at the Community Development Services~~Planning and Building~~ office of the City, and another copy shall be kept on file at the office of the City Clerk. The Flood Insurance Study shall identify all special flood hazard areas in the City.

SECTION 169. Section 10-4-7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-4-7: VARIANCE: In order to secure a variance from the requirements of this Chapter an applicant for such permit shall follow the variance procedures set forth in the regulations for the National Flood Insurance Program, (44 CFR 59 et. seq.), one copy of which regulations are hereby adopted by reference, and declared to be a part of this Chapter. One copy of said regulations shall be kept on file in the office of the City Clerk and two (2) copies shall be kept on file in the office of the Community Development Services Department~~Planning and Building Division~~.

SECTION 170. Section 10-6-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-6-1: SUPERVISION OF STREET NUMBERING: The Community Development Services Department~~Planning and Building Division~~ shall supervise the numbering of all houses and buildings upon the streets and avenues within the City.

SECTION 171. 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 172. 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 173. 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 174. 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 _____, 2015.

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:

“AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE IDAHO FALLS CITY CODE, TO RENAME “DIVISIONS” TO “DEPARTMENTS” AND “DEPARTMENTS” TO “DIVISIONS”; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

KATHY HAMPTON, City Clerk

MEMORANDUM

DATE: April 17, 2015
TO: Mayor Casper
FROM: Randy Fife, City Attorney
RE: EMS Division relocation in the Idaho Falls City Code.

During work on a recent ordinance that proposes changing various designations of departments, divisions, and some division titles within the City Code, the Fire Chief requested that the EMS Division regulations be relocated to the part of the IFCC that contains other fire-related regulations. As a result, the proposed ordinance removes the EMS Division regulations from Title 4, Chapter 4 of the City Code and relocates them to Title 3, Chapter 2.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, REPEALING TITLE 4, CHAPTER 10 OF THE IDAHO FALLS CITY CODE AND MOVING THE TEXT (WITH MINOR CHANGES) TO BECOME TITLE 3, CHAPTER 2; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, a City EMS Division was established as Chapter 10 of Title 4 of the Idaho Falls City Code; and

WHEREAS, the EMS Division functions as a sub-unit of the Fire Department; and

WHEREAS, it is the desire of the Fire Department to consolidate the regulations of the EMS Division into the same Title and Chapter as other Fire Department related ordinances (i.e. Chapter 2 Title 3 of the IFCC); and

WHEREAS, the purpose is to allow those who are interested in fire-related issues to be able to find them more readily; and

WHEREAS, the Fire Department and the Council believes the change to be helpful, efficient, and useful.

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

SECTION 1. Title 4 Chapter 10 of the City Code of the City of Idaho Falls, Idaho, is hereby repealed in its entirety.

SECTION 2. Title 3, Chapter 2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended by the inclusion of the following language:

~~3-2-94-10-2~~ EMS DIVISION.:

(A) Establishment of EMS Division:- There is hereby established within the Idaho Falls Fire Department, a unit known as the Emergency Medical Services Division. The primary function of such division shall be to coordinate and regulate the delivery of emergency medical services provided to persons residing in or otherwise located within the City limit of Idaho Falls. The EMS Division shall have the authority and responsibility to establish and enforce standards for pre-hospital patient care and patient transports.

(B) DEFINITIONS:- As used in this ~~Chapter~~ Section:

ADVANCED EMERGENCY MEDICAL TECHNICIAN - AMBULANCE (AEMT-A): Any individual certified by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of an intermediate training program, examination, subsequent required continued training and recertification.

ADVANCE LIFE SUPPORT: The provision of medical care, medication administration and treatment with medical devices which correspond to the knowledge and skill objectives in the EMT-Paramedic curriculum currently approved by the EMS Bureau of the Idaho Department of Health and Welfare.

AMBULANCE: Any privately-owned motor vehicle used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport.

ATTENDANT DRIVER: A person who is qualified and licensed in accordance with this Chapter as both an ambulance attendant and ambulance driver.

CERTIFICATION: A credential issued to an individual by the EMS Bureau for a specified period of time indicating that minimum standards corresponding to one (1) or several levels of EMS proficiency have been met.

CERTIFIED PERSONNEL: Individuals who have completed training and successfully passed examinations for training and skills proficiency in one (1) or several levels of emergency medical services.

CITY COUNCIL: The City Council of the City of Idaho Falls, Idaho.

CRITICAL CARE TRANSFER (CCT): Transportation of a patient who has received definitive care at a hospital, and who requires or may require care beyond the level of EMT-B for maintenance while being transported. Such care includes, but is not limited to starting and/or maintaining IV's, drug administration, advanced airway care and cardiac monitoring and/or defibrillation.

DIRECTOR: ~~The Fire Chief of the Idaho Falls Fire Department.~~

EMERGENCY: A medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the person's health in serious jeopardy, or in causing serious impairments of bodily function or serious dysfunction of any bodily organ or part.

EMERGENCY MEDICAL SERVICES (EMS): The services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

EMERGENCY MEDICAL TECHNICIAN - BASIC (EMT-B): An individual holding an EMTB certification issued by the EMS Bureau of the Idaho Department of Health and Welfare.

EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P):—An individual holding an EMT-P certification issued by the EMS Bureau of the Idaho Department of Health and Welfare.

EMS DEPARTMENT:—The Emergency Medical Services Department of the City of Idaho Falls, Idaho.

FIRST RESPONDER:—An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare as a First Responder on the basis of successful completion of a First Responder course approved by the Board of Health and Welfare and subsequent required continuing training.

OUT-OF-HOSPITAL CARE:—Any setting outside of a hospital, including inter-facility transfers, in which the provision of EMS may take place.

PATIENT:—An individual who is sick, injured, wounded, or otherwise incapacitated or in need of medical assistance or transportation by an ambulance.

PERSON:—Any individual, firm, partnership, association, corporation, trust group of individuals acting together for a common purpose, or organization of any kind, excluding any public corporation or agency.

PRE-HOSPITAL CARE:—Any setting (including standbys) outside of a hospital, with the exception of inter-facility transfer, in which the provision of EMS may take place.

TRANSFER:—The transportation of a patient from one medical care facility to another by ambulance.

TRANSPORT NURSE:—A licensed professional nurse who provides critical care services with an organized transporting agency who is certified by the Idaho Board of Nursing, and who is also certified at a minimum as an EMT-B by the EMS Bureau of the Idaho Department of Health and Welfare on the basis of successful completion of a basic EMT training program, examination, subsequent required continuing training and recertification.

(C) ~~4-10-3:~~ AUTHORITY OF EMS DIVISION PERSONNEL:—EMS Division personnel rendering emergency medical services at the scene of a medical emergency, injury or sudden onset of acute illness to which they have been dispatched or summoned shall be deemed to have complete medical and technical rescue authority until the patient is released to hospital staff upon arrival at a hospital.

~~4-10-4:~~ (D) REQUIREMENTS FOR OPERATION; EXCEPTIONS:—

~~1.(A)~~ It shall be unlawful for any person to conduct or operate an emergency medical service, including stand-by services, within the City of Idaho Falls without first obtaining an Ambulance License, issued pursuant to this ~~Chapter~~Section.

~~(B)2.~~ It shall be unlawful for any person to operate or permit to be operated, an ambulance within the City of Idaho Falls unless each driver and attendant on board each ambulance holds a current Attendant-Driver license, issued pursuant to this ~~Chapter~~Section. Such license ~~must~~shall be kept upon the Licensee's person while operating an ambulance or providing EMS services.

~~(C)3.~~ This ~~Chapter~~Section shall not apply to:

~~(1a)~~ Ambulances operated by an agency of the United States, the State of Idaho, the City of Idaho Falls, or a political subdivision of the State of Idaho.

~~(2b)~~ An ambulance operated from a location outside of the City of Idaho Falls which solely transports patients to or from locations outside of Idaho Falls.

~~(3c)~~ Persons providing EMS services solely with the use of aircraft of any type, either fixedwing or helicopter.

~~(E)~~ 4-10-5: CLASSIFICATION OF SERVICES:-

~~(A)1.~~ General:- Ambulance licenses issued pursuant to this ~~Chapter~~Section shall set forth which of the following classification or classifications of services the licensee shall be permitted to perform with the licensed vehicle(s), and in performing such services each licensed vehicle shall conform with the staffing and equipment requirements for the type(s) of license(s) issued.

~~(B)2.~~ Class One:- An ambulance staffed twenty-four (24) hours per day and equipped for emergency medical services authorized to be provided by one EMT-P and one EMT-B or Advanced EMT-A or two EMT-P's.

~~(C)3.~~ Class Two:- An ambulance staffed twenty-four (24) hours per day and equipped for emergency medical services authorized to be provided by two EMT-B's.

~~(D)4.~~ Class Three:- An ambulance staffed and equipped for non-emergency inter-facility transfer services. A properly licensed, staffed and equipped Class Three ambulance may provide care within the scope of practice of an EMT-B only. Minimum staffing for a Class Three ambulance shall consist of two EMT-B's. All patient transfers to or from a medical facility by any EMS service with a Class Three License shall be a previously scheduled transfer of a convalescent or an inter-facility transfer as first authorized by a medical doctor or a doctor of osteopathy. Examples of allowed responses include, but are not limited to, pre-scheduled requests for transport to a medical facility for scheduled diagnostic testing by a physician, return trips from medical facilities to the patient's private residence or extended care facility, routine trips or movement of patients from their private residence to extended care facilities, or to extended care facilities, and requests from Idaho Falls EMS for response assistance. Responses to acute illnesses and/or injuries, regardless of the location from which the call originates, are considered pre-hospital

emergencies and shall not be handled by licensee under this ~~Chapter~~Section, but must be turned over to the Idaho Falls EMS 911 center for response. Examples of such include, but are not limited to, orthopedic, neurological, cardiovascular, OB/GYN and pediatric requests for response, as well as calls received from emergency care centers for transport to hospitals. While performing standby service, a Class Three ambulance shall not transport any patient from the event, but shall initiate the 911 EMS response system.

~~(E)~~5. Class Four:- An ambulance staffed and equipped for non-emergency inter-facility transfer services. A properly licensed, staffed, and equipped Class Four ambulance may provide Critical Care Transport. Minimum staffing for a Class Four ambulance shall consist of two personnel, one of which must be an EMT-P or Registered Nurse (RN). The second person must be an EMT-B, EMT-P or RN. Each EMT-P or RN aboard a Class Four ambulance must also hold a current Advanced Cardiac Life Support (ACLS) Certificate issued by the American Heart Association of Idaho. The EMT-P or RN on a transfer aboard a Class Four ambulance must be trained to provide the specialty skills required for the transfer and certified as such by that service's ~~Medical-medical Director~~director. Examples of transfers requiring specialty skills include but are not limited to (a) neo-natal critical care patients, (b) obstetrical critical care patients, and (3) cardiac critical care patients or any other medical/trauma patients requiring IV medications including medications administered by an IV pump.

All patient transfers to or from a hospital by services with a Class Four License shall be a previously scheduled transfer of a convalescent or an inter-facility transfer as first authorized by a medical doctor or a doctor of osteopathy. Examples of allowed responses include, but are not limited to, prescheduled requests for transport to a medical facility for scheduled diagnostic testing by a physician, return trips from medical facilities to the patient's private residence or extended care facility, routine trips or movement of patients from their private residence to extended care facilities or extended care facilities to extended care facilities, and requests from Idaho Falls EMS for response assistance. Responses to acute illnesses and/or injuries, regardless of the location from which the call originates, are considered pre-hospital emergencies and shall not be handled by licensees under this Chapter, but must be turned over to the Idaho Falls EMS 911 center for response. Examples of such include, but are not limited to, orthopedic, neurological, cardiovascular, OB/GYN, and pediatric requests for response, as well as calls received from minor emergency centers for transport to hospital emergency rooms. Class Four ambulances may also transport any patient from any point outside Idaho Falls to a destination within Idaho Falls.

While performing standby service, a Class Four ambulance shall not transport any patient from the event, but shall initiate the 911 EMS response system.

~~(F)4-10-6:~~ ___ AMBULANCE LICENSE; TERM; FEES:-.

~~(A)~~1. Ambulance licenses issued pursuant to this ~~Chapter~~Section shall remain in effect from January 1 until December 31 of the year for which the license is issued, unless sooner revoked, terminated or suspended.

~~(B)~~2. Each person seeking an EMS license shall pay an annual license fee as set from time to time by Resolution of Council.

~~(G)4-10-7:~~ APPLICATION; INVESTIGATION; ISSUANCE OR DENIAL:

~~(A)1.~~ Applications for ambulance licenses or renewal licenses hereunder shall be made upon such forms as may be prepared or prescribed by the ~~Director~~ Fire Chief and shall contain:

(1a) The name and address of the applicant and of the owner(s) of the ambulance service;

(2b) The name under which the applicant does business or proposes to do business;

(3c) The training and experience of the applicant in the transportation and care of patients;

(4d) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's vehicle;

(5e) The location and description of the place or places from which it intends to operate;

(6f) Proof of insurance as required by ~~Section 4-10-8 of this Chapter~~ Section;

(7g) An address to which all written notices, requests, demands or other communications may be mailed for delivery to the applicant. It shall be the applicant/licensee's responsibility to provide the ~~Director~~ Fire Chief with a current mailing address for the duration of the license term; and

(8h) The name and mailing address of the licensee's ~~Medical~~ medical ~~Director~~ director.

~~(B)2.~~ Completed application forms with checklists, attachments and license fee shall be filed with the ~~Director~~ Fire Chief. The ~~Director~~ Fire Chief shall review the application for completeness and forward it to the City Council within ten (10) working days after its receipt. It shall be the duty of the ~~Director~~ Fire Chief or ~~Director's~~ Fire Chief's designee to cause an investigation to be made of the background and experience of each applicant, and to report the findings of such to the ~~City Council~~.

~~(C)3.~~ Within twenty-five (25) working days of receiving from the ~~Director~~ Fire Chief an application for a license, the ~~City Council~~ shall issue or deny the license.

~~(D)4.~~ Upon review of an application for an ambulance license hereunder and upon review of the findings of the investigation required ~~in the preceding Section~~, the ~~City Council~~ shall forthwith issue a license to the applicant if it finds:

(1a) that the application is timely and complete;

(2b) that all the requirements of this ~~Chapter~~ Section and other applicable laws and ordinances have been met;

~~(E) 5.~~ An ambulance license issued under this ~~Chapter~~ Section shall not be assignable or transferable.

~~(H) 4-10-8:~~ INSURANCE:

~~(A) 1.~~ No ambulance license shall be issued under this ~~Chapter~~ Section, nor shall such license be valid after issuance, nor shall any ambulance be operated in Idaho Falls unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of Idaho, naming Idaho Falls as an insured party, for each and every ambulance owned and/or operated by or for the applicant or licensee, providing for the payment of damages:

(4a) For injury to or death of any person or persons in accidents resulting from any cause for which the owner of said vehicle or his agent would be liable on account of liability imposed on him by law;

(2b) For injury or death of any patient or patients resulting from any cause for which the owner of said vehicle or his agent would be liable on account of liability imposed on him by law;

(3c) For the loss of or damage to the property of another, including personal property, resulting from any for which the owner of said vehicle or his agent would be liable on account of liability imposed on him by law; and

(4d) The policy limits of such insurance shall be in an amount set from time to time by Resolution of Council.

~~(B) 2.~~ Prior to a license being issued or renewed, the applicant/licensee shall provide the ~~Director~~ Fire Chief with a certificate of insurance, issued by the insurer, evidencing existence and limits of Applicant's policy.

~~(C) 3.~~ No ambulance license shall be issued under this ~~Chapter~~ Section, nor shall such license be valid after issuance, nor shall any ambulance be operated in Idaho Falls unless there is at all times in force and effect a Medical Malpractice Policy covering the licensee and its employees and Medical Director. The policy limits of such insurance shall be at least \$1,000,000 per occurrence and \$1,000,000 aggregate.

~~(D) 4.~~ Every insurance policy required hereunder shall extend for the period to be covered by the license applied for, and the insurer shall be required to give not less than ten (10) days written notice to the ~~Director~~ Fire Chief and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any

such policy shall automatically revoke and terminate the licenses issued for the ambulances pursuant to this ~~Chapter~~Section, unless another insurance policy complying with the provisions of this Section shall be provided and be in effect at the time of such cancellation or termination. (Ord. 2964, 8-14-14)

~~(I)4-10-9:~~ MINIMUM EQUIPMENT REQUIREMENTS:—Each ambulance licensed under this ~~Chapter~~Section shall be equipped, at a minimum, in compliance with the “Minimum Equipment Standards for Licensed EMS Services” as issued by the Idaho EMS Bureau of the Idaho Department of Health and Welfare, as may be amended from time to time.

~~(J) 4-10-10:~~ COMMUNICATIONS EQUIPMENT REQUIREMENTS:—Each ambulance shall be equipped and maintained at all times by the operator with a two-way radio operating on assigned frequencies and licenses as granted by the Federal Communication Commission (FCC) sufficient to enable ambulance personnel to communicate from the vehicle clearly with:

~~(A)1.~~ Hospitals, on assigned FCC primary frequency;

~~(B)2.~~ Hospitals, on assigned FCC secondary frequency;

~~(C)3.~~ City of Idaho Falls - EMS dispatch center, on its primary frequency, to be used for emergency purposes only;

~~(D)4.~~ Other ambulances owned by same operator. Equipment shall include that required by State of Idaho regulations as they may be amended from time to time.

~~(K)4-10-11:~~ AMBULANCE STANDARDS:—

~~(A)1.~~ Each ambulance licensed under this Chapter shall be maintained in good mechanical repair and sanitary condition at all times. Each ambulance shall meet or exceed any federal, industry or trade specifications or standards for ambulance vehicles. Each ambulance must display “Emergency, Dial 911.”

~~(B)2.~~ Each ambulance shall be parked in a covered structure with access to an electrical outlet.

~~(L)4-10-12:~~ MEDICAL CONTROL:—

~~(A)1.~~ Medical Director:—Each ambulance service licensed under this ~~Chapter~~Section shall employ, or have under contract at all times, a medical director who shall be a licensed medical doctor or doctor of osteopathy practicing within the City of Idaho Falls. Each medical director shall consult with the Idaho Falls EMS Medical Director to ensure that the ambulance service complies with City of Idaho Falls’ standards and directives on pre-hospital patient care and patient transports.

~~(B)~~2. Quality Assurance:- On a semi-annual basis, the licensee's medical director shall review a minimum of twenty-five percent (25%) of all critical care transports and transports by the licensee. The licensee's medical director shall forward a semi-annual report to the ~~Director~~ Fire Chief listing the number and type of transports reviewed and shall certify that all such transports complied with the provisions of this ~~Chapter~~ Section or explain in detail the reasons why compliance was not had and the remedial measures undertaken to correct such non-compliance. All reports shall cover the periods of January to June and July to December and shall be due within thirty (30) days after the conclusion of the preceding semi-annual period.

~~(C)~~3. Continuing Education:- On or before February 1 of each year, the licensee's ~~Medical-medical Director-director~~ shall certify that all critical care personnel have completed during the preceding year a minimum of twenty (20) hours of continuing education relative to critical care transfer procedures and current pharmacology. The licensee's ~~Medical-medical Director-director~~ shall also forward with such confirmation a report listing the topics and number of hours per topic for each employee.

~~(M)4-10-13:-~~ ADVERTISEMENT FOR AMBULANCE SERVICES:- All advertisements and telephone listings for Class Three, and Class Four ambulance service shall indicate non-acute, transfer capabilities only, and shall include "In case of an emergency, Dial 911." All ambulances must conspicuously display "For Emergency Medical Services, Dial 911" on the exterior of the vehicle.

~~(N)4-10-14:-~~ USE OF WARNING DEVICES; EMERGENCY RESPONSE:-

~~(A)~~1. Warning Devices:- Ambulance services licensed under this ~~Chapter~~ Section are not authorized to provide transport services which would require the use of emergency warning devices, and shall not use any warning devices, except:

(1a) When requested by Idaho Falls EMS ~~Department~~ Division to provide assistance during major incidents or disasters or for other requests of Idaho Falls;

(2b) During neo-natal transfers;

(3c) During critical care transfers; or

(4d) When, during transportation, a patient's condition deteriorates rapidly and life would be threatened without rapid transportation to the nearest hospital. In all transfers and transports requiring the use of warning devices, the ambulance shall notify Idaho Falls Dispatch of initiation of use of the warning device and of the ambulance's arrival at its destination. The licensee shall follow specific radio procedures and guidelines for communication with Idaho Falls Dispatch, as determined by the Idaho Falls EMS Division.

(1) ~~(B)~~2. Emergency Responses:- Ambulances licensed under this ~~Chapter~~ Section shall be allowed to operate at a maximum of ten (10) miles per hour in excess of the posted speed limit while operating in an emergency mode and shall comply with all state laws pertaining to emergency responses. When driving through an intersection while responding in an emergency

mode, speed should be such that the vehicle may be stopped immediately to avoid a collision. When entering an intersection that is controlled by a stop sign, yield sign, a yellow light, or a red light, ambulances shall enter at a safe and appropriate speed not to exceed twenty (20) miles per hour, except in the following situations, where the ambulance must reduce its speed to five (5) miles per hour or less:

- (a) All intersections in any high-density residential or commercial areas; and
- (b) Any intersection that has limited visibility in any direction. When entering controlled intersections on a green light, the ambulance shall not exceed the posted speed.

(O) ~~4-10-15~~: MAINTENANCE AND REVOCATION OF EMS LICENSE:-.

~~(A)~~1. Maintenance of EMS License:- Each ambulance operated under a license issued under this ~~Chapter~~ Section shall, at all times when in use as such, comply with all licensing, personnel and equipment requirements of this ~~Chapter~~ Section and be licensed by the State of Idaho, Department of Health and Welfare, EMS Bureau. Each ambulance service must comply with all federal, state, and local rules, regulations, standards and guidelines pertaining to the operation of ambulance services.

(1a) Each licensed ambulance, its equipment and the premises designated in the application, and all records relating to its operation as such, shall be open to inspection by the ~~Director~~ Fire Chief or the ~~Director's~~ Fire Chief's designated representative(s) during regular business hours.

(2b) Copies of patient flow sheets and documentation of personnel present on each call, redacted to protect patient confidentiality, shall be provided to the ~~Director~~ Fire Chief or the EMS Division Chief upon request.

(3c) The ~~Director~~ Fire Chief or the ~~Director's~~ Fire Chief designated representative may cause such investigations to be made of licenses from time to time as it may find necessary to ensure continued compliance with this ~~Chapter~~ Section.

~~(B)~~2. Revocation of EMS License:-.

(1a) Grounds for Revocation:- Violation of, or failure of a licensee to comply and maintain compliance with, any applicable provisions, standards or requirements of this ~~Chapter~~ Section or of any regulation promulgated hereunder, or any other federal; state, or local rules, regulations, standards or guidelines pertaining to the operation of ambulance services, shall be grounds for suspension, revocation, or termination of a license issued under this ~~Chapter~~ Section. The ~~Director~~ Fire Chief may recommend, and ~~the City Council~~ may suspend, revoke, or terminate a license issued under this ~~Chapter~~ Section for cause, after notice and a hearing.

(2b) Procedure:- Upon receipt of any complaint against a licensee, the ~~Director~~ Fire Chief shall investigate the allegations and hold a hearing on the complaint. Notice of the hearing shall be mailed to the licensee's last provided address and shall include:

- (a1) A statement of time, place, and nature of the hearing;
- (b2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (c3) A reference to the particular sections of the ordinance regulations involved;
- (d4) A short and plain statement of the matters asserted. The hearing shall be held before the ~~Director~~ Fire Chief no later than fifteen (15) days after notice is mailed. The ~~Director~~ Fire Chief will have the burden of establishing by a preponderance of evidence that grounds for suspension, revocation or termination exists. The licensee shall be afforded an opportunity to respond and present relevant evidence and argument on all issues involved. Within fifteen (15) days after the conclusion of such hearing, the ~~Director~~ Fire Chief shall issue proposed findings of fact, conclusions of law, and its recommendation to the City Council. Within fifteen (15) days of receipt of the ~~Director's~~ Fire Chief's recommendation, the City Council shall issue its findings of fact, conclusions of law and its order. The City Council may require the presentation of additional testimony or evidence by the ~~Director~~ Fire Chief or licensee. Upon suspension, revocation, or termination of an ambulance license hereunder, such ambulance shall cease operations as such.

~~(P)4-10-16:~~ ATTENDANT-DRIVER LICENSE REQUIREMENTS:- To be eligible for issuance of a license as an attendant-driver, an applicant shall:

- (A)1. Be at least eighteen (18) years of age;
- (B)2. Hold a valid State of Idaho driver's license;
- (C)3. Be currently certified at a minimum as an EMT-B;
- (D)4. Be able to speak, read and write the English language;
- (E)5. Never have been convicted of a felony;
- (F)6. Not have been convicted of a violation of Idaho Code Section 18-8004 within five (5) years prior to the date of application for license; and
- (G)7. For renewal of an Attendant-Driver License for a person who provides Critical Care Transport services, licensee must provide a letter from licensee's medical director stating that licensee has received at least twenty (20) hours of continuing education relative to critical care transport procedures in the preceding year.

~~(Q)4-10-17:~~ _____ APPLICATION; INVESTIGATION:-

~~(A)1.~~ Application:- An application for an Attendant-Driver License under this ~~Chapter~~ Section shall be submitted upon such forms as may be provided or prescribed by the ~~Director~~ Fire Chief and the application shall contain:

(4a) The applicant's full name, current residence, places of residence for three (3) years previous to moving to the present address, together with an address for written notices, if different than his or her current residence.

(2b) The applicant's birth date, height, color of eyes and hair;

(3c) Whether applicant has ever been convicted of a felony or misdemeanor, and, if so, when and where and for what cause;

(4d) The applicant's training and experience in the transportation and care of patients, and whether the applicant has previously been licensed as a driver, and if so, when and where, and whether a license has ever been revoked or suspended in any jurisdiction and for what cause; and

(5e) Annual license fee as set from time to time by Resolution of Council.

~~(B)2.~~ Investigation:- Within a reasonable time after receipt of an application for an Attendant Driver License, the ~~Director~~ Fire Chief shall cause an investigation to be made of the applicant.

~~(C)3.~~ The ~~Director~~ Fire Chief shall issue an Attendant-Driver License to the applicant when it is found that the applicant has met all requirements. The license shall be valid for one calendar year, beginning January 1 and ending December 31, unless earlier suspended, revoked, or terminated. Such license shall not be assignable or transferable.

~~(R)~~ 4-10-18:- REVOCATION:-

~~(A)1.~~ In order to maintain such license, the holder of an Attendant-Driver License shall remain in compliance with the requirements of this ~~Chapter~~ Section. Each attendant-driver and the attendant-driver's employer shall have an affirmative duty to immediately notify the ~~Director~~ Fire Chief of any changes or occurrences which may affect the license holder's status. Failure to maintain compliance with the requirements to obtain an attendant-driver license shall be cause for suspension, revocation, or termination of the Attendant-Driver License.

~~(B)2.~~ An Attendant-Driver License may be revoked by the ~~Director~~ Fire Chief for any cause after notice and a hearing. Notice shall be in writing and sent by first class, postage prepaid, United States mail to both the attendant-driver, at the most current address provided by licensee, and to the attendant driver's employer, at its most current provided address. Notice shall contain:

- (1a) A statement of time, place and nature of the hearing;
- (2b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3c) A reference to the particular sections of the ordinance regulations involved;
- (4d) A short and plain statement of the matters asserted.

~~(C) 3.~~ The notice and hearing procedure shall be the same as for revocation of an Ambulance License, as specified in Section ~~4-10-15O~~ of this Chapter.

SECTION 3. 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 4. 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 5. 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 6. 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 _____, 2015.

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,
REPEALING TITLE 4, CHAPTER 10 OF THE IDAHO FALLS CITY CODE
AND MOVING THE TEXT (WITH MINOR CHANGES) TO BECOME TITLE
3, CHAPTER 2; PROVIDING SEVERABILITY, CODIFICATION,
PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

(SEAL)

KATHY HAMPTON, CITY CLERK



CITY OF IDAHO FALLS

PLANNING AND BUILDING DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405-0220
www.idahofallsidaho.gov

Planning Department • (208) 612-8276

FAX (208) 612-8520

Building Department • (208) 612-8270

BGC-052-15

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Dora
Erickson Elementary, Division No. 1, 1st Amended
DATE: April 20, 2015

Attached is the application and Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Dora Erickson Elementary Division No. 1, 1st Amended. The Planning Commission considered the plat at its April 7, 2015 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. The application is now being submitted to the Mayor and City Council for consideration.

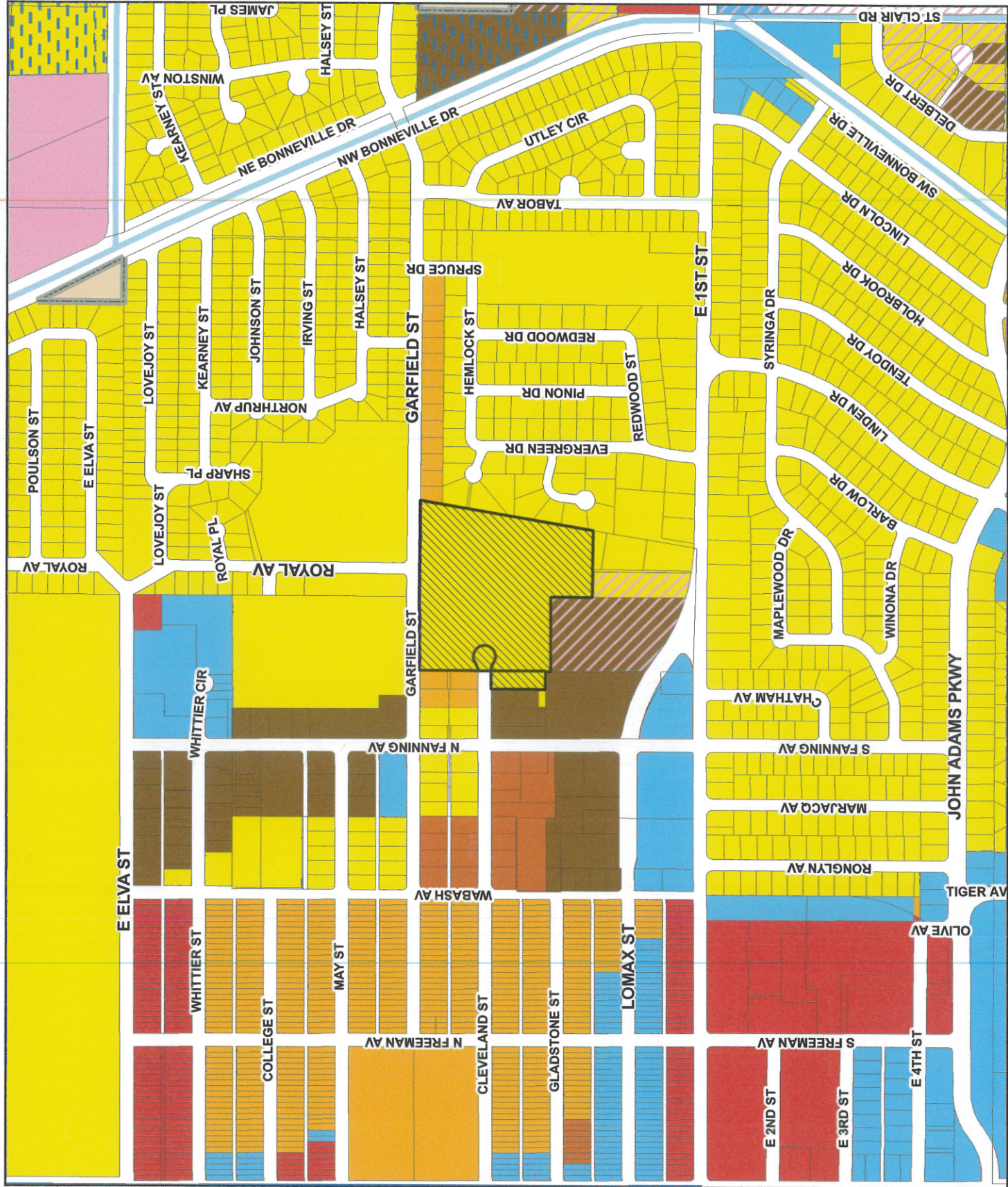
Attachments: Vicinity Map
Aerial Photo
Final Plat
Draft Planning Commission Minutes April 7, 2015
Staff Report, April 7, 2015
Reasoned Statement of Relevant Criteria and Standards.

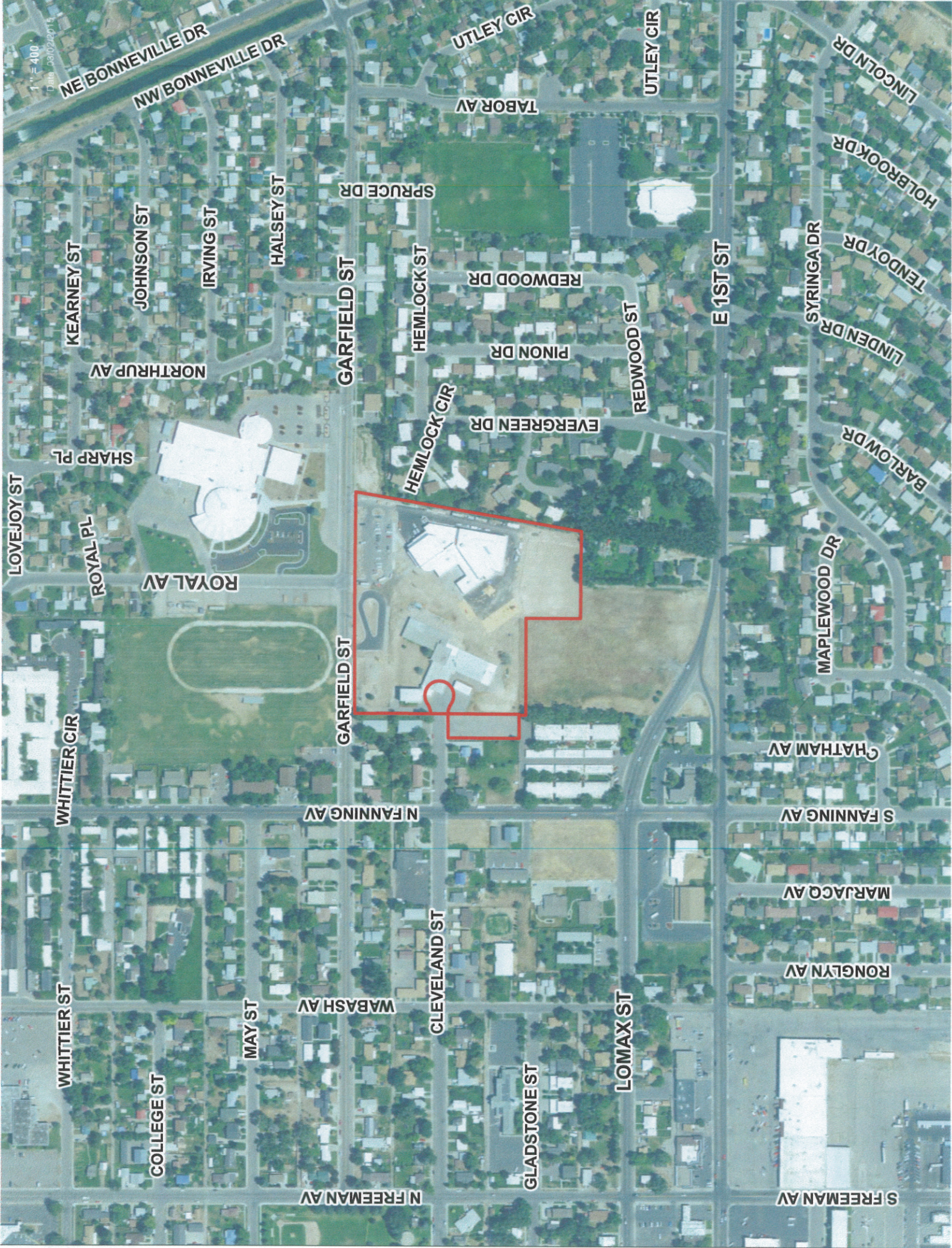
cc: Kathy Hampton
File



Legend

- Site
- RP
- RP-A
- R-1
- R-2
- R2A
- R-3
- R-3A
- PB
- MS
- RSC-1
- C-1
- HC-1
- CC-1
- GC-1
- R&D-1
- M-1
- I&M-1
- I&M-2
- RMH
- PT-1
- PT-2
- PT-2 & T-1
- PUD
- T-1
- T-2
- 30' Setback
- 50' Setback
- City Limits
- Area of Impact





1" = 400'
Date: 03/02/2014

NE BONNEVILLE DR
NW BONNEVILLE DR

UTLEY CIR

UTLEY CIR

LINCOLN DR

HOLBROOK DR

TENDRY DR

LINDEN DR

BARLOW DR

MAPLEWOOD DR

CHATHAM AV

S FANNING AV

MARJACO AV

RONGLYN AV

S FREEMAN AV

LOMAX ST

GLADSTONE ST

CLEVELAND ST

WABASH AV

N FREEMAN AV

MAY ST

COLLEGE ST

WHITTIER ST

WHITTIER CIR

LOVEJOY ST

ROYAL PL

SHARP PL

ROYAL AV

NORTHURP AV

KEARNEY ST

JOHNSON ST

IRVING ST

HALSEY ST

GARFIELD ST

GARFIELD ST

N FANNING AV

HEMLOCK CIR

HEMLOCK ST

SPRUCE DR

TABOR AV

REDWOOD DR

PINON DR

EVERGREEN DR

REDWOOD ST

E 1ST ST

[illegible]

SECTION LINE (BASIS OF BEARING)
CITY OF IDAHO FALLS 2004 COORD SYS
1ST STREET

would caution on requiring that a dedication be made as part of the plat as it might interfere with the negotiations. Rather Staff would prefer to see that a determination be made, yes or no.

Josephson indicated that it appears to meet the requirements for the area.

Cosgrove asked if the motion should include that a decision be made about the inclusion of the right of way prior to the plat proceeding to City Council. Beutler indicated that it is up to the Board to make that determination.

Dixon stated he is hesitant as when you see a replatting like this, ownership of the second lot is going to be different than the main lot. Dixon indicated he does not know what Dillards has to do with the northeast corner, as they are a foot ball field in distance away from that area. It seems that they are attempting to force the main owner to make a decision or else the Board is holding hostage until the decision is made, the ability of the other owner to own their lot separate and whatever goes along with that. Dixon understands wanting to do something to get them to respond, but they are not saying yes, or no, your just asking for a response. Not sure if it is the right way to go about it or not.

Cosgrove stated that it is all one plat, and it is not about Dillards, it is the whole plat and the right of way is relevant to the plat.

Cosgrove moved to recommend to Mayor and City Council approval of the Final Plat: Rose Nielsen, Addition Division No. 101, as presented, with the stipulation that a copy of the cross access agreement be provided to the City prior to proceeding to City Council; and a determination be made on the additional requested right of way at 17th and Hitt Rd. Denney seconded the motion and it passed unanimously.

2. Final Plat: Dora Erickson Elementary, Division No. 1, 1st Amended. Beutler presented the staff report, a part of the record. Cosgrove asked and Beutler confirmed that creating the new lot on the west side and selling does not affect the zoning of the property. Dixon asked what uses are allowed in R-1 that may use an asphalt lot, specifically uses that are not compatible with the uses that already exists on 3 sides of the lot. Beutler stated that the zoning is proposed to be changed as the next item on the agenda and the intent once rezoned would be residential four-plexes. Allowed in R-1 are residential uses, cemeteries, and daycare centers. Dixon asked and Beutler agreed that the area could be used for additional parking for a single family home on an adjacent lot. Wyatt does not want to see a vacant parking lot that no one takes care of and is an eye sore.

Dixon moves to recommend to Mayor and City Council approval of the Final Plat: Dora Erickson Elementary, Division No 1, 1st Amended as presented. Cosgrove seconded the motion and it passed unanimously.

Public Hearings:

1. Rezone: Lot 3, Block 1, Dora Erickson Elementary, Division No. 1, 1st Amended. Beutler presented the staff report, a part of the record. Wyatt asked for clarification as the applicant does not own the land currently and is it ok to rezone land that you do not own. Beutler indicated that they can ask for a rezone as there is an Affidavit of Legal Interest from the School District. Dixon asked about the 3rd paragraph in the staff comments, stating that "because the property will border a school on the east side, a minimum landscape buffer of 7-10 feet will be required",

IDAHO FALLS PLANNING COMMISSION STAFF REPORT
Dora Erickson Elementary, Division No. 1, 1st Amended
Being a re-plat of Dora Erickson Elementary, Division No. 1
April 7, 2015



Planning and
Building Division

Applicant: Ellsworth & Associates, PLLC

Location: South of and adjacent to Garfield Street at the east end of Cleveland Street, and known as 940 Garfield Street

Size: Approx. 11.363 acres

Existing Zoning:

Site: R-1
 North: R-1
 South: R-3 & R-1
 East: R-2 & R-1
 West: R-2 & R-1

Existing Land Use:

Site: School
 North: School
 South: Vacant/ Single Family Residential
 East: Single Family Residential/ 4-Family Dwellings
 West: Single Family Residential/ 4-Family Dwellings

Future Land Use Map:

Low and Higher Density

Attachments:

1. Subdivision information
2. Maps and aerial photos
3. Final plat

Requested Action: To **recommend** to the Mayor and City Council approval of the final plat.

Staff Comments: The area is currently zoned R-1 and is the site of the Dora Erickson Elementary School. Previously, this area included four un-platted parcels, owned by the school district and used for the school facility. In 2013, as part of the school's reconstruction, the four parcels were platted into one 11 acre lot. The plat also included the dedication and construction of a cul-de-sac at the end of Cleveland Street.

The District now wishes to plat the property into two lots to allow for the sale of Lot 3, Block 1. Lot 3 meets the minimum requirements for a buildable lot within the R-1 Zone. The lot fronts onto the south side of Cleveland Street and includes .464 acres. Prior to the school reconstruction this area was used as a parking lot. With the school being moved to the east side of the property and new parking lots being constructed elsewhere, the District is now in the process of surplusizing this property. The remaining 10.899 acres will remain in one lot (Lot 2) for the school use.

Staff has reviewed the final plat and finds that it meets the minimum requirements of the R-1 Zone and complies with the subdivision ordinance. Staff would recommend approval.

7-3 R-1 RESIDENCE ZONE

7-3-1 General Objectives and Characteristics.

The objective in establishing the R-1 Zone is to provide a residential environment within the City which is characterized by somewhat smaller lot widths, and a somewhat denser residential environment than is characteristic of the RP-A Residence Park Zone. Also characteristic of this Zone are residential amenities adequate to maintain desirable residential neighborhoods. The principle permitted uses in the R-1 Residence Zone shall be one family dwellings and certain other public facilities which are necessary to promote and maintain stable residential neighborhoods. In order to accomplish the objectives and purposes of this Ordinance and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-1 Zone:

7-3-2 Use Requirements.

The following uses shall be permitted in the R-1 Zone:

- A. Any use permitted in the RP Residence Park Zone, and in the RP-A Residence Park Zone.
- B. Home occupations.
- C. Cemeteries, when approved by the Planning Commission as a conditional use.
- D. Day Care Centers when approved by the Planning Commission and City Council as a conditional use.
- E. Single-family attached dwellings when found to be in accordance with Section 7-3-10 and approved by the Planning Commission and City Council as a conditional use.

7-3-3 Area Requirements.

An area of not less than six thousand (6,000) square feet shall be provided and maintained for each dwelling. No minimum area shall be required for other main buildings, except as may be required for conditional uses permitted in the zone.

7-3-4 Width Requirements.

The minimum of any building site for a dwelling shall be fifty (50) feet measured at the building setback line.

Subdivision Ordinance: Boxes with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
• Purposes listed in Section 10-1-1 as follows:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	X
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and	NA

efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access.	
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	NA
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	NA No streets proposed
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	NA
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	NA No new streets

Comprehensive Plan Policies:

Low density residential: Single family homes on individual lots at a density of 7 units or less per net acre. This area may include detached homes or homes which share a common wall, open space, or other common facilities.

Higher density residential: Homes, apartments, and condominiums developed at densities of 8 to 35 units per acre.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT FOR DORA ERICKSON ELEMENTARY, DIVISION NO. 1, 1ST AMENDED, LOCATED SOUTH OF AND ADJACENT TO GARFIELD STREET AT THE EAST END OF CLEVELAND STREET, AND KNOWN AS 940 GARFIELD STREET

WHEREAS, the applicant filed an application for final plat on February 27, 2015; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission on April 7, 2015; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on April 23, 2015; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 11.363 acre parcel located south of and adjacent to Garfield Street at the east end of Cleveland Street and known as 940 Garfield Street.
3. This area is zoned R-1 and is the site of the Dora Erickson Elementary School.
4. The subdivision includes two lots to allow the school to create and surplus a .464 acre lot on the western side of the site.
5. The school lot has frontage on both Garfield and Cleveland Streets. The surplus lot will have frontage onto Cleveland Street.
6. The final plat complies with the requirements set forth within the Subdivision Ordinance of the City of Idaho Falls.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the plat for Dora Erickson Elementary, Division No. 1, 1st Amended.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2015 .

Rebecca L. Noah Casper, Mayor



CITY OF IDAHO FALLS

PLANNING AND BUILDING DIVISION

P.O. BOX 50220

IDAHO FALLS, IDAHO 83405-0220

www.idahofallsidaho.gov

Planning Department • (208) 612-8276

FAX (208) 612-8520

Building Department • (208) 612-8270

BGC-053-15

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Brad Cramer, Planning and Building Director
SUBJECT: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Eagle Ridge Division No. 3
DATE: April 20, 2015

Attached is the application, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Eagle Ridge Division No. 3. The Planning Commission considered the plat at its February 3, 2015 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. The application is now being submitted to the Mayor and City Council for consideration.

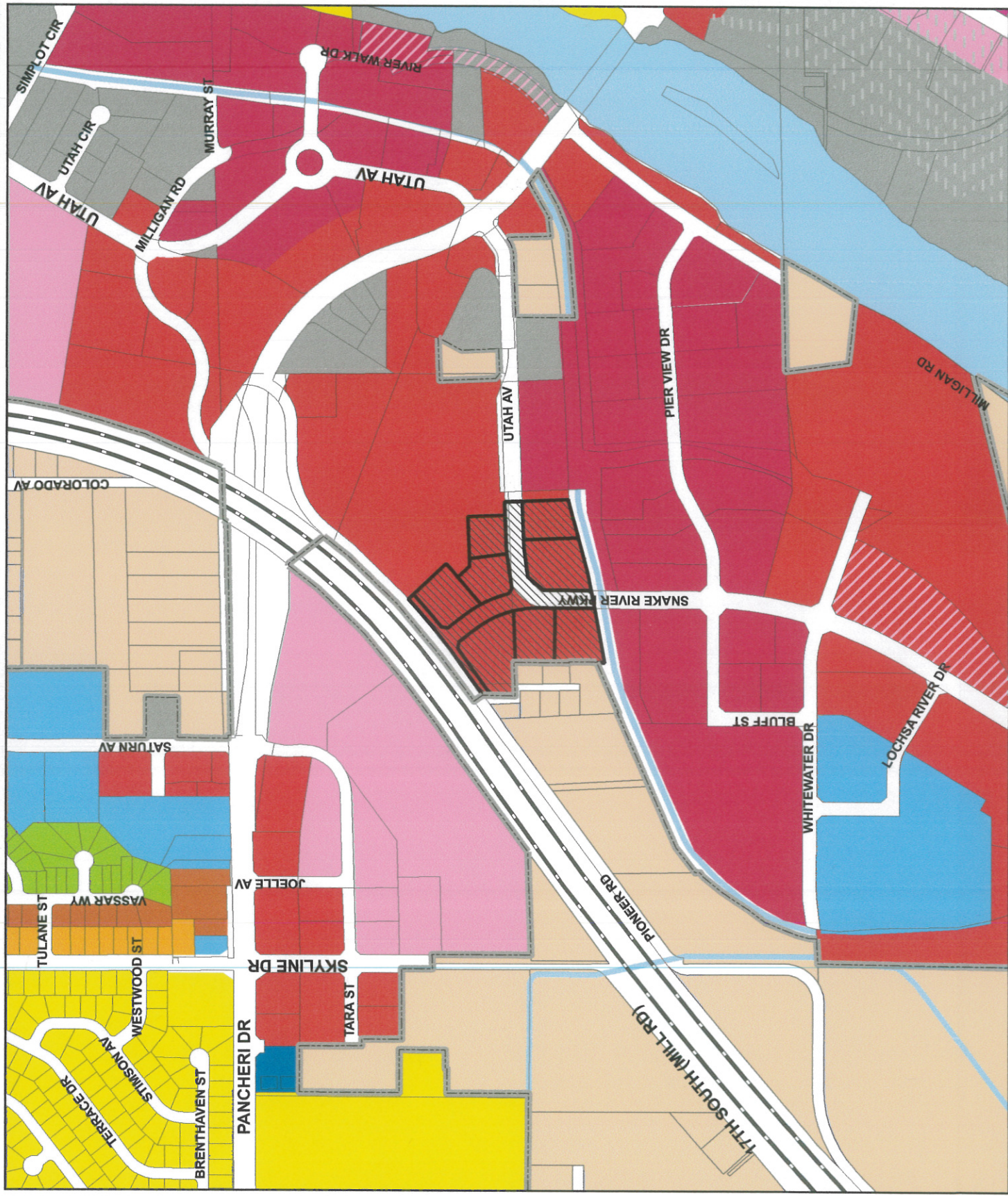
Attachments: Vicinity Map
Aerial Photo
Final Plat
Planning Commission Minutes February 3, 2015
Staff Report, February 3, 2015
Development Agreement
Reasoned Statement of Relevant Criteria and Standards

cc: Kathy Hampton
File



Legend

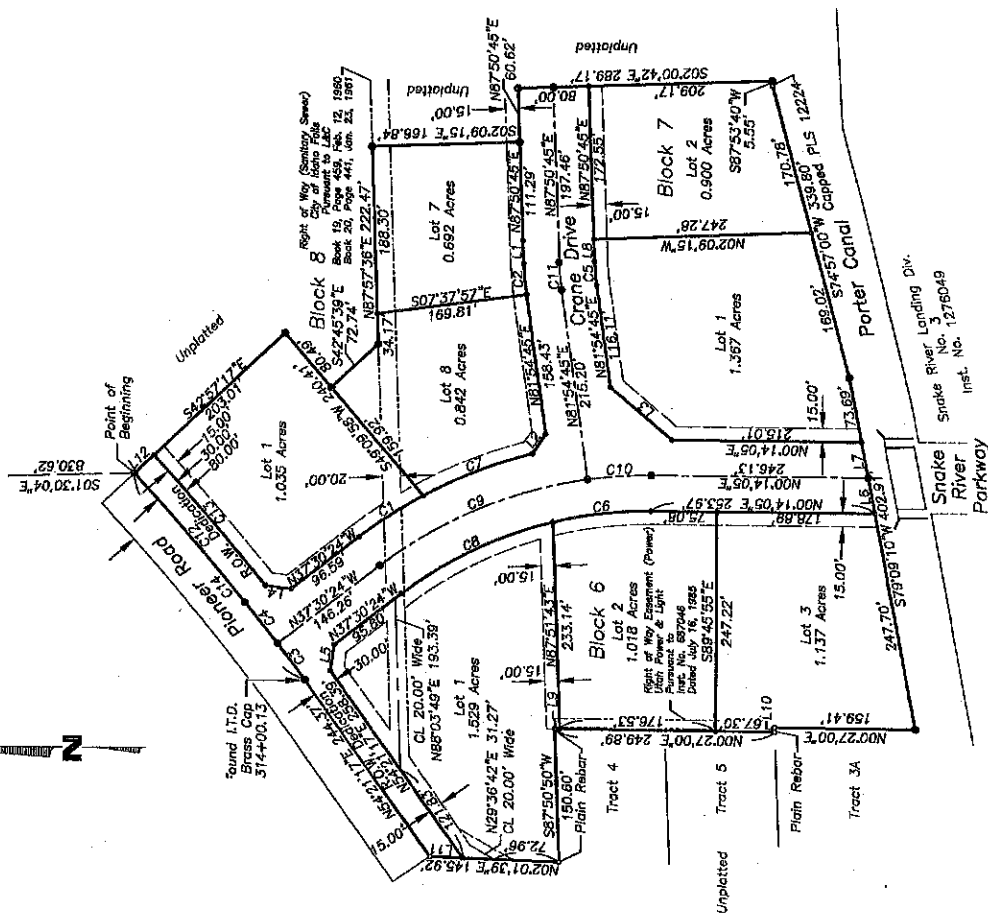
- Site
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- R-3
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- C-1
- HC-1
- CC-1
- GC-1
- R&D-1
- M-1
- I&M-1
- I&M-2
- RMH
- PT-1
- PT-2
- PT-2 & T-1
- PUD
- T-1
- T-2
- 30' Setback
- 50' Setback
- City Limits
- Area of Impact





1" = 400'

EAGLE RIDGE DIV. NO. 3
 AN ADDITION TO THE CITY OF IDAHO FALLS,
 BONNEVILLE COUNTY, IDAHO
 BEING IN PART OF THE SW 1/4 OF SECTION 24,
 TOWNSHIP 2 NORTH, RANGE 37 EAST, B.M.



only be allowed to be an entrance and not an exit, to limit the traffic that is trying to get onto Sunnyside from Merlin. Mooso believes that Elkcreek and St. Clair will be congested with the new addition of a development, especially a high density commercial development. Mooso stated that if he had the money he would turn that area into a park.

Barry Whitson, Keller Associates, 356 W. Sunnyside, Idaho Falls, ID: Whitson stated they will try to work with the engineering and planning department to try to find a solution to traffic problems. He stated that currently they are just asking for a rezone, annexation and final plat. Black asked Whitson why he is requesting a rezone when there is no developer or plans in place. Whitson indicated that the rezone on the property will make the property more appealing for sale. Wyatt asked if the parking requirements for a medical facility are similar to those that would be required for a commercial property. Whitson indicated he did not know, but that would be his assumption.

Black closed the public hearing.

Black asked staff if they have been getting a lot of complaints about traffic. Beutler indicated that he does not get complaints about traffic, but they might be complaining to the Public Works and the City Engineer. Black asked if there is more traffic with commercial versus medical/professional development. Beutler stated that is hard to quantify. The parking requirements are very similar, but the square footage is different, and with commercial there is the potential for a larger foot print, so that could bring more people. Cosgrove asked if any site plan for the development will require a traffic analysis. Beutler indicated that if they are wanting access onto Sunnyside it will require a traffic study. Otherwise it will depend on the user and the amount of traffic they might generate as to whether or not a traffic study is required. Cosgrove stated and Beutler agreed, that right now, because of the access management plan, the developer would not be allowed a cut through the bike path onto Sunnyside. Dixon asked and Cramer agreed that the Commissioners are to vote on the annexation and final plat with the assumption that the City Council approves the previous motion for the rezoning of the area. Black asked with the amount of growth in the area, does staff anticipate a stoplight at Merlin or at Potomac. Cramer stated that neither intersection will have a stoplight. Pursuant to the access management plan the stop light spacing on major arterials is ½ mile, and there is already a stop light at Channing which is the ½ mile mark from Woodruff. Another stop light anywhere between Woodruff and Channing would begin to delay the overall flow of traffic.

Cosgrove moved to recommend to the Mayor and City Council annexation of Part of the NW ¼ of Section 33 T2N, R38 E, Approximately 8.329 acres, with initial zoning of RSC-1, and approval of the final plat for the Grey Ridge Subdivision, Division 1., subject to the approval by the City Council to change the comprehensive plan to rezone the described area from medical to commercial. Morrison seconded the motion and it passed unanimously.

Business:

1. Final Plat: Eagle Ridge Division No. 3: Beutler presented the staff report, a part of the record. Dixon asked why the strip of land on the eastside of block 7, lot 2 is being left out. Beutler deferred the question to the applicant. Black asked what would be facing I-15. Beutler stated that one of the conditions was the building orientation and the backs of the building were not to be facing I-15, so a side or front of a building would be facing I-15. Black asked if they could put a fence up without landscaping or if it had to be landscaped. Beutler stated they are required to landscape, and the fence was specifically for the residential properties to the west.

Jeff Freiberg, 946 Oxbow, Idaho Falls, ID: Applicant Freiberg addressed Commissioner Dixon's question about the strip of land. Freiberg stated that there was some property trading that went on between

Freiberg's client and the Walker's. Dixon asked and Freiberg agreed that the strip of property that was traded is annexed into the City on both sides. Freiberg stated they had been working with the Idaho Falls Urban Renewal Agency for the last year, and that is why the plat has been delayed. Dixon asked and Freiberg agreed when they get to the second division, the weird strip on the north side of Utah will be all under common ownership and will disappear. Freiberg stated that the front or occasionally the side of a building will be facing the interstate. Whatever commercial building goes in cannot face their loading docks toward the interstate. There are landscaping requirements along Pioneer Road with trees every 40 feet along the side of the interstate. Snake River Parkway will continue with the current landscaping style. Pioneer road will be landscaped following a new set of landscape requirements with trees on 40 foot centers. Crane (Utah) will have a median island and be landscaped similar to Snake River Parkway. Dixon asked if there will be any driveways off of Pioneer Road. Freiberg stated there is no access to Pioneer. Black asked why there isn't access on Pioneer Road. Cramer stated that the access management plan does not allow it, as Pioneer will be a minor arterial. Snake River Parkway is also a minor arterial so moving traffic quickly is their job.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Eagle Ridge Division No. 3 as presented. Josephson seconded the motion and it passed unanimously.

2. Election of Officers:

The nominations for officers were slated as follows:

Chairman: George Morrison
Vice-Chairman: James Wyatt
Treasurer: Natalie Black

Cosgrove moved to approve the slate of officers as read to appoint Commissioner George Morrison, Chairman; Commissioner James Wyatt, Vice-Chairman; Commission Natalie Black, Treasurer. Dixon seconded the motion and it passed unanimously.

Miscellaneous:

1. Bonneville County Planning Commission Report. There was no information to report.

Black adjourned meeting at 9:00 p.m.

Respectfully Submitted,

Beckie Thompson, Recorder

IDAHO FALLS PLANNING COMMISSION STAFF REPORT

Final Plat - Eagle Ridge Div. No. 3

Being in part of the South ¼ of Section 24, T2N, R37E

February 3, 2015



Planning and
Building Division

Applicant: Freiberg
Engineering

Location: Generally south of
Pancheri Drive, north and
adjacent to Utah Ave, east of
I-15, west of the Snake River

Size: 10.97 acres

Existing Zoning:

Site: C-1

North: C-1

South: CC-1

East: C-1 & I&M-1

West: County

Existing Land Use:

Site: Vacant

North: Commercial

South: Commercial

East: Commercial

West: Residential

Future Land Use Map:

Commercial/ Greenbelt

Mixed Use

Attachments:

1. Subdivision information
2. Maps and aerial photos
3. Final plat
4. Annexation agreement
special conditions

Requested Action: To **recommend** to the Mayor and City
Council approval of the final plat for Eagle Ridge Div. No.
3.

History: A final plat for this area was approved by the
Council in May of 2014 along with the annexation and
initial zoning. The approved final plat was never recorded.
The applicant now wishes to amend the approved plat.

Staff Comments: Previously the plat included 12.251 acres.
The proposed plat now includes 10.970 acres. The
subdivision still includes eight lots, but the boundary and lot
dimensions have changed. The lots will have frontage onto
Snake River Parkway, Utah Ave. and Pioneer Road. No
direct access will be permitted to Pioneer Road.

During the preliminary plat review the Commission had
concerns with the visibility of this area from I-15, access
throughout the subdivision and the buffering of existing
county residents to the west. Conditions regarding
landscaping, building orientation, access and buffering were
included within the annexation agreement for this area and
will still apply to the modified plat (agreement conditions
attached).

Staff has reviewed the plat and finds it in compliance with
the approved preliminary plat and subdivision ordinance and
recommends approval.

Subdivision Ordinance: Boxes with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
• Purposes listed in Section 10-1-1 as follows:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	NA
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access.	X Both Utah Ave. and Snake River Parkway are identified as minor arterials. The traffic study indicates that both streets should include raised medians. With this scenario the lots would be restricted to right-in/right-out access at shared driveways.
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	NA
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	NA
Planning Director to classify street on basis of zoning, traffic	Utah Ave., Snake River

volume, function, growth, vehicular & pedestrian safety, and population density.	Parkway: Minor Arterials Pioneer Road: Collector
--	---

Comprehensive Plan Policies:

Entryways: People continue to tell us at citizen participation events they are concerned about the appearance of the entrance ways to the City. Some were concerned with open storage adjacent to the entrance ways, especially I-15, by public and private entities. Most residents wanted more landscaping on our entryways. The desired image was one of landscaped roadways, uncluttered by open storage and signs, inviting people to visit, live, and invest in our community.

Landscaping along arterial streets: Our street cross-sections should be revised to encourage greening of arterial and collector streets. One alternative is to construct future low-speed arterial streets and collectors as boulevards with landscaped medians. Another alternative is to require, and many communities do, the installation of landscaping and berms or walls on the residential property line to reduce noise from busy streets. When determining which of the above alternatives to use, factors to consider will include adjacent land uses, speed of the roadway, existing and projected traffic of the roadway, the need for traffic control, the need for pedestrian protections, the number and spacing of intersections, available right-of-way, available funding for the improvements, and the ability to maintain and protect the landscaping.

Regional commercial centers should be located approximately at or within one-half mile from major state thoroughfares and be served by existing arterial streets. Convenient access and visual exposure are important to the success of regional commercial centers. Utilizing existing state highways and arterial streets with excess capacity will reduce future public costs.

Access to commercial properties shall be designed to minimize disruptive effects on traffic flow. Every driveway is an intersection. To remove impediments on traffic flow, access should be governed by the principles found in *2012 Updated Access Management Plan* prepared by the Bonneville Metropolitan Planning Organization. Besides limiting the number of access drives, shared accesses should also be explored when reviewing new developments.

Transportation: Arterial streets are designed for the movement of traffic through and across the community at higher speeds. The speed is limited by the number of accesses permitted, amount of on-street parking, and intersection control provided. Generally arterial streets do not bisect neighborhoods and do not provide access to adjacent properties unless a minor arterial street.

Transportation Plan: Utah Avenue: Minor Arterial
Snake River Parkway: Minor Arterial
Pioneer Road: Collector



City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
www.idahofallsidaho.gov

MEMORANDUM

To: Honorable Mayor & City Council

From: Chris H Fredericksen, Public Works Director

Date: April 20, 2015

Subject: **BID AWARD – MINOR STREET OVERLAYS - 2015**

On April 7, 2015, bids were received and opened for the Minor Street Overlays - 2015 project. A tabulation of bid results is attached.

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, HK Contractors in an amount of \$621,911.00 and, authorization for the Mayor and City Clerk to sign contract documents.

Respectfully,

A handwritten signature in blue ink that reads "Chris H Fredericksen".

Chris H Fredericksen, P.E.
Public Works Director

CF:jk

Attachment

c: Mayor
Council
Fugal

0-00-00-0-STR-2015-01

2015-44

City of Idaho Falls

Engineering Department Bid Tabulation

Project..... Minor Street Overlays - 2015

Number..... 0-00-00-0-STR-2015-01

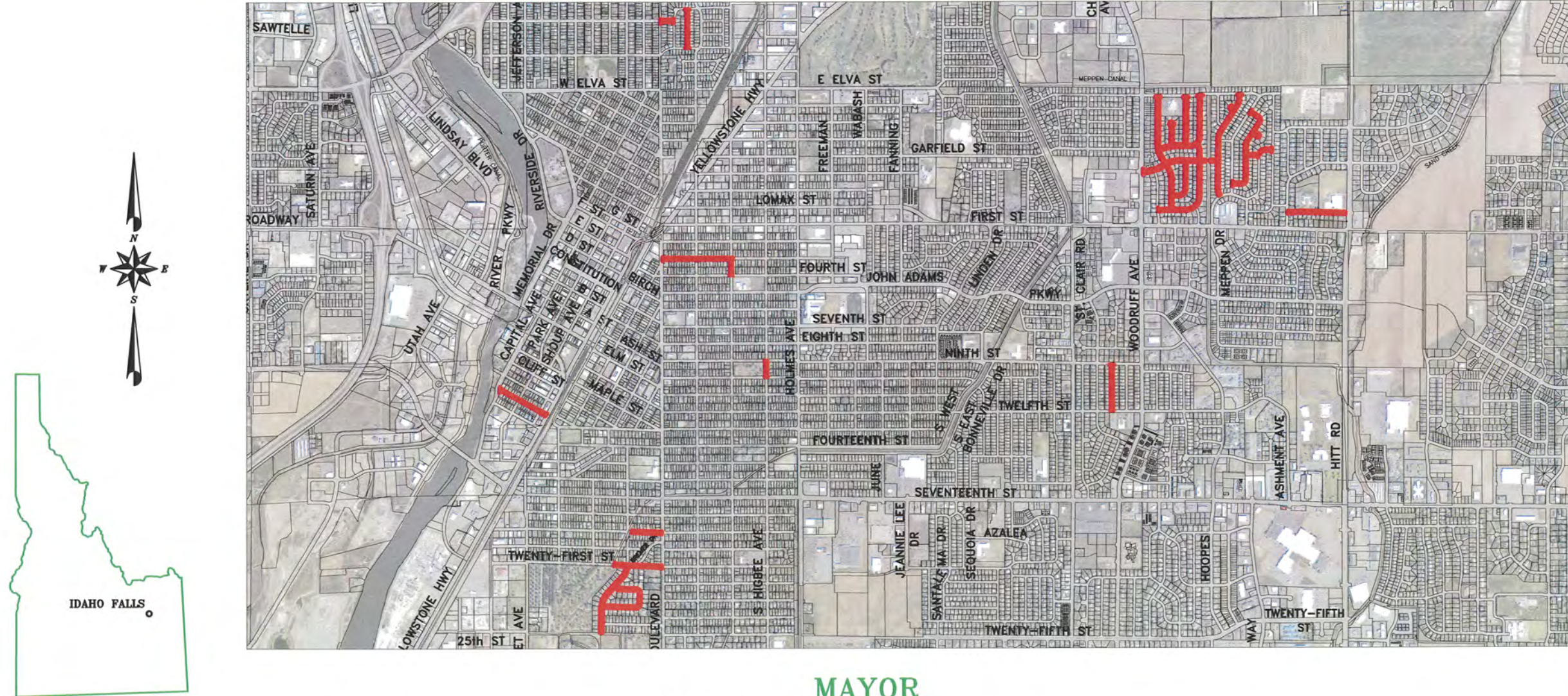
Submitted Kent Fugal, P.E., PTOE

Date..... April 7, 2015

				Engineer's Estimate		HK Contractors, Inc.		TMC Contractors, Inc.		Depatco, Inc.	
Item Number	Description	Estimated Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
SURFACE COURSES AND PAVEMENT											
309.05.4	1.5" Asphalt Plantmix Pavement for an Overlay	7820	TON	\$85.00	\$664,700.00	\$68.55	\$536,061.00	\$71.75	\$561,085.00	\$79.00	\$617,780.00
INCIDENTAL CONSTRUCTION											
409.01.2	Adjust Manhole Ring	117	EACH	\$450.00	\$52,650.00	\$450.00	\$52,650.00	\$420.00	\$49,140.00	\$750.00	\$87,750.00
409.02.2	Adjust Water Valve Box	83	EACH	\$350.00	\$29,050.00	\$400.00	\$33,200.00	\$275.00	\$22,825.00	\$650.00	\$53,950.00
TOTAL				\$746,400.00		\$621,911.00		\$633,050.00		\$759,480.00	

MINOR STREET OVERLAYS – 2015

PROJECT # 0-00-00-0-STR-2015-01



MAYOR
REBECCA L. NOAH CASPER
CITY COUNCIL

BARBARA DEE EHARDT
THOMAS HALLY
MICHAEL A. LEHTO

ED MAROHN
SHARON D. PARRY

CITY ENGINEERING DEPARTMENT

CITY PUBLIC WORKS DIRECTOR
CHRIS H FREDERICKSEN, P.E.

CITY ENGINEER
KENT J. FUGAL, P.E., PTOE

2015

AS BUILT:			
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY			
CITY OF IDAHO FALLS			
ENGINEERING DEPARTMENT			
MINOR STREET OVERLAYS-2015			
CHECK BY:	K.J.F.	DSG BY:	Y.G.
FILE NO. 0-00-00-0-STR-2015-01	DATE PLOTTED:	SHEET NO.	
DWG NO. Titlepage	3-19-15	1 OF 6	



City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
www.idahofallsidaho.gov

M E M O R A N D U M

To: Honorable Mayor & City Council

From: Chris H Fredericksen, Public Works Director

Date: April 17, 2015

Subject: **BID AWARD – WATER LINE REPLACEMENTS - 2015**

On April 14, 2015, bids were received and opened for the Water Line Replacements - 2015 project. A tabulation of bid results is attached.

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, 3H Construction in an amount of \$1,026,128.40 and, authorization for the Mayor and City Clerk to sign contract documents.

Respectfully,

A blue ink signature of Chris H Fredericksen, written in a cursive style.

Chris H Fredericksen, P.E.
Public Works Director

CF:jk

Attachment

c: Mayor
Council
Fugal

2-38-17-4-WTR-2015-13

2015-41

City of Idaho Falls

Engineering Department Bid Tabulation

Project..... Water Line Replacements - 2015

Number..... 2-38-17-4-WTR-2015-13

Submitted F.J. Fugal, P.E., PTOE

Date..... April 14, 2015

Item NumberDescriptionEstimated QuantityUnit				Engineer's Estimate		3H Construction, LLC	
				Unit Price	Total Amount	Unit Price	Total Amount
EARTHWORK AND BASES							
209.03.4	Removal of Curb and Gutter	1685	L.F.	\$7.00	\$11,795.00	\$8.00	\$13,480.00
209.03.5	Removal of Sidewalk	621	S.Y.	\$8.00	\$4,968.00	\$6.00	\$3,726.00
209.05.2	Roadway Excavation	2580	C.Y.	\$18.00	\$46,440.00	\$6.75	\$17,415.00
209.05.4	Geotextile Fabric	10917	S.Y.	\$2.25	\$24,563.25	\$1.50	\$16,375.50
SURFACE COURSES AND PAVEMENT							
309.03.2	Seal Coat	10917	S.Y.	\$3.00	\$32,751.00	\$3.20	\$34,934.40
309.06.2	2.5"/6" Street Section	10917	S.Y.	\$18.00	\$196,506.00	\$15.00	\$163,755.00
INCIDENTAL CONSTRUCTION							
409.01.2	Adjust Manhole Ring	6	EACH	\$500.00	\$3,000.00	\$450.00	\$2,700.00
409.05.8	Remove and Reset Fence	955	L.F.	\$25.00	\$23,875.00	\$32.00	\$30,560.00
409.18.2	Casing Installation (16")	90	L.F.	\$80.00	\$7,200.00	\$60.00	\$5,400.00
409.21.2	Repair Sprinkler Systems	1	L.S.	\$10,000.00	\$10,000.00	\$1,000.00	\$1,000.00
409.26.2	Storm Water Pollution Prevention Plan	1	L.S.	\$8,000.00	\$8,000.00	\$6,000.00	\$6,000.00
PORTLAND CEMENT CONCRETE							
509.02.2	Combination Curb and Gutter - Type STANDARD	1685	L.F.	\$28.00	\$47,180.00	\$26.00	\$43,810.00
509.02.4	Valley Gutter	86	L.F.	\$50.00	\$4,300.00	\$70.00	\$6,020.00
509.03.2	4" Flatwork	621	S.Y.	\$60.00	\$37,260.00	\$52.00	\$32,292.00

				Engineer's Estimate		3H Construction, LLC	
Item Number	Description	Estimated Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
WATER LINES							
609.01.2	Temporary Water Service	1	L.S.	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00
609.02.2	6" Pipe	170	L.F.	\$10.00	\$1,700.00	\$12.00	\$2,040.00
609.02.2	8" Pipe	3437	L.F.	\$10.00	\$34,370.00	\$9.00	\$30,933.00
609.03.2	6" Gate Valve and Valve Box	9	EACH	\$400.00	\$3,600.00	\$350.00	\$3,150.00
609.03.2	8" Gate Valve and Valve Box	14	EACH	\$400.00	\$5,600.00	\$350.00	\$4,900.00
609.04.2	8" x 6" Tee	7	EACH	\$300.00	\$2,100.00	\$300.00	\$2,100.00
609.04.2	8" x 8" Tee	5	EACH	\$300.00	\$1,500.00	\$300.00	\$1,500.00
609.04.2	8" x 6" Reducer	1	EACH	\$225.00	\$225.00	\$200.00	\$200.00
609.04.2	6" Sleeve	1	EACH	\$225.00	\$225.00	\$200.00	\$200.00
609.04.2	8" Sleeve	4	EACH	\$225.00	\$900.00	\$200.00	\$800.00
609.04.2	6" Tapping Sleeve	1	EACH	\$800.00	\$800.00	\$800.00	\$800.00
609.04.2	8" 45° Bend	13	EACH	\$225.00	\$2,925.00	\$200.00	\$2,600.00
609.04.2	8" 22½° Bend	3	EACH	\$225.00	\$675.00	\$200.00	\$600.00
609.04.2	8" 11¼° Bend	2	EACH	\$225.00	\$450.00	\$200.00	\$400.00
609.04.2	4" Plug	13	EACH	\$200.00	\$2,600.00	\$75.00	\$975.00
609.04.2	6" Plug	8	EACH	\$200.00	\$1,600.00	\$150.00	\$1,200.00
609.05.2	Fire Hydrant	7	EACH	\$1,200.00	\$8,400.00	\$1,400.00	\$9,800.00
609.06.2	1" Service Line (Copper)	2009	L.F.	\$10.00	\$20,090.00	\$4.00	\$8,036.00
609.06.2	1" Service Line (Poly)	9580	L.F.	\$8.00	\$76,640.00	\$2.25	\$21,555.00
609.06.3	1" Service Connection	96	EACH	\$600.00	\$57,600.00	\$265.00	\$25,440.00
609.06.6	Meter Pit (1")	96	EACH	\$400.00	\$38,400.00	\$250.00	\$24,000.00
609.07.3	Salvage of Appurtenance - Type FIRE HYDRANT	3	EACH	\$550.00	\$1,650.00	\$400.00	\$1,200.00
609.07.3	Salvage of Appurtenance - Type 8" PLUG	1	EACH	\$250.00	\$250.00	\$100.00	\$100.00
609.07.3	Salvage of Appurtenance - Type 8" x 6" REDUCER	1	EACH	\$250.00	\$250.00	\$50.00	\$50.00
609.07.3	Salvage of Appurtenance - Type 8" 45° Bend	2	EACH	\$250.00	\$500.00	\$100.00	\$200.00
SANITARY SEWERS AND STORM DRAINS							
709.02.2	8" Pipe	20	L.F.	\$30.00	\$600.00	\$32.00	\$640.00

Item Number	Description	Estimated Quantity	Unit	Engineer's Estimate		3H Construction, LLC	
				Unit Price	Total Amount	Unit Price	Total Amount
709.04.2	Inlet Box - Type 1 (Frame & Grate Only)	2	EACH	\$600.00	\$1,200.00	\$715.00	\$1,430.00
TRENCH EXCAVATION AND BACKFILL							
809.01.2	Trench Excavation and Backfill - Class I	1013	L.F.	\$15.00	\$15,195.00	\$11.50	\$11,649.50
809.01.2	Trench Excavation and Backfill - Class II	6482	L.F.	\$20.00	\$129,640.00	\$12.50	\$81,025.00
809.02.2	Unsuitable Material Excavation	30	C.Y.	\$20.00	\$600.00	\$20.00	\$600.00
809.03.2	Rock Excavation	1338	L.F.	\$70.00	\$93,660.00	\$45.00	\$60,210.00
809.04.2	Base Stabilization Material	30	C.Y.	\$30.00	\$900.00	\$20.00	\$600.00
809.05.2	Select Backfill Material	400	C.Y.	\$15.00	\$6,000.00	\$20.00	\$8,000.00
809.10.2	Removal and Replacement of Landscaped Areas	2318	L.F.	\$25.00	\$57,950.00	\$12.00	\$27,816.00
809.11.2	Removal and Replacement of Asphalt Plantmix and Aggregate Base	333	L.F.	\$50.00	\$16,650.00	\$52.00	\$17,316.00
SPECIAL PROVISIONS							
SP - 1A	Water Service Boring (No Rock)	4190	L.F.	\$30.00	\$125,700.00	\$27.00	\$113,130.00
SP - 1B	Water Service Boring (Rock)	1837	L.F.	\$60.00	\$110,220.00	\$45.00	\$82,665.00
SP - 2	Grout 6" Water Line	40	L.F.	\$10.00	\$400.00	\$20.00	\$800.00
SP - 3	Mobilization	1	L.S.	\$65,000.00	\$65,000.00	\$80,000.00	\$80,000.00
TOTAL					\$1,359,603.25		\$1,026,128.40

WATER LINE REPLACEMENTS – 2015

PROJECT # 2-38-17-4-WTR-2015-13

PROJECT LOCATION



REVIEWED BY: WATER DEPARTMENT

DATE: 3-16-15



MAYOR

REBECCA L. NOAH CASPER

CITY COUNCIL

BARBARA DEE EHARDT
THOMAS HALLY
MICHAEL A. LEHTO

ED MAROHN
SHARON D. PARRY

CITY ENGINEERING DEPARTMENT

CITY PUBLIC WORKS DIRECTOR
CHRIS H. FREDERICKSEN, P.E.

CITY ENGINEER
KENT J. FUGAL, P.E., PTOE

2015

AS BUILT:			
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY			
CITY OF IDAHO FALLS			
ENGINEERING DEPARTMENT			
WATER LINE REPLACEMENTS – 2015			
CHK BY:	Y.G.	DSG BY:	G.C.
FILE NO. 2-38-17-4-WTR-2015-13	DATE PLOTTED:	SHEET NO.	
DWG NO. Titlepage	3-16-15	1 OF 26	



City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
www.idahofallsidaho.gov

MEMORANDUM

To: Honorable Mayor & City Council

From: Chris H Fredericksen, Public Works Director

Date: April 20, 2015

Subject: **PROFESSIONAL SERVICES AGREEMENT – MATERIALS TESTING
FOR PANCHERI DRIVE; BELLIN ROAD TO SKYLINE DRIVE**

Attached is a Professional Services Agreement with Materials Testing & Inspection (MTI), with respect to the Pancheri Drive; Bellin Road to Skyline Drive project. Under the agreement, MTI will provide construction sampling and testing services as necessary for a not-to-exceed amount of \$72,500.00. The City will be responsible for 7.34% of this amount. This agreement has been reviewed by the City Attorney.

Public Works recommends approval of this professional services agreement; and, authorization for Mayor and City Clerk to sign the necessary documents.

Respectfully,

A handwritten signature in blue ink that reads "Chris H Fredericksen".

Chris H Fredericksen, P.E.
Public Works Director

CF:jk

Attachment

c: C Canfield

2-37-23-2-STR-2010-30

2015-42

IDAHO TRANSPORTATION DEPARTMENT

LOCAL PROFESSIONAL SERVICES AGREEMENT

Agreement Number 93617

THIS AGREEMENT is made and entered into this _____ day of _____, by and between the CITY OF IDAHO FALLS, whose address is PO Box 50220 Idaho Falls ID 83405, hereinafter called the "Sponsor," and MATERIALS TESTING & INSPECTION, whose address is 2791 S. Victory View Way, Boise, ID, 83709, hereinafter called the "Consultant."

RATIFICATION

The Idaho Transportation Department, representing the Federal Highway Administration on all local federal-aid highway projects, is authorized to ratify all agreements for engineering services entered into between sponsoring local agencies and their retained consultants. All references to State used hereafter shall denote the Idaho Transportation Department.

NOW, THEREFORE, the parties hereby agree as follows:

The work covered by this Agreement is for the following project(s):

PROJECT NAME: PANCHERI DR; BELLIN RD TO SKYLINE DR, IDAHO F
PROJECT NO: A011(686)
KEY NO: 11686

I. SUBCONSULTANTS

The Sponsor approves the Consultant's utilization of the following Subconsultants: n/a

II. AGREEMENT ADMINISTRATOR

This Agreement shall be administered by Chris Canfield, Assistant Public Works Director; City of Idaho Falls; (208) 612-8259; or an authorized representative.

III. DUTIES AND RESPONSIBILITIES OF CONSULTANT

A. DESCRIPTION OF WORK

The Consultant shall provide professional services as outlined in the attachment(s) and as further described herein.

1. The following attachments are made a part of this Agreement:
 - a. **Attachment No. 1A** is the Consultant Agreement Specifications which are applicable to all agreements.

- b. **Attachment No. 2** is the negotiated Scope of Work, Cost Estimate, and Man-Day Estimate.

In the case of discrepancy, this Agreement shall have precedence over Attachment No. 2, and Attachment No. 2 shall have precedence over Attachment No.1A.

- 3.2. Per Diem will be reimbursed at the current approved rates. These rates are listed at <http://www.itd.idaho.gov/design/cau/policies/policies.htm>.

IV. DUTIES AND RESPONSIBILITIES OF SPONSOR AND/OR STATE

The Sponsor and/or State shall provide to the Consultant, upon request, copies of any records or data on hand which are pertinent to the work under the Agreement.

V. TIME AND NOTICE TO PROCEED

- A. The Consultant shall start work under this Agreement no later than ten (10) calendar days from the receipt of the written notice to proceed with the work. The Consultant shall complete all work by **7/30/2016**.
- B. The Consultant shall remain available to perform additional work for an additional sixty (60) days or until the Agreement is closed out, whichever comes first.

VI. BASIS OF PAYMENT

- A. Payment Basis: Specific Rates of Compensation (Loaded hourly rates [labor, OH & fee] plus direct expenses). Consultant agrees to accept as full compensation for all services rendered to the satisfaction of the State for completion of the work, the actual cost or Not-To-Exceed amount of the Agreement, whichever is lesser.
- B. Compensation Amount
 - 1. Not-To-Exceed Amount: **\$72,500.00**
 - 2. Additional Services Amount: **\$0.00**
 - 3. Total Agreement Amount: **\$72,500.00**
- C. The rates identified in Attachment No. 2 were negotiated and agreed upon by both parties to this Agreement. These rates will be fixed for the period of this Agreement.

- D. Professional Services Authorization and Invoice Summary (Authorization) No. 1 is issued in the amount of **\$35,000.00** to begin the work of this Agreement. The remaining amount will be issued by consecutive Authorizations.

An additional services amount may be included in this Agreement. If so, the Sponsor will determine if additional services is required beyond the services outlined in Attachment No. 2. When additional services are required, the additional services amount of the Agreement will be utilized, and a subsequent Authorization will be issued.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the day and year in this Agreement first written above.

**MATERIALS TESTING &
INSPECTION**
Consultant

By: _____

Title: _____

CITY OF IDAHO FALLS
Sponsor

By: _____

Title: _____

**IDAHO TRANSPORTATION
DEPARTMENT**

By: _____

Title: _____

CONSULTANT AGREEMENT SPECIFICATIONS
Construction Engineering & Inspection

These specifications supplement all Professional and Term agreements for Construction Engineering and Inspection services and shall be attached to said agreements.

I. DEFINITIONS

1. **Administrator:** Person directly responsible for administering a consultant agreement on behalf of the State or a Local Public Agency.
2. **Combined Overhead:** The sum of the payroll additives and general administrative overhead expressed as a percent of the direct labor cost.
3. **Cost:** Cost is the sum of the hourly charge out rate and other direct costs.
4. **Cost Plus Fixed Fee:** Cost Plus Fixed Fee is the sum of the payroll costs, combined overhead, and other direct costs, plus the fixed fee.
5. **CPM:** Critical Path Scheduling. The CPM will list all work tasks, their durations, negotiated milestones and their dates, and all State/Local review periods.
6. **Fixed Fee:** A dollar amount established to cover the Consultant's profit and business expenses not allocable to overhead. The fixed fee is based on a negotiated percent of direct labor cost and combined overhead and shall take into account the size, complexity, duration, and degree of risk involved in the work. The fee is "fixed," i.e. it does not change. If extra work is authorized, an additional fixed fee can be negotiated, if appropriate.
7. **General Administrative Overhead (Indirect Expenses):** The allowable overhead (indirect expenses) expressed as a percent of the direct labor cost.
8. **Hourly Charge Out Rate:** The negotiated hourly rate to be paid to the Consultant which includes all overhead for time worked directly on the project.
9. **Incentive/Disincentive Clause:** Allows for the increase or decrease of total agreement amount paid based on factors established in the agreement. Normally, these factors will be completion time and completion under budget.
10. **Lump Sum:** An agreed upon total amount, that will constitute full payment for all work described in the Agreement.
11. **Milestones:** Negotiated portions of projects to be completed within the negotiated time frame. Normally the time frame will be negotiated as a calendar date, but it could also be "working" or "calendar" days. As many milestones as the Consultant and the State believe necessary for the satisfactory completion of the agreement will be negotiated.
12. **Not-To-Exceed Amount:** The Agreement amount is considered to be a Not-to-Exceed amount, which amount shall be the maximum amount payable and shall not be exceeded unless adjusted by a Supplemental Agreement.
13. **Other Direct Costs:** The out-of-pocket costs and expenses directly related to the project that are not a part of the normal company overhead expense.

14. **Payroll Additives:** All payroll additives allocable to payroll costs such as FICA, State Unemployment Compensation, Federal Unemployment Compensation, Group Insurance, Workmen's Compensation, Holiday, Vacation, and Sick Leave. The payroll additive is expressed as a percent of the direct labor cost.
15. **Payroll Costs (Direct Labor Cost):** The actual salaries paid to personnel for the time worked directly on the project. Payroll costs are referred to as direct labor cost.
16. **State:** Normally "State" refers to the Idaho Transportation Department. However, in the case of Local Sponsor projects, "State" may be interchangeable with "Sponsor", "Agreement Administrator" or just "Administrator".
17. **Unit Prices:** The allowable charge out rate for units or items directly related to the project that are not a part of the normal overhead expense.

NOTE: All cost accounting procedures, definitions of terms, payroll cost, payroll additives, general administrative overhead, direct cost, and fixed fee shall comply with Federal Acquisition Regulations, 48 CFR, Part 31 and be supported by audit accepted by the State.

II. STANDARD OF PERFORMANCE

The Consultant agrees that all work performed under this agreement will be performed professionally in accordance with the ITD Construction Manual, Standard Specifications for Highway Construction - Subsection 105.10 and other appropriate standards. The Consultant shall be responsible for construction engineering and inspection on all tasks assigned (as stated in the Scope of Services) when on duty to ensure they are constructed in substantial conformance to the plans, special provisions and specifications.

The Consultant shall identify and recommend corrections for any omissions, substitutions, defects and deficiencies in the work of the Contractor.

III. AGREEMENT ADMINISTRATOR

The Agreement Administrator will administer this agreement for performance and payment, and will decide all questions which may arise as to quality and acceptability of the work, rate of progress, definition of work to be performed, and acceptable fulfillment of this Agreement. The Consultant shall address all correspondence, make all requests, and deliver all documents to the Administrator. The Administrator shall be responsible for the timely coordination of all work performed by the State or their representatives.

IV. PERSONNEL

The Consultant shall provide adequate staff of experienced personnel or subconsultants capable of and devoted to the successful accomplishment of work to be performed under this agreement. The specific individuals or subconsultants listed in the agreement, including Project Manager, shall be subject to approval by the State and shall not be removed or replaced without the prior written approval of ITD. Replacement personnel submitted for approval must have qualifications, experience and expertise at least equal to those listed in the proposal

V. SUBCONSULTANTS

The Consultant shall have sole responsibility for the management, direction, and control of each Subconsultant and shall be responsible and liable to the State for the satisfactory performance and quality of work performed by Subconsultants under the terms and conditions of this Agreement. The Consultant shall include all the applicable terms and conditions of this Agreement in each

Subconsultant Agreement between the Consultant and Subconsultant, and provide the State with a copy of each Subconsultant Agreement prior to the Subconsultant beginning work. No other Subconsultant shall be used by the Consultant without prior written consent by the State.

VI. DIRECT COST

It is understood that overtime will be incurred after forty (40) hours of work for this agreement during each week. When the need for overtime has been approved by the Agreement Administrator, the overhead rate and fee are **not** to be applied to the premium time paid.

The out-of-pocket cost and expenses directly related to the project must be pre-approved and agreed to, by the Agreement Administrator, prior to receiving any compensation. Relocation, lodging and Per Diem cost will not be allowed for this type of agreement unless agreed and pre-approved by the Agreement Administrator.

VII. PROFESSIONAL SERVICES AUTHORIZATION

1. A written PROFESSIONAL SERVICES AUTHORIZATION (PSA) will be issued by the State to authorize the Consultant to proceed with a specific portion of the work under this Agreement. The number of PSAs required to accomplish all the work under this Agreement is one to several. Each PSA will authorize a maximum dollar amount for which the PSA represents. The State assumes no obligation of any kind for expenses incurred by the Consultant prior to the issuance of the PSA; for any expenses incurred by the Consultant for services performed outside the work authorized by the PSA; and for any dollar amount greater than authorized by the PSA.
2. It is not necessary for a PSA to be completed prior to the issuance of the next PSA. The Consultant shall not perform work which has not been authorized by a PSA. When the money authorized by a PSA is nearly exhausted, the Consultant shall inform the Administrator of the need for the next PSA. The Administrator must concur with the Consultant prior to the issuance of the next PSA.
3. The Agreement amount is lump sum, unit cost, or cost plus fixed fee amount for the negotiated services and an additional services amount is set up for possible extra work not contemplated in original scope of work. For the Consultant to receive payment for any work under the additional services amount of this Agreement, said work must be performed under a PSA issued by the State. Should the State request that the Consultant perform additional services, then the scope of work and method of payment will be negotiated. The basis of payment for additional work will be set up either as a Lump Sum or Cost Plus Fixed Fee.

VIII. MONTHLY PROGRESS REPORT

The Consultant shall submit to the State a monthly progress report on Form ITD-771, as furnished by the State.

The monthly progress report will be submitted by the tenth of each month following the month being reported or as agreed upon in the scope of services.

The Agreement Administrator will review the progress report and submit approved billings for payment within two weeks of receiving monthly report.

Each progress report shall list billings by PSA number and reference milestones.

IX. PROGRESS AND FINAL PAYMENTS

1. Progress payments will be made once a month for services performed which qualify for payment under the terms and conditions of the Agreement. Such payment will be made based on invoices submitted by the Consultant in the format required by the State. The monthly invoice shall be submitted by the tenth of each month following the month being invoiced.

Lump Sum

Progress payments will be made, based on a percentage of the work or milestones satisfactorily completed.

Cost Plus Fixed Fee

The Consultant shall submit a breakdown of costs by each item of work on the monthly invoice, and shall show the percent complete of each item of work, each milestone and percent complete of the entire Agreement. Progress payments will be made based on the invoiced cost less the fixed fee for the work satisfactorily completed for each billing period. Said payment shall not exceed the percent complete of the entire Agreement. Upon satisfactory completion of each milestone, full payment for all approved work performed for that milestone will be made including Fixed Fee.

Cost

The Consultant shall submit a breakdown of costs by each item of work on the monthly invoice, and shall show the percent complete of each item of work and percent complete of the entire Agreement. Progress payments will be made based on the invoiced cost for the work satisfactorily completed for each item of work. Said payment shall not exceed the percent complete of the entire Agreement.

Direct expenses will be reimbursed at actual cost, not to exceed the current approved rates as identified at <http://www.itd.idaho.gov/design/cau/policies.htm>.

For "Cost Plus Fixed Fee" and "Cost" agreements, invoices must include backup documentation to support expenditures as appropriate, and as requested by the Agreement Administrator. Such support may consist of copies of time sheets or cost accounting system print-out of employee time, and receipts for direct expenses.

2. The State will make full payment for the value of the services performed which qualify for payment. This full payment will apply until 95 percent of the work under each Project Agreement or Work Task has been completed. No further progress payments will be made until all work under the individual agreement has been satisfactorily accomplished.

If at any time, the State determines that the work is not progressing in a satisfactory manner, the State may refuse to make full progress payments and may withhold from any progress payment(s) such sums that are deemed appropriate for unsatisfactory services.

3. Final payment of all amounts retained shall be due 90 days after all work under the Agreement has been completed by the Consultant and accepted by the State. Such final payment will not be made until satisfactory evidence by affidavit is submitted to the State that all indebtedness incurred by the Consultant on this project has been fully satisfied.
4. Agreements which include an incentive/disincentive clause will normally have the clause applied only to the completion of the milestones identified.
5. Payments to Subconsultants

Consultant shall pay each subconsultant for satisfactory performance of its contract items no later than twenty (20) calendar days from receipt of each payment the consultant receives from the State, in accordance with 49 CFR, Part 26. The consultant shall return retainage payments to each subconsultant within twenty (20) calendar days after the subconsultant's work is satisfactorily completed.

Form ITD-2892 (Certification of Payment) shall be filled out by the consultant for each invoice and provided to the Agreement Administrator verifying payment to subconsultants. Upon completion of the work, the consultant shall certify total payment to all subconsultants on Form ITD-2921 (Certification of Payment Amounts). Forms will be provided by the State.

X. MISCELLANEOUS PROVISIONS

1. COVENANT AGAINST CONTINGENT FEES

- a. The Consultant warrants that they have not:

Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person to solicit or secure this contract, other than a bona fide employee of the firm;

agreed, as an expressed or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or;

paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee of the firm) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract.

- b. The State warrants that the above consulting firm, or firm representative, has not been required, directly or indirectly as an expressed or implied condition in connection with obtaining or carrying out this contract to:

Employ or retain, or agree to employ or retain, any firm or person, or; pay, or agree to pay to any firm, person or organization, any fee, contribution, donation or consideration of any kind.

2. PROHIBITION AGAINST HIRING PERSONNEL AND WORKING FOR CONTRACTOR

In compliance with the Code of Federal Regulations, (23 CFR, Section 1.33, Conflict of Interest), the Consultant agrees that no one in their employ will work on a part time basis under this Agreement while also in the full-time employ of any Federal Agency or the State, without the written consent of the public employer of such person. The Consultant agrees that no one in their employ under any circumstances shall perform any services for the contractor on the construction of this project. This includes employees who leave the Consultant's employment.

3. CHANGES IN WORK

All changes in work shall conform to one or more of the following conditions and in no instance shall such change in work be undertaken without written order or written approval of the State.

- a. Increase in the work required by the State due to unforeseen circumstances.
- b. Revision in the work required by the State subsequent to acceptance of such work at the appropriate conference or after revision of such work as outlined at said conference.
- c. Items of work which are beyond the scope of intent of this Agreement and pre-approved by the State.
- d. Reduction in the work required by the State due to unforeseen circumstances.

An increase in compensation shall not result from underestimating the complexity of the work.

Adjustment in compensation for either an increase or reduction in work shall be on a negotiated basis arrived at by mutual agreement between the State and the Consultant. During such negotiations the State may examine the documented payrolls, transportation and subsistence costs paid employees actively engaged in the performance of a similar item or items of work on the project, and by estimated overhead and profit from such similar items or items of work.

Said mutual agreement for a negotiated increase or reduction in compensation shall be determined prior to commencement of operations for an increase in a specific item or items of work. In the case of State order for nonperformance a reduction in the specific item or items of work will be made as soon as circumstances permit. In the event that a mutual agreement is not reached in negotiations for an increase in work, the State will use other methods to perform such item or items of work.

The mutually agreed amount shall be covered by a Supplemental Agreement and shall be added to or subtracted from the total amount of the original Agreement.

Adjustment of time to complete the work as may pertain to an increase or a reduction in the work shall be arrived at by mutual agreement of the State and the Consultant after study of the change in scope of the work.

4. DELAYS AND EXTENSIONS

- a. Extensions of time may be granted for the following reasons:
 - i. Delays in major portions of the work caused by excessive time used in processing of submittals, delays caused by the State, or other similar items which are beyond the control of the Consultant.
 - ii. Additional work ordered in writing by the State.
- b. Extensions of time will not be granted for the following reasons:
 - i. Underestimating complexity of work.
 - ii. Redoing work rejected by the State.

5. TERMINATION

The State may terminate or abandon this Agreement at any time upon giving notice of termination hereof as hereinafter provided, for any of the following reasons:

- a. Evidence that progress is being delayed consistently below the progress indicated in a schedule of operations given to the State at meetings and conferences herein provided for.
- b. Continued submission of sub-standard work.
- c. Violation of any of the terms of conditions set forth in the Agreement, other than for the reasons set forth in a and b above.
- d. At the convenience of the State.

Prior to giving notice of termination for the reasons set forth in a and b above, the State shall notify the Consultant in writing of any deficiencies or default in the performance of the terms of this Agreement, and said Consultant shall have ten (10) days thereafter in which to correct or remedy any such default or deficiency, and upon their failure to do so within said ten (10) days, or for the reasons set forth in 3 above, such notice of termination in writing shall be

given by the State. Upon receipt of said notice the Consultant shall immediately discontinue all work and service unless directed otherwise, and shall transfer all documents pertaining to the work and services covered under this Agreement, to the State. Upon receipt by the State of said documents, payment shall be made to the Consultant as provided herein for all acceptable work and services.

6. DISPUTES

Should any dispute arise as to performance or abnormal conditions affecting the work, such dispute shall be referred to the Director of the Idaho Transportation Department or his duly authorized representative(s) for determination.

Such determination shall be final and conclusive unless, within thirty (30) days of receipt of the decision Consultant files for arbitration with the American Arbitration Association (AAA). Consultant agrees that any arbitration hearing shall be conducted in Boise, Idaho. Consultant and State agree to be bound by the decision of the arbitration. Expenses incurred due to the arbitration will be shared equally by the parties involved.

7. ACCEPTANCE OF WORK

- a. The Consultant warrants that all work submitted shall be in accordance with good professional practices and shall meet tolerances of accuracy required by State practices and procedures.
- b. Acceptance of the work shall not constitute a waiver of any of the State's rights under this agreement or in any way relieve the consultant of any liability under their warranty or otherwise.
- c. It is understood by the Consultant that the State is relying upon the professional expertise and ability of the Consultant in performance of this contract. Any examination of the Consultant's work product by the State will not be considered acceptance or approval of the work product which would relieve the Consultant for any liability or expense.

Acceptance or approval of any portion of Consultant's work product by the State or payment, partial or final, shall not constitute a waiver of any rights the State may have against the Consultant. The Consultant shall respond to the State's notice of any error or omission within twenty four hours of receipt, and give immediate attention to any corrections to minimize any delay to the construction contract.

If the Consultant discovers errors or omissions in its work, it shall notify the State within seven days of discovery. Failure of the Consultant to notify the State shall be grounds for termination of the agreement.

The Consultant's liability for damages incurred by the State due to negligent acts, errors or omissions by the Consultant in its work shall be borne by the Consultant. Increased construction costs resulting from errors, omissions or negligence in Consultant's work product shall not be the Consultant's responsibility unless the additional construction costs were the result of gross negligence of the Consultant.

8. OWNERSHIP OF DOCUMENTS

All material acquired or produced by the Consultant in conjunction with this project, shall become the property of, and be delivered to, the State without restrictions or limitations of their further use. However, in any case, the Consultant has the right to make and retain

copies of all data and documents for project files. All material acquired or produced by the Consultant under this contract may be public records under the Idaho Public Records Act. Reference Idaho Code Section 9-338(9).

9. INDEMNITY

Concerning claims of third parties, the Consultant and the State to the extent the State may do so will indemnify, save harmless and defend each other from the damages of and against any and all suits, actions, claims or losses of every kind, nature and description, including costs, expenses and reasonable attorney fees that may be incurred by reason of any negligent act, error or omission of the Consultant or the State in the prosecution of the work which is the subject of this Agreement. Concerning claims of the State, the Consultant shall assume the liability and responsibility for negligent acts, errors or omissions caused by the Consultant or their agents or employees to the assignments completed under this Agreement, to the standards accepted at the time of work, and until one (1) year after the project construction has been completed. The State shall have until that time to give the consultant notice of the claim.

Notwithstanding any other provision of this Agreement, the Consultant shall not be responsible for claims arising from the willful misconduct or negligent acts, errors, or omissions of the State for contamination of the project site which pre-exist the date of this Agreement or subsequent Task Authorizations. Pre-existing contamination shall include but not be limited to any contamination or the potential for contamination, or any risk to impairment of health related to the presence of hazardous materials or substances. The State agrees to indemnify, defend, and hold harmless the Consultant from and against any claim, liability or defense cost related to any such pre-existing contamination except for claims caused by the negligence, or willful misconduct of the Consultant.

The Consultant, its agents, officials, employees, and subconsultant will be authorized representatives for the State and shall be protected against all suits, actions, claims or cost, expenses and attorney fees in accordance with Subsection 107.10 of the Standard Specifications for Highway Construction 1999; and shall be protected against all personal liability in accordance with Subsection 107.13 of the Standard Specifications for Highway Construction 1999.

10. INSURANCE

The Consultant, certifying it is an independent contractor licensed in the State of Idaho, shall acquire and maintain commercial general liability insurance in the amount of \$500,000.00 per occurrence, and worker compensation insurance in accordance with Idaho Law.

Regarding workers' compensation insurance, the consultant must provide either a certificate of workers' compensation insurance issued by an insurance company licensed to write workers' compensation insurance in the State of Idaho as evidence that the consultant has a current Idaho workers' compensation insurance policy in effect, or an extraterritorial certificate approved by the Idaho Industrial Commission from a state that has a current reciprocity agreement with the Idaho Industrial Commission.

The Consultant shall provide the State with certificates of insurance within ten (10) days of the Notice to Proceed.

11. LEGAL COMPLIANCE

The Consultant at all times shall observe and comply with all Federal, State and local laws, by-laws, safety laws, and any and all codes, ordinances and regulations affecting the work in any manner. The Consultant agrees that any recourse to legal action pursuant to this agreement shall be brought in the District Court of the State of Idaho, situated in Ada County, Idaho.

12. SUBLETTING

The services to be performed under this Agreement shall not be assigned, sublet, or transferred except by written consent of the State. Written consent to sublet, transfer or assign any portions of the work shall not be construed to relieve the Consultant of any responsibility for the fulfillment of this Agreement or any portion thereof.

13. PERMITS AND LICENSES

The Consultant shall procure all permits and licenses, pay all charges, fees, and taxes and give all notices necessary and incidental to the due and lawful prosecution of the work.

14. PATENTS

The Consultant shall hold and save the State and its agents harmless from any and all claims for infringement by reason of the use of any patented design, device, material process, trademark, or copyright.

15. CIVIL RIGHTS ACT

During the performance of work covered by this Agreement, the Consultant for themselves, their assignees and successors in interest agree as follows:

a. Compliance With Regulations.

The Consultant shall comply with all regulations of the United States Department of Transportation relative to Civil Rights, with specific reference to Title 49 CFR Part 21, Title VI of the Civil Rights Act of 1964 as amended, and Title 23 CFR Part 230 as stated in the ITD EEO Special Provisions and Title 49 CFR Part 26 as stated in the appropriate ITD DBE Special Provisions. (<http://www.itd.idaho.gov/civil/eeocc.htm>)

b. Nondiscrimination.

The Consultant, with regard to the work performed by them during the term of this Agreement, shall not in any way discriminate against any employee or applicant for employment; subcontractor or solicitations for subcontract including procurement of materials and equipment; or any other individual or firm providing or proposing services based on race, color, sex, national origin, age or handicap/disability.

c. Solicitations for Subcontracts, Including Procurement of Materials and Equipment.

In all solicitations, either by bidding or negotiation, made by the Consultant for work or services performed under subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be made aware by the Consultant of the obligations of this Agreement and to the Civil Rights requirements based on race, color, sex, national origin, age or handicap/disability.

d. Information and Reports.

The Consultant shall provide all information and reports required by regulations and/or directives and sources of information, and their facilities as may be determined by the State or the appropriate Federal Agency. The Consultant will be required to retain all records for a period of three (3) years after the final payment is made under the agreement.

e. Sanctions for Noncompliance.

In the event the Consultant or subconsultant is in noncompliance with the EEO Special Provisions, the State shall impose such sanctions as it or the appropriate Federal Agency may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Consultant until they have achieved compliance;
- Suspension of the agreement, in whole or in part, until the consultant or subconsultant is found to be in compliance, with no progress payment being made during this time and no time extension made;
- Cancellation, termination or suspension of the Agreement, in whole or in part;
- Assess against the consultant's final payment on this agreement or any progress payments on current or future Idaho Federal-aid Projects an administrative remedy by reducing the final payment or future progress payments in an amount equal to 10% of this agreement or \$7,700, whichever is less.

f. **Incorporation of Provisions.**

The Consultant shall include the provisions of paragraphs a through e in every subcontract of \$10,000 or more, to include procurement of materials and leases of equipment unless exempt by regulations, orders, or directives pursuant thereto. The Consultant shall take such action with respect to any subcontract or procurement as the State or the appropriate Federal Agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. In the event the Consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Consultant may request the State to enter into such litigation to protect the interest of the State, and in addition, the Consultant may request the United States to enter into such litigation to protect the interest of the United States.

16. INSPECTION OF COST RECORDS

The Consultant shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred on the project. They shall make such data available for inspection, and audit, by duly authorized personnel, at reasonable times during the life of this Agreement, and for a period of three (3) years subsequent to date of final payment under this Agreement, unless an audit has been announced or is underway; in that instance, records must be maintained until the audit is completed and any findings have been resolved. Failure to provide access to records may affect payment and may constitute a breach of contract.

17. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

By signing this document the Consultant certifies to the best of his knowledge and belief that except as noted on an attached Exception, the company or its subcontractors, material suppliers, vendors or other lower tier participants on this project:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
- b. have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records making false statements, or receiving stolen property;

- c. are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- d. have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NOTE: Exceptions will not necessarily result in denial of award, but will be considered in determining Consultant responsibility. For any exception noted, indicate to whom it applies, initiating agency and dates of action. Providing false information may result in criminal prosecution or administrative sanctions.

18. CERTIFICATION CONCERNING LOBBYING ACTIVITIES

By signing this document, the Consultant certifies to the best of their knowledge and belief that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

The Consultant also agrees that he or she shall require that the language of this certification shall be included in all lower tier subcontracts, which exceed \$100,000, and that all such sub-recipients shall certify and disclose accordingly.

19. EMPLOYEE ELIGIBILITY

The Consultant warrants and takes the steps to verify that it does not knowingly hire or engage persons not authorized to work in the United States; and that any misrepresentation in this regard or any employment of person not authorized to work in the United States constitutes a material breach and shall be cause for the imposition of monetary penalties up to five percent (5%) of the contract price, per violation, and/or termination of its contract.

**ITD DISTRICT 6
Pancheri Drive; Bellin RD to Skyline DR
Scope of Work**

Client: City of Idaho Falls/ITD District 6
Project No. A011(686)
Key No. 11686

PROJECT DESCRIPTION

This scope of work is for the work of performing Asphalt, Aggregate, Embankment & Density, and Concrete testing on the Pancheri Drive; Bellin Road to Skyline Drive project in District 6, for the City of Idaho Falls and the Idaho Transportation Department, also known as Key No 11686.

SCOPE OF SERVICES

Key Understandings:

The purpose of this scope is to augment ITD's Laboratory and Field Personnel. MTI personnel assigned to the project will report directly to Chris Canfield of the City of Idaho Falls .

Laboratory and Field Testing Services will be in accordance with the Project Plans and Special Provisions, the 2012 Idaho Standard Specifications for Highway Construction, January 2015 supplemental Specifications and Quality Assurance Manual, QA Special Provisions, FHWA-1273 Federal-Aid Contract Provisions, EEO Special Provisions, SP-Training, General Wage Decision ID 140093, and 2010 City of Idaho Falls Engineering Department Standard Specifications and Standard Drawings.

With the General Contractor planning to start work on the project in the summer of 2015, MTI will be on-call to provide the necessary duties.

MTI will provide all sampling and testing equipment for all testing required on the project. All necessary laboratory testing will take place in MTI's Idaho Falls, Idaho stationary laboratory.

ITD will provide Independent Assurance Inspectors and will perform all Independent Assurance testing.

ITD will provide all forms, reports, plans, specifications, addendums, supplemental, and other related items necessary for the project.

MTI will provide each field inspector with a vehicle including a yellow amber strobe light, a cellular phone, testing equipment including sample containers and a digital camera, if needed, which will be included in the direct costs for the project.

MTI will provide necessary personal safety equipment to its staff.

Tasks:

Project Inspection

Field and Laboratory Testing services will be performed by the MTI team having the required WAQTC and IQP qualifications needed for this project. All inspection and testing services will be under the direction of the City Of Idaho Falls delegated representative and in accordance with ITD's procedures, policies, directives and industry accepted standards. MTI will provide these services at the City's request.

Inspector Diaries – Laboratory and Field Testing Personnel will prepare daily diaries using form ITD-0025. Daily reports will include Contractor's hours on the site, weather conditions, and other data relative to testing, sampling, and inspections.

Monitoring Contractor Activities – Contractor activities (as applicable) will be recorded to track progress and compliance with contract work. Work that appears to be in non-conformance with the contract documents, is defective, or incomplete will be reported to the City of Idaho Falls delegated representative immediately. Observed deficiencies in Contractor's adherence to standard safety practices will be noted and reported accordingly.

Materials Testing

Materials testing services will be performed by the MTI team having the required WAQTC and IQP qualifications.

Sampling and Testing – MTI will perform on-site sampling and testing of materials as required by the plans and specifications and the ITD Quality Assurance requirements. The minimum testing frequency shall be met. If tests indicate materials do not meet specifications Idaho Falls/ITD will be notified immediately within receipt of the test results. Verification testing will be performed as indicated in the project specifications.

Prepare and Transmit Test Results – Test results using standard ITD Department forms will be transmitted to the City of Idaho Falls Delegated Representative on a daily basis (within 24 hours of the sample taken).

PROFESSIONAL SERVICE FEE

MTI will invoice Idaho Falls/ITD for Professional Services and tasks described in this Scope of Work on a monthly basis.

ITD DISTRICT 6		Date:
		03/09/2015
		Key No.:
		11686
Route	Location Description:	Proj No:
Off	PANCHERI DR, BELLIN RD TO SKYLINE DR	A011(686)

A. SUMMARY ESTIMATED MAN-DAY COSTS-MTI

			2.7693		Loaded Labor	
		Man-Hours	Raw Hrly Rate	Loaded Hrly Rate	Cost	
1	Principal D. Cram	5.00	@ \$44.00	\$121.85	=	\$609.25
2	Manager S. Parker	30.00	@ \$33.00	\$91.39	=	\$2,741.63
3	Sr Tech TBD	100.00	@ \$28.00	\$77.54	=	\$7,754.10
4	Tech TBD	400.00	@ \$24.00	\$66.46	=	\$26,585.47
5	Clerical TBD	25.00	@ \$19.00	\$52.62	=	\$1,315.43
TOTAL RAW LABOR COST						\$39,005.87

B. PAYROLL, FRINGE BENEFIT COSTS & OVERHEAD

151.52%

C. FCCM

0.26%

D. OUT-OF-POCKET EXPENSE SUMMARY

#	Code	Task	Est. Amount	Unit Cost	Expense	
	91300	Mileage	600.00	@ \$0.560	=	\$336.00
	98970	Gyratory Mix Paper Review	-	@ \$913.90	=	\$0.00
	92729	Gsb Fine Agg (25 lbs)	-	@ \$310.16	=	\$0.00
	92720	Gsb Coarse Agg (25 lbs)	-	@ \$310.16	=	\$0.00
	94550	Burn 3 Briquettes	2.00	@ \$387.70	=	\$775.40
	94560	Binder Sample-Anti-Strip	10.00	@ \$135.70	=	\$1,357.00
	94510	Gradation/FF/SE (Cold Feed)	2.00	@ \$199.38	=	\$398.76
	92369	Flat & Elongated (Cold Feed)	2.00	@ \$49.85	=	\$99.70
	91584	Fine Aggregate Angularity	2.00	@ \$49.85	=	\$99.70
	92603	Superpave Test Series for TS		@ \$1,550.80	=	\$0.00
	92018	Cores (Bsg)	21.00	@ \$49.85	=	\$1,046.85
	92747	Rice Spec Grav - (Set of 2)	22.00	@ \$166.15	=	\$3,655.30
	92009	Asphalt Content - Ign Method	22.00	@ \$132.92	=	\$2,924.24
	92594	Mechanical Analysis	22.00	@ \$83.08	=	\$1,827.76
	94540	HMA Moisture	22.00	@ \$33.23	=	\$731.06
	94530	Voids / Bulk Sg (Set of 2)	22.00	@ \$132.92	=	\$2,924.24
	92792	Gradation		@ \$83.08	=	\$0.00
	92144	Cleaness Value	1.00	@ \$83.08	=	\$83.08
	92396	Fracture Face	1.00	@ \$49.85	=	\$49.85
	92684	T99/T180 (5pt)	4.00	@ \$265.84	=	\$1,063.36
	94500	Gradation/SE for T99/T180	-	@ \$182.77	=	\$0.00
	92756	SE for Granular Borrow	8.00	@ \$83.08	=	\$664.64
	92693	1-Point Proctor for Gr Borrow	8.00	@ \$99.69	=	\$797.52
	92792	Coarse Sieve for Granular Borrow	8.00	@ \$83.08	=	\$664.64
	92630	Moisture for Granular Borrow	8.00	@ \$33.23	=	\$265.84
	92693	1-Point Proctor for Backfill	24.00	@ \$99.69	=	\$2,392.56
	92792	Coarse Sieve for 1-Point	24.00	@ \$83.08	=	\$1,993.92
	92630	Moisture for 1-Point	16.00	@ \$33.23	=	\$531.68
	94510	Gradation/SE/FF (3/4 Agg)	25.00	@ \$199.38	=	\$4,984.50
	92792	Coarse Sieve for T-74	20.00	@ \$83.08	=	\$1,661.60

92630	Moisture for T-74	20.00	@	\$33.23	=	\$664.60
92243	Cylinders (Set of 5)	6.00	@	\$116.30	=	\$697.80
94500	Gradation/SE-Fine Conc Agg	2.00	@	\$182.77	=	\$365.54
92792	Gradation Coarse Conc Agg	2.00	@	\$83.08	=	\$166.16
92270	Grout Cubes (Set of 3)	1.00	@	\$88.41	=	\$88.41

TOTAL ESTIMATED EXPENSE = \$33,311.71

TOTAL = \$72,317.58



City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
www.idahofallsidaho.gov

MEMORANDUM

To: Honorable Mayor & City Council

From: Chris H Fredericksen, Public Works Director

Date: April 20, 2015

Subject: **EASEMENT VACATION REQUEST – BLOCK 2, LOT 1, EVANS
ADDITION**

The owners of the subject lot are asking that approximately 184 feet of the 8-foot-wide utility easement along the northwest side of the lot be vacated. The property owner intends to construct an addition to the existing garage. All utilities have agreed to the vacation.

Public Works requests authorization for the City Attorney to prepare documents needed to accomplish the vacation.

Respectfully,

A handwritten signature in blue ink that reads "Chris H Fredericksen".

Chris H Fredericksen, P. E.
Public Works Director

Attachments

CF:jk

c: Mayor
Council
Fugal
Cox



City of Idaho Falls

PUBLIC WORKS DIVISION

P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
www.idahofallsidaho.gov

MEMORANDUM

To: Utility Engineering

From: Robert Cox

Date: April 1, 2015

RE: Utility Easement Vacation Request
692 Evans Ave.
Lot 1, Block 2 of the Evans Addition

The owner of the property located in the above mentioned Evans Addition has requested the vacation of approximately 184 feet of utility easement located on the Northwest side of his property. The owner would like to construct an addition off of the existing garage that would measure approximately 16X40 feet(see attached sheet).

Please review this request relative to your service and utility needs and advise as to whether that portion of the Utility Easement can be vacated.

Sanitation. OK HB

Sewer - OK HB

Water - OK HB

I.F.P. - OK S.M.

Inspr. - OK S.M.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert Cox".

Robert Cox
Right-of-way Agent

RC

2-37-14-4

KJR - OK SURVEY
Eng. OK KJA
OK CAC

March 30, 2015

To Robert Cox

City of Idaho Falls

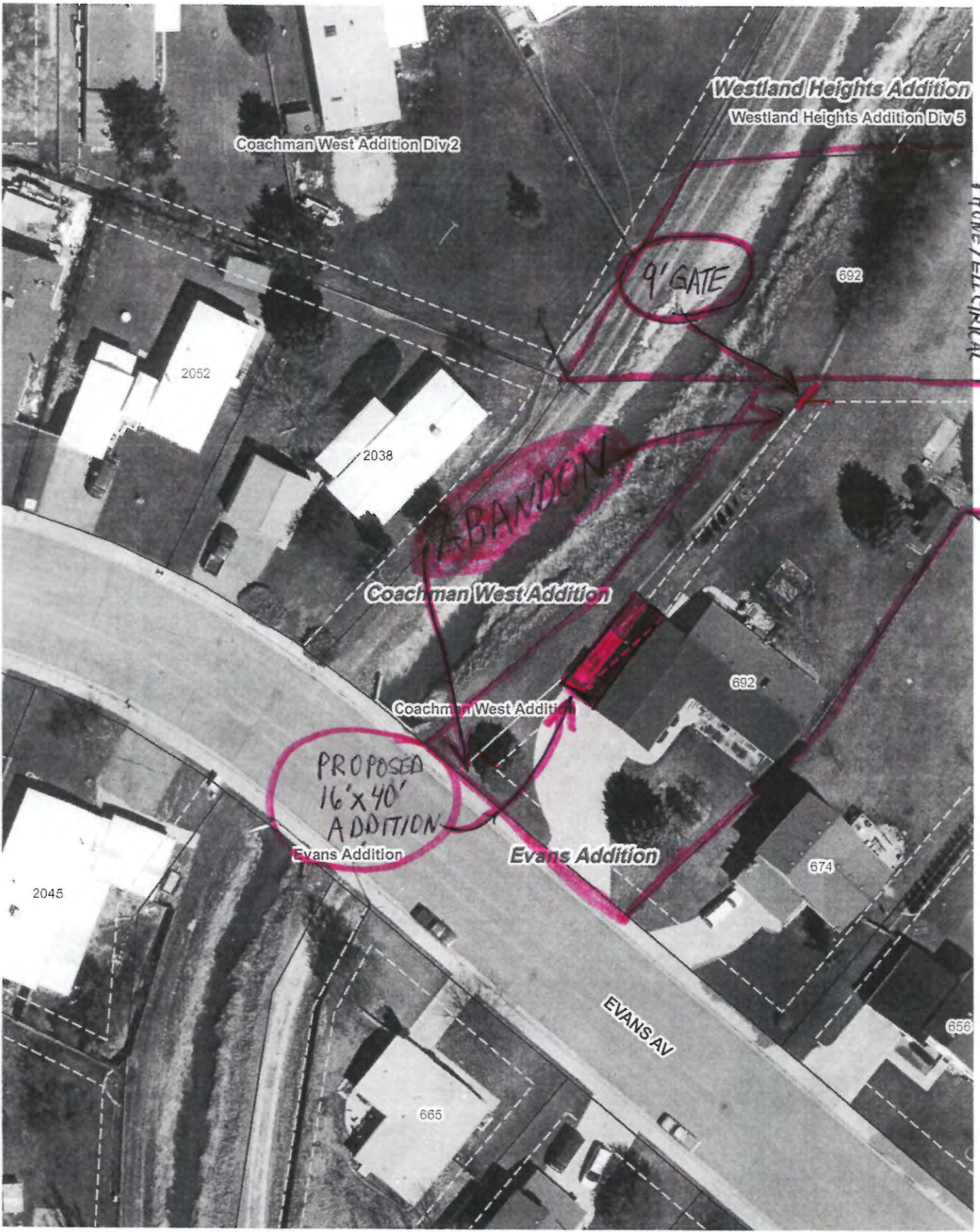
This letter is to request the vacation of a portion of the easement indicated in the attached photo. Our intent is to add an addition off of the existing garage that would measure approximately 16 feet by 40 feet. This property is bordered by a canal managed by the New Sweden Company. The utilities that are on this property could still easily be accessed via a gate in the fence line bordering the canal. We appreciate your consideration in this regard and your efforts to expedite would be appreciated as well so we can begin construction soon.

Thanks,

Sincerely Lynn and Daren Bunn

692 Evans Ave., Idaho Falls, Idaho

Cell: 208-40-2894



Coachman West Addition Div 2

Westland Heights Addition

Westland Heights Addition Div 5

2052

2038

9' GATE

692

ABANDONED

Coachman West Addition

Coachman West Addition

692

PROPOSED
16'x40'
ADDITION

Evans Addition

Evans Addition

674

2045

EVANS AV

665

656

UTILITY BOXES
PHONE/ELECTRICAL