

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

Tuesday, November 24, 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 listed below, please contact Councilmembers by email or personally before the meeting. If you wish to comment on a matter that is not on this Agenda, you may comment during Agenda Item number 3 below. Be aware that 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" on this agenda are only potential outcomes. 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. **Public Comment:** *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 also use this time to 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.*

4. **CONSENT AGENDA:** Any item may be removed from the Consent Agenda at the request of any member of the Council and that item would be considered separately later. Approval by roll call vote:

A. Item from Idaho Falls Power:

1. Ratify Power Transactions

Attached are two confirmation agreements for power transactions with Shell Energy. These agreements consist of selling forecast surplus energy for March, 2016, and purchasing energy from December, 2015. The total value of the sale is \$89,640 for 4,320 MWh of energy. The December purchase value is \$47,840 for 2,080 MWh of energy. This bundle of forward power transactions enables the power division to better match expected loads with resources; therefore Idaho Falls Power respectfully requests ratification of the attached agreements.

B. Items from the City Clerk:

1. Acceptance of the Canvass of the Vote from the November 3, 2015, General Municipal Election.
2. Approval of Minutes from the October 19, 2015, Council Work Session and the October 22, 2015, Regular Council Meeting.
3. Approval of License Applications, including Beer Licenses to Albertsons (17th Street), Albertsons (Broadway), Applebee's Neighborhood Grill & Bar, Blue Hashi, Blue Wave LLC, Boozer Quick Stop, Buck's, Common Cents Food Store (17th Street), Common Cents Food Store (Boulevard), Common Cents Food Store (Broadway), Common Cents Food Store (Broadway #2), Diamond Concessions, Eagle's Lodge, El Rinconcito Authentic Mexican Food, Fat Smitty's LLC, Fred Meyer Stores Inc., Frosty Gator, Garcia's Meat Market (Elva), Garcia's Meat Market #2 (Northgate), Gas 'N Grub, Gourmet Xio LLC, Hampton Inn, Happy's Chinese Restaurant, Holiday Oil, Jacksons #73, Jakers of Idaho Falls, Kool Beanz Café, La Hidalguense, Las Pulgas Cantina & Dance Hall, Leo's Place, Los Albertos Inc., Lucy's New York Style Pizzeria Inc., Maverik Country Store (Broadway), Maverik Country Store (Woodruff), Maverik Country Store (Yellowstone), Miss Kim's Place, New Yummy House, Pachangas Mexican Restaurant, Plum Loco, Pockets Inc., Puerto Vallarta Inc. Al Di, Roadrunner Pit Stop, Samoa Club, Seventeenth Street Gas & Wash, Skyline Lanes, Smith's Food & Drug Centers, Snake Bite, Stinker Store #27, Stinker Store #28, The Celt, The Zone, and Tandoori Oven, all carrying the required approvals.

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

5. **REGULAR AGENDA:**

A. **Municipal Services:**

1. **Bid IF-16-C, Road Salt:** It is the recommendation of the Public Works and the Municipal Services Departments to piggyback the Idaho Department of Transportation's contract #BP001923-07 with Evans Grain and Elevator Company. The supplier will furnish the required annual road salt for the contract amount of \$37.97 per cubic yard plus a fuel surcharge of \$24.20 per load, which calculates out to be approximately \$.69 per ton. Last fiscal year the Street Division expended a total of \$67,494.71 for road salt.

RECOMMENDED ACTION: To piggyback the Idaho Department of Transportation's contract with Evans Grain and Elevator Company for road salt, and authorize the Mayor and City Clerk to sign any necessary documents (or take other action deemed appropriate).

2. **Unified Utility Billing, Collection and Termination Policy Resolution:** Attached is a resolution with a proposed unified utility billing, collection and termination policy for City customer water, sewer, sanitation, electrical and fiber optic accounts. Municipal Services, Idaho Falls Power and Public Works staff concurs with the

unified billing policy recommendation. The proposed changes are now being submitted to the Mayor and City Council for consideration.

RECOMMENDED ACTION: To approve the Resolution with a unified utility billing, collection and termination policy for City accounts and authorize the Mayor to sign the document (or take other action deemed appropriate).

3. Unified Utility Billing, Collection and Termination Policy

Ordinance: Attached is an ordinance to reference the proposed unified billing, collection and termination policy. Municipal Services, Idaho Falls Power and Public Works staff concurs with the unified billing policy recommendation. The proposed changes are now being submitted to the Mayor and City Council for consideration.

RECOMMENDED ACTION: To approve the unified billing, collection and termination policy Ordinance under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, or reject the Ordinance).

B. Idaho Falls Power:

1. Ordinance amending sections of the City Code of Idaho Falls pertaining to electric service: Attached for your consideration is an Ordinance amending Title 8, Chapter 5 of the City Code of Idaho Falls. The City Attorney has prepared this ordinance. The proposed changes clarify thresholds for new large single loads, establish net metering classifications, establish in-person meter reading provisions, and establish regulations and fees for electric power line extensions. Idaho Falls Power respectfully requests City Council approve the Ordinance.

RECOMMENDED ACTION: To approve the Ordinance amending Title 8, Chapter 5 of the City Code of Idaho Falls under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, or reject the Ordinance).

2. Resolution Amending the Idaho Falls Power Service Policy: Attached for your consideration is a resolution adopting modifications to the Idaho Falls Power Service Policy. The revisions incorporate language related to the electric line extensions and associated fees, clarifying customer responsibility pertaining to secondary service, and clarify net metering application process. The City Attorney has reviewed the proposed changes. Idaho Falls Power respectfully requests that City Council approve the Resolution and authorize the Mayor to sign the document.

RECOMMENDED ACTION: To approve the Resolution adopting modifications to the Idaho Falls Power Service Policy and authorize the Mayor to sign the document (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.

CONSENT AGENDA:



A Department 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: November 20, 2015
Re: Consent Agenda – Ratify Power Transactions

Attached are two confirmation agreements for power transactions with Shell Energy. These agreements consist of selling forecast surplus energy for March 2016 and purchasing energy from December 2015. The total value of the sale is \$89,640 dollars for 4,320 MWh of energy. The December purchase value is \$47,840 dollars for 2,080 MWh of energy.

This bundle of forward power transactions enables the power division to better match expected loads with resources; therefore Idaho Falls Power respectfully requests ratification of the attached agreements.

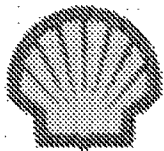
JRF/696

Attachment

Cc: City Clerk
City Attorney
file

PO Box 50220
140 S Capital
Idaho Falls ID 83405

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



Shell Energy North America (US), L.P.

1000 MAIN ST LEVEL 12

HOUSTON, TX 77002

713-767-5500

November 17, 2015

Deal No.

2813235

CITY OF IDAHO FALLS
140 S CAPITOL AVENUE,
IDAHO FALLS, ID 83405
Fax: 1(208)612-8435

CONFIRMATION AGREEMENT

This confirmation agreement (this "Confirmation" or "Agreement") shall confirm the agreement reached on November 16, 2015, between Shell Energy North America (US), L.P. ("Shell Energy") and CITY OF IDAHO FALLS ("CounterParty") (herein sometimes referred to as a "Party" and collectively as the "Parties") regarding the sale of electric capacity and/or electric energy under the terms and conditions set forth below.

BUYER: Shell Energy North America (US), L.P.

SELLER: CITY OF IDAHO FALLS

PRODUCT/FIRMNESS: WSPP Sch. C

PERIOD OF DELIVERY 03/01/2016 through 03/31/2016

QUANTITY: 10 Mws of energy per hour

PRICE: \$ 20.75/Mwhr Fixed

DELIVERY POINT(S): MONA

SCHEDULING: Monday thru Saturday, Hours ending 0700 thru 2200 Excluding NERC Holidays

TIME ZONE: PPT

TOTAL MWH: 4,320

SPECIAL CONDITIONS: Seller and Buyer agree to notify each other as soon as practically possible of any interruption or curtailment affecting this transaction. Seller should notify Coral at 1-(800) 267-2562.

SUBJECT TO MASTER AGREEMENT DATED: WSPP as amended 01/01/2014

This Confirmation sets forth the terms of the transaction into which the Parties have entered into and shall constitute the entire agreement between the Parties relating to the contemplated purchase and sale of electric energy and/or electric capacity please have this confirmation executed by an authorized representative or officer of your company and return via facsimile to (713) 767 5414. If no facsimile objection to this Confirmation has been received by Shell Energy by facsimile transmission by 5:00 p.m., Houston, Texas time, five (5) business days after delivery of this Confirmation to the other Party by facsimile, then this Confirmation (i) shall be binding and enforceable against Counterparty and Shell Energy and (ii) shall be the final expression of all the terms hereof, regardless whether executed by the other Party.

CITY OF IDAHO FALLS

Shell Energy North America (US), L.P.

By: 

Name: JACKIE FLOWERS

Title: GENERAL MANAGER

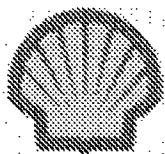
Date: 11/17/15

By: 

Name: John W. Pillion

Title: Confirmations Team Lead

Date: 11/17/2015



Shell Energy North America (US), L.P.

1000 MAIN ST LEVEL 12

HOUSTON, TX 77002

713-767-5500

November 17, 2015

Deal No.

2813234

CITY OF IDAHO FALLS
140 S CAPITOL AVENUE,
IDAHO FALLS, ID 83405
Fax: 1(208)612-8435

CONFIRMATION AGREEMENT

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BUYER: CITY OF IDAHO FALLS
SELLER: Shell Energy North America (US), L.P.
PRODUCT/FIRMNESS: WSPP Sch. C

PERIOD OF DELIVERY	12/01/2015 through 12/31/2015
QUANTITY:	5 Mws of energy per hour
PRICE:	\$ 23/Mwhr Fixed
DELIVERY POINT(S):	MONA
SCHEDULING:	Monday thru Saturday, Hours ending 0700 thru 2200 Excluding NERC Holidays

TIME ZONE: PPT
TOTAL MWH: 2,080

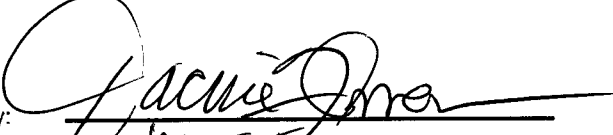
SPECIAL CONDITIONS: Seller and Buyer agree to notify each other as soon as practically possible of any interruption or curtailment affecting this transaction. Buyer should notify Coral at 1-(800) 267-2562.

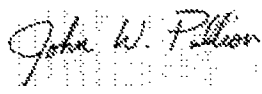
SUBJECT TO MASTER AGREEMENT DATED: WSPP as amended 01/01/2014

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CITY OF IDAHO FALLS

Shell Energy North America (US), L.P.

By: 
Name: JACKIE FLOWERS
Title: GENERAL MANAGER
Date: 11/17/15

By: 
Name: John W. Pillion
Title: Confirmations Team Lead
Date: 11/17/2015

BONNEVILLE COUNTY GENERAL MUNICIPAL ELECTION

November 3, 2015

CITY OF IDAHO FALLS

PRECINCT	CITY OF IDAHO FALLS MUNICIPAL ELECTION							
	COUNCIL SEAT NO. 1 4 Year Term VOTE FOR ONE (1)		COUNCIL SEAT NO. 2 2 Year Term VOTE FOR ONE (1)	COUNCIL SEAT NO. 3 4 Year Term VOTE FOR ONE (1)		COUNCIL SEAT NO. 5 4 Year Term VOTE FOR ONE (1)		
	JOHN PENDLEBURY	MICHELLE ZIEL-DINGMAN	DAVID M. SMITH	EVAN K. BASTOW	THOMAS HALLY	DEAN ELLIS	DENNIS RAY EMERY	JOHN BOYD RADFORD
01	70	76	128	59	85	48	11	83
02	58	50	87	38	75	48	9	56
03	32	42	63	30	44	16	4	55
04	48	78	106	48	75	50	11	67
05	70	58	107	70	60	58	7	67
06	37	112	122	52	102	40	10	101
07	69	68	105	71	63	47	12	78
08	48	85	103	54	77	40	11	78
09	81	65	131	51	90	71	11	60
10	242	166	341	172	208	168	42	173
11	56	129	123	51	136	51	16	124
12	103	100	169	76	125	97	19	82
13	72	96	135	62	98	65	9	88
14	41	119	114	43	120	37	12	117
15	122	133	197	115	146	114	16	133
16	77	139	160	114	125	90	12	126
17	76	126	165	66	137	66	15	116
18	83	100	159	76	111	87	11	91
19	92	143	166	70	168	96	17	129
20	130	142	232	95	168	109	29	133
21	67	63	109	48	83	61	4	68
22	0	1	1	0	1	1	0	0
23	6	40	37	15	31	14	1	31
24	41	86	96	43	85	58	6	68
25	64	110	148	60	117	52	10	114
26	74	70	109	64	75	66	9	59
27	154	101	178	94	101	188	8	58
38	0	0	0	0	0	0	0	0
46	63	42	93	46	57	62	13	26
Absentee	201	308	381	155	360	196	26	283
TOTAL	2,277	2,848	4,065	1,938	3,123	2,096	361	2,664

BONNEVILLE COUNTY GENERAL MUNICIPAL ELECTION

November 3, 2015

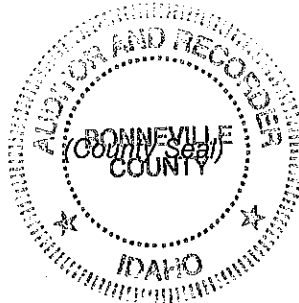
CITY OF IDAHO FALLS

PRECINCT	VOTING STATISTICS				
	Total Number of Registered Voters at Cutoff	Number Election Day Registrants	Total Number of Registered Voters	Number of Ballots Cast	% of Registered Voters That Voted
01	883	13	896	149	16.63%
02	853	9	862	117	13.57%
03	461	2	463	76	16.41%
04	774	10	784	132	16.84%
05	819	8	827	135	16.32%
06	839	6	845	156	18.46%
07	820	17	837	141	16.85%
08	804	9	813	137	16.85%
09	1084	8	1092	151	13.83%
10	1083	45	1128	465	41.22%
11	1024	16	1040	195	18.75%
12	1007	8	1015	206	20.30%
13	1037	11	1048	171	16.32%
14	833	9	842	170	20.19%
15	1131	10	1141	268	23.49%
16	1073	10	1083	245	22.62%
17	1063	7	1070	208	19.44%
18	1096	7	1103	193	17.50%
19	918	7	925	255	27.57%
20	916	48	964	321	33.30%
21	896	12	908	134	14.76%
22	45	0	45	1	2.22%
23	302	4	306	47	15.36%
24	820	13	833	138	16.57%
25	853	16	869	185	21.29%
26	853	20	873	147	16.84%
27	633	46	679	320	47.13%
38	4	0	4	0	0.00%
46	263	17	280	148	52.86%
Absentee			0	548	
TOTAL	23,187	388	23,575	5,559	23.58%

STATE OF IDAHO
COUNTY OF BONNEVILLE } ss.

I, RONALD LONGMORE, County Clerk of said county and state, do hereby certify that the attached is a full, true and complete copy of the abstract of votes for the candidates therein named as they appeared on the election ballot on November 3, 2015 Election for the City of Idaho Falls as shown by the record of the Board of Canvassers filed in my office this 9th day of November, 2015.


County Clerk



STATE OF IDAHO

COUNTY OF BONNEVILLE

} ss.

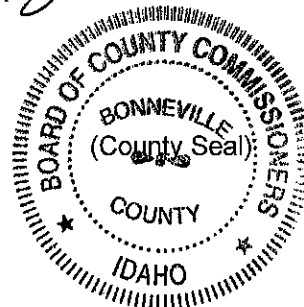
We, the commissioners of the county and state aforesaid, acting as a Board of Canvassers of Election, convened on November 9, 2015, do hereby state that the attached is a true and complete abstract of all votes cast within this county for the candidates and/or issue as it appeared at the election held on November 3, 2015, as shown by the records now on file in the County Clerk's office.

Roger S. Christensen
Dale R. Rufford

County Board of Canvassers

Attest:

Ronald Longma
County Clerk



OCTOBER 19, 2015

The City Council of the City of Idaho Falls met in Special Council Meeting (Council Work Session), Monday, October 19, 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 Barbara Ehardt
Councilmember Thomas Hally
Councilmember David M. Smith
Councilmember Ed Marohn
Councilmember Michael Lehto

Absent:

Councilmember Sharon Parry

Also present:

Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Dave Hanneman, Fire Chief
Bear Prairie, Assistant Idaho Falls Power Director
Dana Briggs, Economic Development Coordinator
Brad Cramer, Community Development Services Director
Kerry Beutler, Community Development Services Assistant Director
Melanie Marsh, Human Resources Director
Craig Davis, Idaho Falls Airport Director
Richard Malloy, Idaho Falls Power Manager
Mark McBride, Police Chief
Chris Fredericksen, Public Works Director
Greg Weitzel, Parks and Recreation Director
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with Mayor and Council reports.

Mayor Casper reviewed the Council meetings schedule with regard to the upcoming holidays.

Councilmember Lehto stated the ice rink had been temporarily out of service.

Councilmember Ehardt had no items.

Councilmember Smith stated the Airport construction will commence in spring of 2016.

Councilmember Marohn had no items.

Councilmember Hally had no items.

Presentation:

Mayor Casper introduced Idaho National Laboratory (INL) staff consisting of Amy Lientz, Director of Partnerships, Engagement and Technology Deployment; Cal Ozaki, Manager of

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Public Relations and Strategic Initiatives; and Debbie Tate, Division Director of Campus Development Office (CDO).

Exhibits used included the following information with general discussion and comments throughout the presentation:

INL by the Numbers

- 10 year birthday of INL
- 14 states have a National Lab (there are 17)
- 5th largest employer in Idaho
- \$917m business volume
- \$130m to Idaho small businesses
- \$46k (State) vs \$52k (National) vs \$87.5k (INL) – annual salary/year comparison
- 503 new INL employees
- 350 interns up from 170 from last year
- \$682.5K community giving
- 9,500 EBR I visitors (8,000 in 2014)
- 175 hosted events

Key partnering connections with the City

- Facilities and Infrastructure
- Talent pipeline
- Community connections

Nine Years of Progress in Developing the Research & Education Campus Comparison of 2004 to 2015 facilities

Nine Years of Accomplishments

Created University Boulevard and Developed Showcase R&D Facilities

- Seven major R&D facilities (Center for Advanced Energy Studies (CAES), UB-1, UB-2, UB-3, UB-4, Energy Systems Laboratory (ESL), and Energy Innovation Laboratory (EIL))
- \$136 M capital investment
- 350,000 ft² new lab and office space,
- Participation with local developers, State, and University

INL Proposal/ Contract Aspirations

- Aggressively streamline, upgrade, and plan for new infrastructure
 - Procure 400,000 ft² of new facility space
 - Consolidate existing scattered leases
 - Pursue developer-financed facilities
- First Project; Utility Corridor for University Boulevard, \$2.5M
- CAES; University partnership, BEA guaranteed bonds

Where are we going?

Build on our 3 Core Mission Areas

- Advancing Nuclear Energy
- Enabling Clean Energy Deployment

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- Securing & Modernizing Critical Infrastructure

INL is an Energy and Security Park

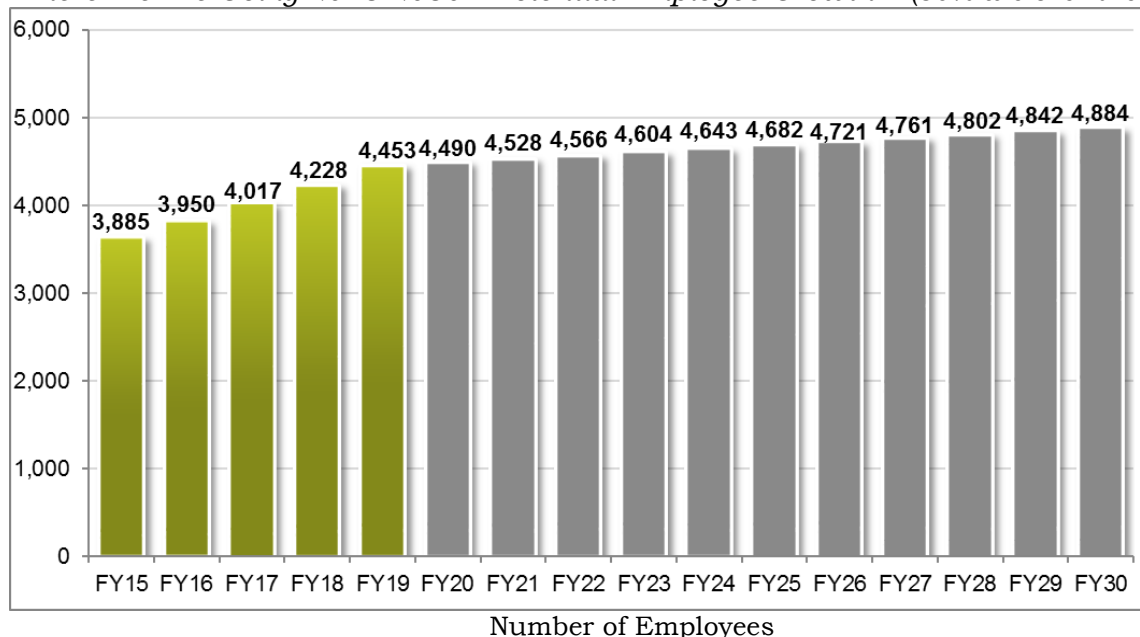
We Maintain –

- 890 square miles
- 111 miles of electrical transmission and distribution lines
- 579 buildings
- 177 miles of paved roads
- 14 miles of railroad lines
- 3 reactors
- 2 spent fuel pools
- Mass transit system
- Security
- Museum
- “Landfills”
- 300 metric tons of used fuel
- 3 User facilities
- Educational and research partnerships – CAES

University Boulevard 2015 – Gateway to INL

None of this possible – without talent

Where We Are Going 2015-2030 – Potential Employee Growth (30% are over the age of 50)



Number of Employees

*Projected numbers based on achieving a \$1.3B Business Volume between now and 2019 and 2% growth after that

The Perfect Storm

- Silver Tsunami
- INL is Growing
- National STEM Job Hiring Crisis

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INL Projected Staffing Needs

We are growing and recruiting in competitive and difficult-to-fill areas:

- Chemical Engineering
- Cyber Security
- Electrical Engineering
- Materials Science
- Nuclear Engineering
- Physics
- Computer Engineering/Science
- Skilled Technicians

Where do we find the talent?

- External: Subcontractors and Educational Institutions
- Internal: Employee Recruitment
- Where and how do we recruit?
 - Word of Mouth
 - Headhunters
 - Advertising
 - Social Media
 - Interns and Education partners
- Why do INL employees choose Idaho Falls?
 - Exciting work
 - Quality of life
- Why do they sometimes choose elsewhere?
 - Perception of Idaho Schools
 - Opportunities for the other spouse
 - Salary

Where might we work together

- Infrastructure planning (railroad, power, transportation, housing, visitor center?)
- Feed and build the Talent Pipeline
- Get Organized. Know that employees and businesses have choices
- Be a Voice: Weigh in on public and policy issues of concern
- Think of INL as an economic and quality of life discriminator
- Leverage our resources
- Join us (tour, subcontract, apply for a grant, recruit, etc.)

Mayor Casper requested any comments/concerns by the available Department Directors:

Director Weitzel stated an easement is currently in place to extend a walking path north of the City, tentatively known as the CAES trail. He would welcome any letters of support the INL could provide to assist with funding.

Director Fredericksen stated there will be future discussion with Union Pacific regarding the railroad as well as coordination with Bonneville County regarding the right-of-way. He indicated there should be no issues with the water and sewer services.

Chief McBride stated public safety is always a concern, however, the INL provides their own security staff. Ms. Tate stated there is continual discussion with Bonneville County and the City of Ammon for emergency response time.

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Mr. Malloy stated Idaho Falls Power is considering redirecting some power loads to the west side to allow for additional capacity. He also indicated there is a circuit on Iona Road for additional power.

Director Cramer expressed three (3) concerns for additional housing that may occur; finding developers that are familiar with higher density, the correct location, and the demographic with the number of potential homeowners.

Chief Hanneman stated emergency access is always a concern. He indicated another fire station may need to be located in the north section of the City.

Ms. Lientz indicated future discussion will be held with the Airport staff regarding travel needs.

Councilmember Marohn suggested the INL be included as the City strategic planning proceeds. Mayor Casper would like to have dialogue with the INL on a semi-annual/annual basis.

Items from Community Development Services include:

Receipt of recommendations from the Planning and Zoning Commission, October 6, 2015, meeting:

After general discussion, it was moved by Councilmember Lehto, seconded by Councilmember Marohn, to receive the recommendations from Planning and Zoning Commission, October 6, 2015, meeting pursuant to the Local Land Use Planning Act. Roll call as follows:

Aye: Councilmember Marohn
 Councilmember Lehto
 Councilmember Ehardt
 Councilmember Hally
 Councilmember Smith

Nay: None

Motion carried.

Area of Impact:

Director Cramer reviewed the draft timeline regarding Area of Impact. He indicated the State statute 67-6526(e), states prior to renegotiation of Area of Impact the Governing bodies (the City Council and County Commissioners) will direct all pending questions along with the timeframe of all pending questions to the Planning and Zoning Commission. Director Cramer requested a joint meeting with the current City Councilmembers, who are knowledgeable of the previous discussions, and Bonneville County Commissioners. It was proposed to schedule a meeting the first part of November.

Item from Human Resources include:

Fire Negotiations:

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Chief Hanneman stated the current year negotiations process took more time than anticipated and therefore the contract expired. The current agreement will not be retroactive. He believes the agreement contains the parameters the Council requested including the Cost of Living Adjustment (COLA), the increase of paramedic certification, and various other provisions. He stated there will be an allowance of travel time to accommodate the Swan Valley contract with associated costs absorbed in the ambulance fund. General discussion followed regarding comp time and overtime as described in the current contract, additional personnel, and military leave.

It was moved by Councilmember Marohn, seconded by Councilmember Hally, to approve the Collective Bargaining Agreement between the City of Idaho Falls and the Idaho Falls Firefighters Union Local No. 1565. Roll call as follows:

Aye: Councilmember Ehardt
 Councilmember Marohn
 Councilmember Hally
 Councilmember Smith
 Councilmember Lehto

Nay: None

Motion carried.

Presentations:

Mayor Casper expressed her appreciation to the members of the Citizen Review Committees (CRC) for their countless hours of service.

Police Citizen Review Committee:

Mayor Casper turned the meeting to Kent Granat for introduction of the Idaho Falls Police Department (IFPD) CRC.

The Police CRC members included: Kent Granat, Chairman; Don Stevens, Vice Chairman; Christie Bevis, Secretary; Ed Conn, Member; Robert Coombs, Member; Robert Copp, Member; Keith Daum, Member; Russell Johnson, Member; Robert Stallman, Member.

Mr. Granat stated the CRC conducted meetings on a weekly basis beginning in February, 2015, including tours of the Law Enforcement Building (LEB), dispatch, and animal control as well as presentations from several staff members of the City. The CRC identified many positive attributes and good practices in the operation of the Idaho Falls Police Department (IFPD). The CRC also identified numerous opportunities for improvement but focused on four (4) major issues that the CRC believes requires immediate attention. These major concerns and recommendations are:

1-A budgeting process that is top-down with an emphasis on maintaining status quo or even reducing funding, while failing to adequately consider growth of the City and identified real needs of the IFPD.

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Recommendations: To deal with these issues, the IFPD CRC supports an increase of three sworn officer slots this coming year and additional slots the following year to bring the organization to, at least, the same level as 2009, or higher. Further, we support an increase of two slots for dispatch and one additional slot for Information Technology. Budgets for training, ammunition, etc. should be increased commensurate with need. The IFPD CRC strongly recommends more police input into the budgeting process allowing direct discussions from all levels of police so that the City Council understands the tradeoffs it may be making with budget considerations and the risks associated to the police.

2-Critical staffing shortages and personnel issues having a direct impact on IFPD's ability to perform its mission.

Recommendations: The committee recommends that IFPD take immediate action to fill the vacancies in the patrol and dispatch organizations. Implement a creative task force to reduce the time it takes to get an officer hired and on the street. Develop changes that will allow and attract qualified/certified officers to be hired in a substantially shorter time period. The task force should include civilians. Continue discussions across the state to reduce the wait time for the police officer academy by having much of the training performed at the regional/more local level. This would also shorten the hiring process time. Begin the hiring process early (e.g. 'hiring ahead' of anticipated job openings, using historic and known turnover, rather than beginning the process after the opening occurs). This concept will pay for itself through 'overtime' dollar savings. Eliminate Civil Service from the police officer employment process. This will allow IFPD to have a greater chance to hire experienced officers. This will also shorten the lengthy hiring process because experienced officers require less training time. To replace the employee protections found in the Civil Service Rules, IFPD should establish a written personnel policy with a 'fair treatment'/'just cause' standard to govern personnel actions. Included in the policy would be the establishment of an independent review board of five individuals that consists of three selected IFPD personnel, and two non-employee civilians to review all disciplinary personnel matters. IFPD must implement a physical fitness program as soon as possible to improve the safety, performance, and professionalism of the department. This policy change should be phased in with the details to be worked out with a designated group of internal stakeholders. IFPD must implement an ongoing drug testing program. This policy change should cover pre-employment, and also include an ongoing policy covering 'for cause' drug tests or 'random' drug tests, with the details to be worked out with a designated group of internal stakeholders.

3-Communication between Police Officer, IFPD leadership, the Mayor and the City Council seem to be having a negative effect on morale and creating doubts about trust and support with IFPD and with City leadership.

Recommendations: The IFPD CRC recommends that the Chief and Captains foster their responsibility in Community-Oriented Policing by actively and personally meeting with all staff on a regular basis. This will allow the Chief and Captains to understand staff concerns while at the same time actively demonstrating their commitment to the Community-Oriented Policing model. The IFPD CRC recommends that Police Officers take advantage of these personal meetings to voice concerns before they become problems. Implementing additional personal meetings with staff will allow staff to ask questions to understand why this, and other, policy changes are needed. As a matter of ongoing practice, the IFPD should have as many employees as practical be involved and participate before implementing changes to any policy and procedure. This will allow for the joint resolution of grievances and problems. It is

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recommended the Chief conduct regular quarterly meetings with a set of designated employee representatives (including, but not limited to, the local Fraternal Order of Police/FOP). It is recommended the Chief and Captains conduct a semi-annual series of 'question and answer' meetings with all staff to explain what is happening, answer questions, respond to problems, etc. For the Mayor/City Council, the IFPD CRC recommends conducting direct meetings with IFPD staff including 'question and answer' sessions. As part of these meetings, present information about how decisions are made so that decisions do not seem arbitrary. Framing information around how decisions support the Community-Oriented Policing model would be useful. It is recommended that management training be conducted to move the organization to a style of management that includes internal and external openness. For external communications with the community, the IFPD CRC recommends that citizens be included in all review panels, boards, task force, etc. There should be a specific effort to determine the costs of re-implementing the reserve police officer program. The IFPD CRC understands that re-starting the reserve police officer program will require 120 hours of volunteer training.

4-The dismal, neglected, and perhaps unhealthy condition of the building currently servicing as the Police Station.

Recommendations: Despite the urging of the IFPD CRC and the various inspections, a comprehensive industrial hygiene inspection has not occurred. This inspection is imperative in order to protect the city and county from liability as well as protect the health and safety of building occupants. The building is still likely in 'code violation' as fire detection and sprinkler systems were not in service. If fire protection devices are still not working, this needs corrected immediately. It is unclear what government agency has responsibility for outside health and safety inspections on a county or city building. The answer to this question needs to be determined so a working relationship can be developed between the city/county and state inspection agency so the neglected building conditions do not occur again. One specific position in the city should be assigned responsibility for city-wide health and safety, so these dismal, neglected, and perhaps unhealthy building conditions never occur again anywhere in the city. The city fire marshal reports fire trucks cannot get close to the building or fire hydrants due to a parking lot addition. This situation needs to be satisfactorily addressed. Not correcting the building health and safety issues, and code violations, was an example of an ongoing disconnect between the city and county working together to solve problems. The IFPD office building does not have the space where there are separate interview rooms far enough apart from the victims of the crime and the alleged perpetrators. This needs to change soon, even with the current size/layout of the present building. IFPD needs a different facility for current and anticipated future operational activities. The 'different facility' can take several approaches (e.g. remodel, moving to different location, etc.).

Other recommendations include:

SIGNIFICANT IMPACT TOPICS

Increase the Number of Female and Minority Police Officers: Regularly scheduled employment fairs targeted to females and minorities. Establish a public committee made up of community female and minority citizen leaders to recommend positive actions. IFPD take the lead in recommending a state-wide review of the vertical leap standard and whether this part of the test is a necessary job requirement.

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Police Department Pay and Benefits: The committee believes there should be wage and benefit parity between Firemen and Police Officers. Therefore, it is recommended that a detailed fireman vs patrol officer pay and benefit survey be conducted (including a review of the current vacation differences). A study be undertaken to weigh the pros and cons of offering incentive pay for those officers who acquire certifications for SWAT, Bomb Squad, Accident Reconstruction, Breath-a-lizer. The committee believes that the City's 11 step/20 year wage structure is too long for an employee to achieve the top pay step of their occupation. This is a political device to control costs but not an effective long-term compensation policy. It is recommended that a City-wide study be undertaken to weigh the pros and cons of modifying the wage structure, and determine the economic effects of modifying the system. The study should also include the pros and cons of adopting a policy that slows for a "quality step increase". A broad internal stakeholders study be undertaken to weight the pros and cons of eliminating comp time, and instead pay overtime when it is earned.

Secondary Employment: This issue is complicated with a variety of competing interest. The committee recommends a task force, including citizens, be organized and collectively develop a workable plan.

Juvenile Repeat Offenders: The committee endorses the idea of establishing an effective program with all parties working together in the spirit of community policing (community, officer, prosecutors, correctional facilities and judiciary).

SIGNIFICANT CITY-WIDE TOPICS

Vacation Accrual: Discuss this issue with the city Finance Department and outside auditors to determine if this issue should be addressed during the annual budget process.

Light Duty: Implement a city-wide light duty return to work program across all departments, establishing a uniform policy. This will save workers' compensation dollars.

Drug Testing Program: It is recommended that a pre-employment drug testing policy be implemented city-wide, and an ongoing drug testing program be implemented, either 'for cause' or at 'random', with the details to be worked out with a designated group of internal stakeholders.

Risk Management Meetings: Combine the two meetings (Property & Loss and Workers' Compensation) and add the City directors as permanent members of the review committee. This will place those directly responsible for claims in a prevention mode rather than an after-the-fact reporting and defense mode.

Health and Safety Responsibility: One specific City employee/position be assigned responsibility for city-wide health and safety so the types of neglectful building conditions found in the IFPD office never occurs again anywhere in the City. Determine what government agency has responsibility for outside health and safety inspections and develop a working relationship.

Animal Services Administration: Off-leash animals are a continuing problem in both neighborhoods and public parks and the CRC would like to see fewer animals off-leash in Idaho Falls. The CRC recommends that the existing ordinance be enforced more completely.

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The CRC recommends that Animal Services increase awareness of the existing leash ordinance through both the Post Register and local TV stations. Police Chief Mark McBride and Captain Joe Cawley should be part of this process in order to educate citizens about the authority of Animal Control Officers. The CRC generally agrees to allow Animal Services the option of giving an initial warning to those who are in violation of the leash ordinance. The CRC, however, strongly recommends that a simple system be implemented to record the name of the owner and animal when a warning is given. Any second offense by either an owner or animal should lead to a citation. Increase Animal Services patrols in problem neighborhoods, such as the numbered streets. Increase patrol on Sundays and Saturdays, both in public parks and neighborhoods.

General discussion followed. Mr. Granat indicated the majority of the IFPD CRC members would be willing to volunteer for any future committees.

Parks and Recreation Citizen Review Committee:

The Parks and Recreation (P&R) CRC included: Chair, Greg Wray; Vice Chair, Robert Nitschke; members, Gerry Bates, James Freeman, James Gregory, Richard Kenney, Claudia Pine, and Anne Staton Voilleque.

Mr. Nitschke stated the P&R CRC followed the Mayor's recommended three-phase approach:

Phase I – Data-gathering. This phase began with an orientation meeting with the P&R Department and its administration. Director Greg Weitzel familiarized the CRC members with the Department, its goals, and the overall responsibilities of the department, its divisions, facilities, and programs. The CRC toured several facilities, followed by a detailed presentation.

Phase II – Fact-finding, Deliberation, Writing. This phase began immediately after the final tour and continued into September, 2015. Numerous meetings were held and follow-up discussions were provided by personnel.

Phase III – Reporting. General findings and observations, both positive and negative, were reported.

The top recommendations from the P&R CRC include the following:

ADMINISTRATION

1. Develop a capital facilities plan for each major facility, showing future building and replacement needs. Ensure that funding for such capital spending is included, in detail, in all budgets.
2. Pursue Commission for Accreditation of Parks and Recreation Agencies (CAPRA) accreditation, with the first stage (self-assessment) to be completed in the 2016 fiscal year. These standards will aid in updating approaches to planning and projects and identifying new ideas.
3. Develop a Comprehensive Parks, Recreation, and Open Space Plan.
4. City to prepare a City Master Plan, which would include the vision for the Parks and Recreation Department.

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5. Improve and extend community outreach in an active way (e.g., use of Facebook and other social media, web pages, talks at community fairs, schools, senior center, clubs, etc.) so that the community is aware of P&R activities well BEFORE they occur.
6. Increase opportunities for public participation in program and activity design.
7. City to establish, and publish, a policy on how the City (and by extension, P&R) is to handle its dealings with public partners of all types. Such a policy will assure the City that all partners comply with City regulations and laws, and agreed-upon practices of accountability, non-discrimination, accessibility, and other City goals and policies.
 - Policy should describe how such partnerships are to be documented.
 - Memoranda of Understanding (or Memoranda of Agreement) should document such partnership agreements.
 - City should keep files on each such partner (by-laws, mission, goals)
 - City should periodically review such partnerships, via minutes, annual reports, etc. from the partnering organization.
8. As major facilities become too old, too crowded, and inadequate to fulfill the City's needs, the committee recommends that the City take a big-picture, holistic view for possible solutions rather than addressing them individually. For example, resolve the current issues with the Rec Center, Aquatic Center, Ice Arena, and Zoo facilities by planning a Recreational Complex that could be the nexus for our Connecting Our Community project. It would house a new Rec Center, a relocated Ice Arena, and a new Aquatic Center, and include for other activities and future growth. The present Ice Arena could be repurposed to accommodate a new Zoo Education Facility, a larger Zoo gift shop, office space for Zoo staff, and much needed storage space for the Zoo. This would also free up additional space for much needed parking.
9. Create a project matrix to provide information, at any point during an annual cycle, on the many projects being undertaken by the P&R Department. The matrix must show, at a minimum, both the current status and progress of existing projects and plans for future projects.
10. Develop a policy to determine the efficacy of continuing (or discontinuing) commitment to projects that have outlived their usefulness or require more resources (either human or financial) than the City can provide budgeting for or do not (as in the case of private developers) meet City rules.
 - The policy should delineate a process by which the Department decides whether (or not) to take on new property, facilities, and programs.
 - Such policy should include routine analysis that identifies those areas and programs that are least relevant to the Department and provides a means for divesting the City of such, or of determining means of repurposing or reusing them.
 - Cease the acquisition of properties or lands if the Department has no means of providing ongoing maintenance and improvements.
 - Ensure that private developers follow City rules for areas (such as retention ponds and rights-of-way) for which the City must provide maintenance. If possible, developers should build in lower-cost or revenue-producing uses.
11. Develop a Five-Year Plan for each major facility and program. Such plan should include regular, specific, measurable facilities revenues, use, and development plans for each major facility or program.

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BUDGET

1. Standardize the budget process throughout the Department. The process should be consistent among Department, Divisions, and Programs and should be focused on goals and objectives, and not merely be an annual update of the preceding year's report. Measurable metrics must be included.
2. Establish a Municipal Equipment Replacement Fund (MERF)-like fund for small buildings such as storage sheds, equipment housing, picnic shelters, fences, restrooms, etc.
3. Make volunteer hours a budget line item. At present, volunteers make up a very large component of the work done in the P&R Department. Those hours should be captured and reported in the budget as a neutral line item in order to highlight the magnitude of this positive contribution.
4. Establish a revenue policy, including a cost-recovery plan, to balance considerations of age, affordability, and other demographics in setting user fees across all programs. Include consideration of the services P&R provides regionally, and periodically examine the contribution to Idaho Falls P&R funding from non-resident users from other cities, the county, etc.
5. Evaluate the costs and benefits of partial or full privatization of one or both cemeteries. Point of fact: The current annual expenditure to maintain the cemeteries is substantial.

STAFFING

1. Hire an Assistant Director for the Department. The current situation does not allow the Director the time to accomplish long-range planning and evaluation on the Department level.
2. Hire a department-level Volunteer Management Coordinator. Moving these tasks functions to the Department level would allow more cost-effectiveness and better coordination for all segments of the Department (e.g., Division, Program).
3. Hire a department-level Grant Writer. As with #2 above, this person could pursue and write grants at all levels of the Department.
4. Appoint a Zoo Director. There is a great need for the Director to be engaged in strategic and long-range planning, and fundraising, among others.
5. Write a detailed Staffing Plan, identifying succession candidates and workforce development strategies.
6. The above-mentioned Staffing Plan(s) must also ensure that proper training, certifications, and re-certifications are both planned and budgeted for.

FACILITIES

1. Begin analysis and planning for an orderly replacement of the old and inadequate Recreation Center with a new facility that accommodates the current unmet need, anticipates expected City growth, offers a balanced municipal fitness and class program for all people in the community, and adds the cost efficiencies and ADA functionality of a more up-to-date facility. CAPRA Standard 7.11 will be helpful in this regard.
 - Ensure that projected costs of such replacement are incorporated into City financial planning.
2. Establish a vision for enhanced, up-to-date infrastructure (see ADMINISTRATION #8 above). Multiple aging facilities are rapidly becoming too old, too crowded, and inadequate to the City's needs. The committee urges that these infrastructure needs be promptly addressed by developing new facilities plans for the Rec Center, the Aquatic Center, the Ice Arena, and Zoo staff and education facilities through a single, big-picture view rather than as piecemeal,

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partial solutions. For example, design a City recreational complex that can combine aquatic, ice, and other recreational activities.

3. Build (or re-purpose the existing ice arena as) a multi-function building for the Zoo. It would house the education unit, adequate and up-to-date employee offices, a larger gift shop, and adequate storage.

MAINTENANCE AND OPERATIONS

1. Develop a policy for Department-wide sharing of personnel. Functions that apply across Divisions and Programs within the Department (such as volunteer management, grant-writing, advertising, events planning, fees-tracking, and some maintenance functions) could be more cost-effective and more easily coordinated from the Department level.

2. Prepare an analysis of playground needs with the intent of bringing them up to ADA and safety standards.

3. Continue/complete ADA and energy audits. Continue and increase attention to environmental and sustainability issues.

- Make available an annual list of ADA audit findings, the remaining barriers to completing them, and the schedule for ameliorating them.
- Balance mechanical improvements that improve energy efficiency against the cost of implementation, especially in buildings already reaching (or past) their life spans.

4. Develop guidelines for P&R in which the needs entailed in acquiring new facilities or acreage or equipment are delineated. If there is no budget or staff to work with, it would be best not to acquire in the first place. Private developers must follow these guidelines and City rules to allow City takeover of maintenance in such a way that it is doable, more cost effective, and possibly even revenue-producing

5. Coordinate with city attorney to review and address concerns about Tautphaus Park Zoological Society compliance with 501(c)3 requirements and City goals.

6. Provide a technology upgrade for the Zoo. Provide staff with mobile electronic devices in order to facilitate communication, data collection and analysis, report preparation, research, and grant preparation. Convert the Zoo's watering system to a computerized operation similar to the P&R's centrally controlled irrigation system.

PERFORMANCE METRICS

1. Establish a system of performance metrics that establishes goals and shows progress towards desired CAPRA accreditation.

2. Conduct systematic studies to assess who Department users are and to move away from the "anecdotal" approach to planning specific programs/activities. Department should then evaluate existing programs and community needs and develop a Recreation Programming Plan for people of all ages and abilities.

- Carry out a formal survey of parks usage by time/day, demographics, and activity types.

General discussion followed with the CRC emphasizing their belief for a new recreation center as well as fund-raising and grant writing suggestions.

Councilmembers requested additional time to further review the CRC reports for any future discussions.

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There being no further business, it was moved by Councilmember Smith, seconded by Councilmember Marohn, that the meeting adjourn at 6:15 p.m., which passed by unanimous voted.

CITY CLERK

MAYOR

OCTOBER 22, 2015 - Unapproved

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, October 22, 2015, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

There were present:

Mayor Rebecca Casper
Councilmember Sharon Parry
Councilmember Barbara Ehardt
Councilmember David M. Smith
Councilmember Thomas Hally

Absent:

Councilmember Ed Marohn
Councilmember Michael Lehto

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available Department Directors

Mayor Casper invited Jeremy Malmo, Boy Scout Troop 310, to come forward and lead those present in the Pledge of Allegiance.

Mayor Casper requested any public comments not related to items on the agenda. No one appeared.

CONSENT AGENDA ITEMS:

The City Clerk requested approval of Minutes from the September 10, 2015, Council Meeting, September 21, 2015, Council Work Session, September 24, 2015, Idaho Falls Power Board Meeting, and September 24, 2015, Council Meeting.

The City Clerk requested approval of Monthly Expenditure Summary for the month of September, 2015.

<u>FUND</u>	<u>TOTAL EXPENDITURE</u>
General Fund	\$1,247,481.40
Street Fund	470,613.18
Recreation Fund	62,568.35
Library Fund	54,454.51
Municipal Equipment Replacement Fund (MERF)	95,595.75
Electric Light Public Purpose Fund	76,675.96
Golf Fund	91,303.64
Self-Insurance Fund	63,813.31
Street Capital Improvement Fund	315,210.16
Traffic Light Cap Imp Fund	29,313.00
Airport Fund	139,809.84

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Water and Sewer Fund	1,421,674.28
Sanitation Fund	38,580.09
Ambulance Fund	24,194.26
Electric Light Fund	3,073,289.88
Payroll Liability Fund	2,591,205.97
TOTAL	9,795,783.58

The City Clerk requested approval of Monthly Treasurer's Report for the month of September, 2015.

Dear Mayor and City Council Members:

Attached please find the City of Idaho Falls, Idaho, Monthly Treasurer's Report for the above referenced month, as required by Idaho Code Section 50-208.

This report was filed in the City Clerk's Office on or before the 10th day from the end of the month of the Report.

OATH

I, Kenneth McOmber, the City of Idaho Falls Treasurer, do hereby affirm that this City of Idaho Falls, Idaho, Monthly Treasurer's Report is true and accurate to the best of my knowledge and that it shows the state of the City Treasury as of the date of this Report and the balance of money in the City Treasury, all as required by Idaho Code Section 50-208.

s/ Kenneth McOmber
Kenneth McOmber

October 8, 2015
Date Signed

ACKNOWLEDGEMENT

STATE OF IDAHO)
County of Bonneville) ss.

On this 8th day of October, 2015, before me, the undersigned, a Notary Public for Idaho, personally appeared KENNETH MCOMBER known to me to be the Treasurer of the City of Idaho Falls, the municipal corporation that executed the foregoing document and acknowledged to that such City executed the same.

(SEAL) s/ Hollie Pettingill
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 03-26-2021

The City Clerk requested approval of License Applications, all carrying the required approvals.

The City Clerk requested Council ratification for the publication of legal notices calling for public hearings on October 22, 2015.

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It was moved by Councilmember Parry, seconded by Councilmember Smith, to approve all items on the Consent Agenda according to recommendations presented. Roll call as follows:

Aye: Councilmember Smith
Councilmember Ehardt
Councilmember Hally
Councilmember Parry

Nay: None

Motion carried.

REGULAR AGENDA ITEMS:

It was moved by Councilmember Parry, seconded by Councilmember Hally, to amend the agenda to remove Community Development Services Department item, Final Plat and Reasoned Statement of Relevant Criteria and Standards, East Bank Plaza, Division No. 1, from the Regular Agenda. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Smith

Nay: None

Motion carried.

Community Development Services Department submitted the following item for Council consideration:

MEMORANDUM

To: Honorable Mayor & City Council
From: Brad Cramer, Community Development Services Director
Subject: Annexation with Initial Zoning of R-1, Annexation and Zoning Ordinances, Development Agreement, Final Plat, and Reasoned Statements of Relevant Criteria and Standards, Trumblee Acres, Division No. 1.

Attached is the application for Annexation with Initial Zoning of R-1, Annexation and Zoning Ordinances, Development Agreement, Final Plat, and Reasoned Statements of Relevant Criteria and Standards, Trumblee Acres, Division No. 1. The Planning and Zoning Commission considered this item at its June 2, 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.

Mayor Casper opened the public hearing and ordered slides, Planning and Zoning Commission minutes, and staff reports be entered into the record.

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Director Cramer appeared to explain this application request. Following is a list of exhibits used in connection with this request:

- Slide 1: Vicinity map
- Slide 2: Aerial photo of parcel
- Slide 3: Additional aerial photo of parcel
- Slide 4: Comprehensive Plan Future Land Use Map
- Slide 5: Final Plat
- Slide 6: Photo looking southwest toward property
- Slide 7: Photo looking east past the property

Director Cramer stated this annexation only includes a small parcel of land as the surrounding area has been previously annexed into the City. He stated the previous annexation agreement included a condition if any improvements were made to the property, the area would require to be platted. Therefore, the applicant is fulfilling the obligation of the agreement.

Mayor Casper requested any public comments.

Kim Leavitt, Harper-Leavitt Engineering, 985 N. Capital appeared on behalf of the applicants, Mr. and Ms. Trumblee. He stated the Trumblees are requesting to divide the considered parcel into two (2) properties with annexation of their entire property. Mr. Leavitt believes the annexation was a different configuration prior to ownership of the Trumblees.

Mayor Casper closed the public hearing.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Development Agreement for Trumblee Acres, Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Smith

Nay: None

Motion carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Ordinance annexing Trumblee Acres, Division No. 1, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows:

Aye: Councilmember Smith
Councilmember Hally
Councilmember Parry
Councilmember Ehardt

Nay: None

OCTOBER 22, 2015 - Unapproved

Motion carried.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3036

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS, DESCRIBING SUCH LANDS; AMENDING THE CITY MAP; AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICAION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Parry, seconded by Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of property located south of and adjacent to West 17th South (Mill Road), east of Ironwood Drive, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Hally
Councilmember Parry
Councilmember Smith
Councilmember Ehardt

Nay: None

Motion carried.

It was moved by Councilmember Parry, seconded by Hally, to approve the Ordinance assigning a Comprehensive Plan Designation of Low Density Residential and establishing the initial zoning of approximately 0.211 Acres as R-1 Zone under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary, that the Comprehensive Plan be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, zoning, and amendment to the Comprehensive Plan on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Parry
Councilmember Smith
Councilmember Hally

Nay: None

Motion carried.

At the request of Mayor Casper, the City Clerk read the Ordinance by title only:

ORDINANCE NO. 3037

OCTOBER 22, 2015 - Unapproved

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 0.211 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS R-1 ZONE; ESTABLISHING A COMPREHENSIVE PLAN DESIGNATION AS "LOW DENSITY RESIDENTIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Parry, seconded by Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R-1 Residence Zone for property south of and adjacent to West 17th South (Mill Road), east of Ironwood Drive, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Parry
Councilmember Ehardt
Councilmember Hally
Councilmember Smith

Nay: None

Motion carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to accept the Final Plat for Trumblee Acres, Division No. 1, located south of and adjacent to West 17th South (Mill Road), east of Ironwood Drive, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Hally
Councilmember Parry
Councilmember Smith

Nay: None

Motion carried.

It was moved by Councilmember Parry, seconded by Councilmember Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Trumblee Acres, Division No. 1, located south of and adjacent to West 17th South (Mill Road), east of Ironwood Drive, and give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Ehardt
Councilmember Smith
Councilmember Parry
Councilmember Hally

Nay: None

Motion carried.

OCTOBER 22, 2015 - Unapproved

Parks and Recreation Department submitted the following items for Council consideration:

MEMORANDUM

To: Honorable Mayor and City Council
From: Greg A. Weitzel, Director, Parks and Recreation Department
Subject: Winter Light Personal Services Agreement

Attached for your consideration is the Personal Services Agreement between the City of Idaho Falls and Clyde and Leann Gilbert for set up and administration of a drive through winter light display at Freeman Park. This agreement has been reviewed and approved by the City attorney.

The Parks and Recreation Department respectfully requests approval and authorization for the Mayor and City Clerk to sign and execute said agreement.

Councilmember Hally stated this agreement will be at no cost to the City with the exception of the minimal power source at Freeman Park. He briefly explained the conditions of the agreement, including cost to the public and hours of operation. Director Weitzel stated Mr. and Ms. Gilbert approached the City for the potential light attraction after a successful display of a similar, smaller-scale version in Utah. He believes this light display will be a successful attraction to the citizens while being sensitive to the surrounding neighborhood regarding noise and traffic concerns.

It was moved by Councilmember Hally, seconded by Councilmember Smith, to approve the Winter Light Personal Services Agreement and give authorization for the Mayor and City Clerk to sign and execute said agreement. Roll call as follows:

Aye: Councilmember Hally
Councilmember Smith
Councilmember Ehardt
Councilmember Parry

Nay: None

Motion carried.

MEMORANDUM

To: Honorable Mayor and City Council
From: Greg A. Weitzel, Director, Parks and Recreation Department
Subject: Professional Design Services Heritage Park Master Plan

The Parks and Recreation Division respectfully requests authorization to enter into an Agreement with Design Workshop to provide design services for the Heritage Park Master Plan. This agreement has been reviewed and approved by the City Attorney.

OCTOBER 22, 2015 - Unapproved

The Parks and Recreation Department respectfully requests authorization for Mayor and City Clerk to sign and execute said agreement.

Councilmember Hally stated 9.41 acres along the Snake River have been donated by the Stafford Smith family for a proposed Heritage Park. Director Weitzel stated the Rotary Club and Ball Ventures have also made significant monetary pledges for the development of the future park. He stated the park theme will be the heritage of southeast Idaho including hydroelectrical power, nuclear, agricultural, and transportation. Director Weitzel indicated the committee was unanimous with their selection of Design Workshop. Councilmember Hally stated if the City chooses not to proceed with the proposed plan, the land would be returned to the Stafford Smith family.

It was moved by Councilmember Hally, seconded by Councilmember Smith, to approve the agreement with Design Workshop to provide design services for the Heritage Park Master Plan and give authorization for the Mayor and City Clerk to sign and execute said agreement. Roll call as follows:

Aye: Councilmember Smith
 Councilmember Hally
 Councilmember Parry
 Councilmember Ehardt

Nay: None

Motion carried.

There being no further business, it was moved by Councilmember Hally, seconded by Councilmember Ehardt, to adjourn at 8:15 p.m. which motion passed by unanimous vote.

CITY CLERK

MAYOR

REGULAR AGENDA:



CITY OF IDAHO FALLS

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

MUNICIPAL SERVICES

November 16, 2015

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

MEMORANDUM

TO: Mayor and City Council
FROM: Municipal Services Department
SUBJECT: Bid IF-16-C, Road Salt

It is the recommendation of the Public Works and the Municipal Services Departments to piggyback the Idaho Department of Transportation's contract #BPO01923-07 with Evans Grain and Elevator Company. The supplier will furnish the required annual road salt for the contract amount of \$37.97 per cubic yard plus a fuel surcharge of \$24.20 per load, which calculates out to be approximately \$.69 per ton. Last fiscal year the Street Division expended a total of \$67,494.71 for road salt.

Respectfully,

A handwritten signature in cursive script that reads "Pamela Alexander".

Pamela Alexander
Municipal Services Director

A handwritten signature in cursive script that reads "Chandra Witt".

Chandra Witt
General Services Administrator

A handwritten signature in cursive script that reads "Heidi Carlson".

Heidi Carlson
Purchasing Agent



State of Idaho

CHANGE ORDER - 02

PLEASE DO NOT DUPLICATE THIS ORDER.

Change Order Summary

Purchase Order Number: BPO01923
Account Number: AC-1
Revision Number: 02
Change Order Date: September 24, 2015
Service Start Date: September 26, 2015
Service End Date: March 31, 2016

Supplier

Johnny Evans
 EVANS GRAIN & ELEVATOR CO. INC.
 P.O. Box B
 Burley, ID 83318
Phone: 208-436-7777
Fax: 208-436-7783
Email: jmiller@evansgrain.com

Payment Method: Invoice**Buyer Contact**

Danny Downen
 Tel: 208-332-1605
 Fax: 208-327-7320
 daniel.downen@adm.idaho.gov

Payment Terms: NET30
Currency: USD
FOB Instruction: Destination
Attachment(s): [ChangeLog.htm](#) :Purchase Order Change

Contract Number:**Bill To Address**

DOP - Various State Agencies
 State of Idaho
 Various Locations
 See Below for Details
 on Specific Locations
 Various, Idaho 83702

Phone: 208-327-7465
Fax: 208-327-7320
Email: purchasing@adm.idaho.gov
Mail Stop: DOP - Various Locations

Ship To Address

DOP - Various State Agencies
 State of Idaho
 Various Locations
 See Below for Details
 on Specific Locations
 Various, Idaho 83702

Phone: 208-327-7465
Fax: 208-327-7320
Email: purchasing@adm.idaho.gov
Mail Stop: DOP - Various Locations

Instructions

BPO01923, Snow and Ice Control Chemical Products for the Idaho Transportation Department (the "Contract") is extended for an additional period of time, as provided above, and add the following delivery sites:

US 20 West MP 276.05 - 250 Tons at \$48.09/ton

SH 33 973 E 1500 N - 250 Tons at \$48.09/ton

All of the terms and conditions contained in the Contract shall remain in full force and effect, except as expressly modified herein. Contractor's signed extension letter is attached and incorporated herein by reference.

Note: The dollar amount listed in the contract extension pricing is an estimate and cannot be guaranteed. The actual dollar amount of the Contract may be more or less depending on the orders placed by the State; or may be dependent upon the specific terms of the Contract.

Contract History:

Original Contract: \$1,390,800.80

Amendment 1: Replace Term 3.16A (Contract Price Adjustment, Fuel) in its entirety. \$0.00

Amendment 2: Add Delivery Location in District 4. \$23,988.00

Amendment 3: Add Delivery Location in District 6. \$30,630.00


Amendment 4: Contract Renewal (9/26/12 - 9/25/13) \$1,000,000.00

Amendment 5: Contract Renewal (9/26/13 - 9/25/14) \$1,000,000.00

Amendment 6: Add Delivery Location in District 3. \$7,923.00

Amendment 7: Extension (9/26/15-3/31/16) and add delivery locations. \$503,961.48

Total Contract Value: \$4,965,226.28

Supplier Part Number	Quantity	Items Back Order	Unit	Unit Price	Total
	6	0	MON	\$83,993.58	\$503,961.48
Item Description	#6				
	Snow and Ice Removal Chemical products for Districts 3, 4, 5, and 6 (9/26/15 - 3/31/16).				
	F				
Delivery Date:	September 26, 2015				
Shipping Method:	Delivery				
Shipping Instructions:	Ship To Address: Idaho Transportation Department 3311 W. State Street Boise, Idaho 83703				
Ship FOB:					
Attachment(s)					
Special Instructions:	Bill To Address: Idaho Transportation Department PO BOX 7129 Boise, Idaho 83707				
Sub-Total (USD)					\$503,961.48
Estimated Tax (USD)					\$0.00
TOTAL: (USD)					\$503,961.48
Note: If there is a  next to an item's unit price, that indicates that the price has been discounted.					

Signature : _____

Signed By :



State of Idaho

Department of Administration
Division of Purchasing

C.L. "Butch" OTTER

Governor

ROBERT L. GEDDES

Director

BILL BURNS

Administrator

650 West State Street B-15 (83702)

P. O. Box 83720

Boise, ID 83720-0075

Telephone (208) 327-7465

Fax: 208-327-7320

<http://purchasing.idaho.gov>

August 26, 2015

Evans Grain & Elevator Co. Inc.
Attn: Johnny Miller

VIA ELECTRONIC TRANSMISSION
jmill@evansgrain.com

RE: Extension of Contract BPO01923, a Contract for Road Salt, for the Idaho Transportation Department

Expiring 9/25/15

The State of Idaho would like to extend the above referenced contract for a period of Six (6) Months.

The contract extension period is September 26, 2015 to March 30, 2016. The same terms, conditions and prices prevail for the contract extension period, except as expressly modified herein.

If the terms of this extension letter are acceptable to your company, please sign in the appropriate space below and mail, fax (208.327.7320) or e-mail (purchasing@adm.idaho.gov) to the Division of Purchasing. If you need to update the contact information for this contract, please do so below. Please update your IPRO profile as well, if necessary, in order to continue to receive e-mail notifications through the IPRO System.

Thank you for your consideration in this matter.

Sincerely,

APPROVED: ☒ YES ☐ NO


Daniel Downen
Idaho Division of Purchasing

COMPANY: EVANS GRAIN FEED + SEED

BY:


(Signature)

Johnny M. Miller
(Printed Name)

Date:

8/27/15

UPDATED CONTACT INFORMATION for BPO01923

Contact Name	<u>Johnny M. Miller</u>
Title	<u>MANAGER</u>
Address	<u>P.O. Box B, Burley, Id. 83518</u>
Phone	<u>208-436-7777</u>
Fax	<u>208-436-7783</u>
E-mail	<u>jmill@evansgrain.com</u>

Renewal Letter Revised 033012

**ITB03775 BID SCHEDULE: SOLID PRODUCT
LOCATIONS AND QUANTITIES (TONS) - DISTRICT 6**

Following quantities are estimates to be used for bidding purposes only; actual delivered quantities may be more or less than what is being represented.

Category 8A-R Non-Corrosion Inhibited Sodium Chloride

Company Name COOPER

This product under contract until 9/14/2011

Product Bid

District	Location	Address	Miles to Location*	Zip Code	Tons	Price/Ton	Extended Price
6	Spencer	I-15 MP 180		83423	70	NO BID	
6	Dubois	I-15 MP 166		83423	140	NO BID	
6	Ashton	1380 Hwy 20		83420	385	NO BID	
6	Arco	2763 US-20		83213	140	NO BID	
6	Challis	US-93 MP 246		83226	105	NO BID	
6	Driggs	157 North Hwy 33		83422	175	NO BID	
6	Idaho Falls	1540 Foote Drive		83402	350	NO BID	
6	Mackay	US-93 MP 108		83251	40	NO BID	
6	Rigby	206 N Yellowstone		83442	245	NO BID	
6	Gibbonsville	SH93 MP337		83463	140	NO BID	
6	Salmon	SH93 MP269		83467	35	NO BID	
6	Salmon	1015 Hwy 93 North		83467	175	NO BID	
6	Sugar City	1750 East 4000 North		83448	350	NO BID	
6	Sage Junction	I-15 MP 142		83444	525	NO BID	
6	Inwin	SH-26 MP 380		83428	140	NO BID	
6	Mud Lake	SH-33 MP 43		83450	35	NO BID	
TOTAL TONS					3050		
DISTRICT 6 GRAND TOTAL							

Material Source Origin _____ Zip Code _____ *

Category 8D Non-Corrosion Inhibited Sodium Chloride with Moisture Content NTE 5.0%

Company Name

This product under contract until 9/14/2011

Product Bid

District	Location	Address	Miles to Location*	Zip Code	Tons	Price/Ton	Extended Price
6	Spencer	I-15 MP 180		83423	70	\$ 43.03	\$ 3,012.19
6	Dubois	I-15 MP 166		83423	140	\$ 43.03	\$ 6,024.38
6	Ashton	1380 Hwy 20		83420	385	\$ 43.03	\$ 16,567.03
6	Arco	2763 US-20		83213	140	\$ 43.03	\$ 6,024.38
6	Challis	US-93 MP 246		83226	105	\$ 57.21	\$ 6,005.65
6	Driggs	157 North Hwy 33		83422	175	\$ 48.09	\$ 8,415.41
6	Idaho Falls	1540 Foote Drive		83402	350	\$ 37.97	\$ 13,289.05
6	Mackay	US-93 MP 108		83251	40	\$ 51.13	\$ 2,045.25
6	Rigby	206 N Yellowstone		83442	245	\$ 38.98	\$ 9,550.41

6	Gibbonsville	SH93 MP337		83463	140	\$	64.29	\$	9,001.13
6	Salmon	SH93 MP269		83467	35	\$	61.26	\$	2,143.97
6	Salmon	1015 Hwy 93 North		83467	175	\$	61.26	\$	10,719.84
6	Sugar City	1750 East 4000 North		83448	350	\$	39.99	\$	13,997.81
6	Irwin	SH-26 MP 380		83428	525	\$	46.07	\$	24,186.09
6	Sage Junction	I-15 MP 142		83444	140	\$	43.03	\$	6,024.38
6	Mud Lake	SH-33 MP 43		83450	35	\$	43.03	\$	1,506.09
TOTAL TONS					3050				
DISTRICT 6 GRAND TOTAL						\$		\$	139,515.06

Material Source Origin _____ Zip Code _____ *

*Required for Fuel Surcharge Calculation



CITY OF IDAHO FALLS

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

MUNICIPAL SERVICES

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

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pamela Alexander, Municipal Services Director *PA*
SUBJECT: Unified Utility Billing, Collection and Termination Policy Resolution
DATE: November 20, 2015

Attached is a resolution with a proposed unified utility billing, collection and termination policy for City customer water, sewer, sanitation, electrical and fiber optic accounts. Municipal Services, Idaho Falls Power and Public Works staff concurs with the unified billing policy recommendation. The proposed changes are now being submitted to the Mayor and City Council for consideration.

Attachments: Unified Billing, Collection and Termination Policy

cc: Kathy Hampton
File

RESOLUTION NO. 2015-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A UNIFORM CITY UTILITY BILLING, COLLECTION, AND TERMINATION POLICY AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City collects funds for water, sewer, sanitation, electrical, and fiber utilities from its customers; and,

WHEREAS, most of the collection “policies” for the various City utilities are currently located in the Idaho Falls City Code; and,

WHEREAS, the utility billing, collection, and termination codes policies and practices within the City Code are not consistent with one another; and

WHEREAS, certain collection requirements within the City Code do not appear to be internally consistent or efficient; and

WHEREAS, the presence of the billing, collection, and termination “policies” in the City Code make them more difficult to change, modernize, or streamline than would be the case if they are located within a Council Resolution; and

WHEREAS, in order to promote greater predictability, transparency, and accessibility, the relevant Department Directors propose the attached City Utility, Billing, Collection, and Termination Policy be adopted by Council; and

WHEREAS, Council wishes to support consistent and efficient collection policies.

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

1. The City Council hereby adopts the attached City Utility Billing, Collection, and Termination Policy.

ADOPTED and effective this ____ day of November, 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 Resolution entitled, “A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A UNIFORM CITY UTILITY BILLING, COLLECTION, AND TERMINATION POLICY AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.”

Kathy Hampton, City Clerk

(SEAL)

CITY UTILITY BILLING, COLLECTION, AND TERMINATION POLICY

Applicability

This City Utility Billing, Collection, and Termination Policy shall apply only to City customer water, sewer, sanitation, electrical, and fiber optic accounts. Other City accounts and services are not bound by this policy.

City to Bill Customers for City Utility Services

The City Treasurer shall furnish to each property owner, landlord, tenant, agent, or other customer, a monthly statement of the amount due for utility services for the relevant billing time period. Failure of any customer to receive any statement shall not excuse or release that customer from the customer's obligation to pay for utility service.

Metered accounts shall receive a billing separate from accounts that are billed on a flat monthly rate. Non-metered accounts shall be charged a flat monthly rate in an amount set from time to time by resolution of the Council.

Utility Billing

Bills rendered for City utility services rendered are payable upon receipt and become past due ten (10) days from the date of the bill for the services rendered. When the past due date falls on a Saturday, a legal holiday, or on a day when City offices are not open for business, the following regular business day is considered the past due date. Bills shall be deemed paid on the date payment is received by the City. An account not paid by the past due date shall bear interest at the maximum rate permitted by law, commencing upon the past due date. When a bill is not paid within thirty (30) days from the past due date, the City Treasurer shall assess a service charge in an amount set from time to time by Resolution of the Council and such service charge shall be added to the bill and the City Treasurer may terminate the utility service to the delinquent customer in the manner set forth in this policy.

Termination of Utility Service

In order to terminate utility service, the City Treasurer shall mail a notice of the delinquency or of the customer's failure to comply with the City's established payment requirements and the customer's utility service may thereafter be terminated upon compliance with the procedure set forth herein below:

Notice of Termination of Utility Service

The notice of termination of utility services shall contain the following:

- A. The customer's name and mailing address;
- B. The address or addresses where service is being delivered;
- C. The customer's account number under which the delinquency has occurred;

D. A statement that the customer's account is delinquent and the amount of such delinquency as of the date of the notice or a statement of the reason for the proposed disconnect.

A Notice of Termination of utility service shall be deemed to be delivered upon its deposit in the United States Mail, postage prepaid, addressed to the customer at the customer's address that has been set forth in the customer's application for utility services (or other addresses may be communicated to the City in writing prior to the termination).

If the customer fail to contact the City Treasurer within ten (10) days of the date of the delinquency notice and the bill has not been paid in full, or satisfactory arrangements for the payment have not been made, or the customer's default has not been satisfactorily corrected, the City Treasurer may immediately issue an order to shut off and discontinue service to that customer.

Termination of Utility Service(s) may be made for any and all accounts under the name of the customer in default.

Disconnect Fee Deposit is a Prerequisite for Restored Utility Service(s)

If service is terminated for delinquency, it shall not be restored until the delinquency is paid or a written agreement for payment is made and is signed by the City Treasury and the customer has paid an additional disconnect fee in an amount set from time to time by Resolution of the Council. The disconnect fee shall be payable whenever a service trip is made for the purposes of disconnecting utility service, even when the service is not disconnected.

Council Alternatives for Special Circumstances

City Council may in specific instances and upon a finding of good cause, reduce, waive, or otherwise alter billing, collection, or termination of services prospectively or by ratification. Such action shall be infrequent, kept to a minimum, happen on a case-by-case basis, be minimally disruptive of this Policy and shall set no precedent for other actions or situations.



CITY OF IDAHO FALLS

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

MUNICIPAL SERVICES

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

MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Pamela Alexander, Municipal Services Director *PA*
SUBJECT: Unified Utility Billing, Collection and Termination Policy Ordinance
DATE: November 20, 2015

Attached is an ordinance to reference the proposed unified billing, collection and termination policy. Municipal Services, Idaho Falls Power and Public Works staff concurs with the unified billing policy recommendation. The proposed changes are now being submitted to the Mayor and City Council for consideration.

Attachments: Unified Utility Billing, Collection and Termination Policy

cc: Kathy Hampton
File

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTERS 1, 4, 5, 6, AND 13 TO STANDARDIZE BILLING, COLLECTION, AND TERMINATION PRACTICES FOR CITY SEWER, WATER, ELECTRIC, SANITATION AND FIBER OPTIC UTILITY SERVICES BY REFERRING TO THE CITY'S ADOPTED UNIFORM UTILITY BILLING, COLLECTION AND TERMINATION POLICY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City currently bills for City utility services (e.g. sewer, water, electric, sanitation, and fiber optic); and

WHEREAS, each of the utilities appear to have a slightly different billing and delinquency policy; and

WHEREAS, the Council wishes to standardize utility billing, collection, and termination of services where appropriate and practical; and

WHEREAS, such standardization will allow both customers and City staff to understand the mutual expectations and responsibilities therefore; and

WHEREAS, these efficiencies are intended to clarify and standardize practice and to allow for the efficient collection of billings and provision of utility services in the City.

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

SECTION 1. Section 8-1-96 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

~~8-1-96: BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE PERIODS: All regular b~~Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution~~periods shall be on a monthly basis, but domestic or commercial premises occupied for a period of less than one month shall be charged only for the number of days wastewater treatment services were available for use.~~

SECTION 2. Sections 8-1-97 through 8-1-104 of the City Code of the City of Idaho Falls, Idaho, are hereby amended as follows:

~~8-1-97: BILLING PROCEDURE: Accounts receiving metered water service shall be charged for sewer service based upon metered water and such charges may be included in the metered water billing. All other sewer charges may be included with billings for other City services.~~

~~8-1-98: DUE DATE: Bills rendered for sewer service are payable upon receipt and become past due ten (10) days from the date on which rendered. When the past due date falls on a legal holiday or on a day when City offices are not open for business, the next regular business day is considered the past due date. When remittances are made by mail, bills shall be deemed paid on the date of mailing as shown by the postmark. Any account not paid by the past due date shall bear interest at the maximum rate permitted by law, commencing upon the past due date.~~

~~8-1-99: DELINQUENT ACCOUNTS: When bills are not paid within fifty (50) days from the past due date, a service charge in an amount set from time to time by Resolution of the Council shall be added to the bill and the City may discontinue water or electric utility service to such delinquent customers in the manner set forth in Section 8-5-17, City Code. If the customer is receiving a unified utility billing for water, sewer, electric or sanitation services, the maximum service charge shall be set in an amount from time to time by Resolution of the Council. If water or electric service is discontinued for delinquency, such services shall not be restored until the delinquency is paid, or arrangements for payment satisfactory to the City are made, and the customer has paid an additional fee in an amount set from time to time by Resolution of the Council for discontinuing and restoring service. A fee set in an amount from time to time by Resolution of the Council shall be payable whenever a service call is made for the purpose of disconnection for nonpayment, even though an actual disconnect may not occur. In the event the Industrial Users fail to have flow or sampling devices in proper operating condition for more than one week, the Director may discontinue City water service or remove or close sewer connections, and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal or closing, as well as the expense of restoring service, is a debt due to the City and may be recovered by legal action against the discharger or by any other remedy or method permitted by this Chapter.~~

8-1-10097: PRETREATMENT CHARGES AND FEES: The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the City.

~~8-1-101~~98: RECOVERY OF COSTS BY CITY: Any person who knowingly makes any false statement, representation, or certification in any application, record, report and plan or other document filed or required to be maintained pursuant to this Chapter, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be guilty of a misdemeanor.

~~8-1-102~~99: FALSIFYING INFORMATION: Nothing herein is intended to create any private duty to any customer or discharger or create any private right of action on account of any failure by the City, or its officers, employees or agents to perform any duty or obligation set forth herein.

~~8-1-103~~0: LIMITATION OF LIABILITY: Any person who violates this Chapter is guilty of a misdemeanor

~~8-1-104~~1: PENALTY: Any person who violates this Chapter is guilty of a misdemeanor.

SECTION 3. Section 8-4-32 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-4-32: BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE PROCEDURES: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution. ~~Metered accounts shall receive a billing separate from accounts billed on a flat monthly rate. Accounts receiving water service but no electric service shall receive separate billing. Non-metered accounts shall be charged a flat rate in accordance with the rate schedule found in Section 8-4-36 of this Chapter.~~

SECTION 4. Sections 8-4-33 through 8-4-41 of the City Code of the City of Idaho Falls, Idaho, are amended as follows:

~~8-4-33: DUE DATE: Bills rendered for water service are payable upon receipt and become past due ten (10) days from the date on which rendered. When the past due date falls on a Saturday or a legal holiday or on a day when City offices are not open for business, the next regular business day is considered the past due date. Bills shall be deemed paid on the date payment is received by the City. Any account not paid by the past due date shall bear interest at the maximum rate permitted by law, commencing upon the past due date.~~

~~8-4-34: DELINQUENT ACCOUNTS: When bills are not paid within fifty (50) days from the past due date, a service charge in an amount set from time to time by Resolution of the Council shall be added to the bill and the City Treasurer may terminate water service to the delinquent customer in the manner set forth in Section 8-5-17 of this Code. If the customer is receiving a unified utility billing for water, sewer, electric or sanitation services, the maximum unified service charge shall be in an amount set from time to time by Resolution of the Council. If service is terminated for delinquency, it shall not be restored until the delinquency is paid or a written agreement for payment is made and signed by the City Treasurer and the customer has paid an additional disconnect fee in an amount set from time to time by Resolution of the Council. The disconnect~~

~~fee shall be payable whenever a service trip is made for the purpose of disconnecting water service even though service is not actually disconnected.~~

~~8-4-35: CITY TREASURER TO FURNISH STATEMENTS: The City Treasurer shall furnish to each property owner, landlord, tenant or agent, a monthly statement of the amount due for water service each month. The failure of any water user to receive a statement shall not excuse or release the customer from his obligation to pay for water service.~~

8-4-363: WATER RATES, FEES: The City shall establish monthly rates for water service supplied by the City in an amount set from time to time by Resolution of the Council for the following:

(A) Non-Metered Rates (Inside City): Single-family dwellings and mobile homes (excluding separate apartment units within such dwelling), per dwelling or unit; Apartment unit – per unit; Apartment unit occupied by landlord or manager; Office buildings, banks, bowling alleys, lodges, markets Per one thousand (1,000) square feet of area; Laundromat – per machine; Travel trailer court; Plus per occupied space; Barber or beauty shop, each bowl; Hotel, motor hotel, motel or rooming house – per room; Restaurant and fast-food establishment; Elementary Schools (Grades 1-6) – Per fifty (50) students or fraction thereof; Secondary Schools (Grades 7-12) – Per fifty (50) students or fraction thereof; and All other non-metered nine (9) customers – per premises or building

(B) Irrigation Service. In addition to the regular monthly charges for use of City water, the City shall establish annual rates, set from time to time by Resolution of the Council, for customers using City water for lawn sprinkling or irrigation for the following: Each customer, landlord, tenant, or agent; and Each non-metered, nonresidential property with lawn or cultivated area measuring more than 1/20th of an acre - per acre or fraction thereof. During the third quarter of each calendar year, the City Treasurer shall furnish each property owner, landlord, tenant, or agent a statement of the amount due for seasonal sprinkling or irrigation service.

(C) Metered Rates (Inside City). The rate for customers receiving metered water service shall be in an amount set from time to time by Resolution of the Council, subject to a minimum monthly charge in an amount set from time to time by Resolution of the Council: For 5/8" meter; For 3/4" meter; For 1" meter; For 1-1/4" meter; For 1-1/2" meter; For 2" meter; For 3" meter; For 4" meter; For 6" meter; and For 8" meter.

(D) Testing Fee. In addition to the monthly rates, each customer shall pay an annual Environmental Quality Assessment Fee in an amount set from time to time by Resolution of the Council per connection to the City water system. Such fee shall be billed by the City Treasurer during the third quarter of each calendar year.

8-4-374: WATER RATES OUTSIDE CITY: Monthly rates charged for water furnished outside the City limits, whether metered or non-metered, shall be twice the rates charged for water furnished inside the City limits, including minimums.

8-4-385: METER RATES FOR MULTIPLE METERS: Where an individual consumer is supplied with water through more than one (1) metered service, charges shall be computed separately for each individual meter.

8-4-396: SERVICE OUTSIDE CITY: The Water Superintendent shall not provide any water service to any consumer whose residence or place of business is outside the corporate limits of the City unless a written service contract has been executed between the consumer and the City.

8-4-4037: FIRE SERVICE CONNECTION:

(A) All fire service connections between water mains and property lines shall be installed and maintained by the Water Division, 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 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.

(B) All fire service connections shall conform to the requirements of this Section and Section 8-4-4140 hereof. However if a customer requests the use of one (1) service line for both the culinary and fire protection connections, he or she shall submit drawings or specifications which identifies the line sizes for each culinary or fire service connection to each site for which the connection is requested.

8-4-4138: FIRE HYDRANTS: All public fire hydrants shall be maintained by the Water Division. Members of the Public Works, Police, and Fire Departments 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. The Water Superintendent may assess an equitable charge for the consumption or use of water drawn from a fire hydrant.

8-4-4239: UNLAWFUL CONTAMINATION OR CROSS-CONNECTIONS: It shall be unlawful for the owner, tenant, occupant, lessee, or other user of City water to introduce or permit the introduction of pollution or contamination of any kind into the City water supply system. It shall be unlawful for any person to install or maintain any cross-connection within the City.

8-4-430: BACKFLOW PREVENTION DEVICES:

(A) Backflow prevention devices shall be installed by the proper owner, tenant, occupant, lessee or other user of City water where the nature and extent of the activities conducted or the materials used or stored on the premises would present a hazard to the public health or be deleterious to the quality of the City water supply should a cross-connection occur. Even though cross-connections may not exist at the time, backflow prevention devices shall be installed under circumstances including, but not limited to the following:

- (1) Premises having an auxiliary water supply;
- (2) Premises having internal cross-connections that are not correctable, or having intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot reasonably be made;
- (4) Premises having a history of cross-connections being established or re-established;
- (5) Premises on which any substance is handled under pressure so as to permit the entry of substance into the public water supply;
- (6) Premises having pumps or devices which may affect the pressure within any line connected to the City water supply.
- (7) Whenever water is drawn from a public fire hydrant.

(B) All backflow prevention devices shall be installed by the property owner at his expense, and shall be of a type commensurate with the degree of hazard which exists or which could exist. An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a public health hazard. In all other cases where the contaminant may be objectionable but not hazardous to the public health, a double check valve assembly, an air-gap separation, or a reduced pressure principle backflow prevention device shall be installed. All backflow prevention devices and the installation thereof shall be approved by the City Water Superintendent or his duly authorized representative.

(C) All backflow prevention devices installed pursuant to this Chapter, except atmospheric vacuum breakers, shall be inspected and tested by a certified tester at the time of initial installation and annually thereafter, or more often if deemed necessary by the City. Whenever a backflow prevention device is found to be defective, it shall be repaired, overhauled or replaced at the owner's expense. The City Water Superintendent shall retain adequate records of all inspections, tests, or repairs made pursuant to this Chapter.

(D) If a backflow prevention device is found to be necessary, the owner, tenant, occupant, or lessee of the property shall apply in writing to the ~~City~~ Clerk for an installation permit, specifying the type and location of such device or devices. It shall be unlawful to install, relocate, or remove a backflow prevention device without a permit.

8-4-44~~1~~: INSPECTION OF NEW CONSTRUCTION: No building, improvement, or other structure shall be connected to the City water supply unless such structure has been inspected by the City Water Superintendent or other authorized officer of the City and found free of any cross-connections or other conditions for which a backflow prevention device is required by this Chapter.

8-4-45~~2~~: INSPECTION OF EXISTING BUILDINGS, STRUCTURES, OR IMPROVEMENTS AND TERMINATION OF WATER SUPPLY: Inspections by the City or its authorized agent may be made of any existing buildings, structures, or improvements of any nature receiving water from the City supply. The City Water Superintendent or his authorized agent shall make an inspection of any building, improvement, or structure of any nature receiving water from the City water supply if there is cause to believe that a cross-connection exists or that a backflow prevention device should be installed pursuant to this Chapter. Whenever a ~~cross~~-cross-connection or other source of contamination to the water supply is found, or it is determined that a backflow prevention device is necessary, the City shall cease delivery of water to such premises and the water supply shall not be resumed until the cross-connection or source of contamination is eliminated or a backflow prevention device has been installed in accordance with this Chapter.

SECTION 5. Section 8-5-16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

8-5-16: BILLINGS, COLLECTION, AND TERMINATION OF UTILITY FOR ELECTRIC SERVICE: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution.~~Billings for electric service shall be rendered upon a service month basis. Bills rendered for electric service are payable upon receipt and shall become delinquent ten (10) days from the date on which the billing was rendered. When the past due date falls on a legal holiday, the next regular business day shall be considered to be the past due date. Billings shall be deemed paid upon receipt at the office of the City Utility Clerk. Bills may be rounded to the nearest even dollar. Any account not paid by the past due date shall bear interest at the maximum rate permitted by law, commencing upon the past due date.~~

SECTION 6. Sections 8-5-17 through 8-5-34 of the City Code of the City of Idaho Falls, Idaho, are hereby amended as follows:

8-5-17: ~~TERMINATION OF ELECTRIC SERVICES~~: ~~Whenever a bill becomes delinquent for more than fifty (50) days, the City Treasurer shall assess a service charge in an amount set from time to time by Resolution of the Council, and electric service may thereafter be terminated in the manner set forth below. Nothing herein shall authorize the assessment of a service charge greater than the unified utility billing fee, in an amount set from time to time by Resolution of the Council, if the customer is receiving a unified utility billing for water, sewer, electric or sanitation services. In the event of such delinquency, or upon the customer's failure to comply with this Chapter, the~~

~~City Treasurer shall mail a notice of termination to the customer and the customer's service may thereafter be terminated upon compliance with the procedure set forth hereinafter. The notice of termination shall contain the following:~~

- ~~(A) The customer's name and mailing address.~~
- ~~(B) The address or addresses where service is being delivered.~~
- ~~(C) The customer's account number under which the default has occurred.~~
- ~~(D) A statement that the customer's account is delinquent and the amount of such delinquency as of a specified date, or a statement of the reason for the proposed disconnect.~~
- ~~(E) A statement that the customer is entitled to a hearing regarding the alleged default.~~
- ~~(F) The period of time within which the customer must appear for hearing.~~
- ~~(G) A statement that if customer does not appear within such time period the amount of the delinquency or the default will be deemed to be correct and that the customer's electric services at all points of delivery may be discontinued immediately thereafter if the bill is not sooner paid or unless a written arrangement for payment of the billing satisfactory to the City Treasurer is made, or unless the default is immediately corrected.~~

~~The period of time in which the customer must appear shall not be less than ten (10) days and shall commence two (2) days after the date the notice of termination is mailed. The notice of termination shall be deemed to have been delivered upon its deposit in the United States mail, postage prepaid, addressed to the customer at the customer's address set forth in the customer's application for electric services, or such other address as may be communicated to the Utility Clerk in writing. If the customer fails to appear within such time period and the bill has not been paid, or satisfactory arrangements for the payment thereof have not been made, or the customer's default has not been satisfactorily corrected, the City Treasurer may immediately issue an order to shut off and discontinue service to such customer. If the customer appears at the hearing, the City Treasurer shall hear the customer's complaint, review and examine the testimony and evidence presented and forthwith render a decision based upon such testimony and evidence and upon the records of the City. The City Treasurer may render a decision at the hearing or may render a decision in writing, and in such case shall mail a copy thereof to the customer. In the event the City Treasurer finds the customer to be in default, the City Treasurer shall advise the customer that his or her service will be discontinued at the expiration of three (3) days after notice of the Treasurer's decision is given or mailed, unless the customer's default is satisfactorily corrected before such date. Termination of electric service may be made of any or all accounts under the name of the customer in default, regardless of whether or not the default relates to the premises or account for which termination is ordered.~~

~~8-5-18: DISCONNECT FEES: In the event electric service is discontinued for delinquency or other default, service shall not be restored until the amount of the delinquency is paid in full, or the default is corrected, or an arrangement in writing is made for its payment and a disconnect fee in an amount set from time to time by Resolution of the Council. In the event one or more~~

~~disconnect orders have been issued within the twelve (12) month period preceding the date of the current disconnect order, the disconnect fee shall be in an amount set from time to time by Resolution of the Council~~

~~8-5-19: PLANS FOR PAYMENT OF DELINQUENT ACCOUNTS: No arrangement or plan for the payment of any delinquent account shall be valid unless in writing and signed by the City Treasurer, or a designated representative, or confirmed or approved by a court of competent jurisdiction. In the event a customer proposes an arrangement or plan for payment of a delinquent account, whether informally or by order of court, the City Treasurer may require that a security deposit, subject to the limitations set forth hereinafter, be deposited and held by the City for the duration of the arrangement or plan. If the customer fails to timely pay his bills accruing thereafter or fails to comply with the arrangement or plan, the security deposit may then be forfeited and applied against the amount of any delinquency, and service may thereafter be discontinued in the manner set forth in the plan or arrangement, or if no disconnect procedure is set forth in the plan or arrangement, then electric service may be summarily terminated without further notice. The security deposit shall be returned after full compliance with the plan or an arrangement and as soon as a responsible and timely record of payments of the customer's billings has been established for a period of at least twelve (12) consecutive months. The amount of the security deposit shall be determined at the discretion of the City Treasurer, provided that in no event shall the security deposit exceed three (3) times the amount of the customer's average monthly bill for the preceding twelve (12) months. If the customer has not received electric service for at least twelve (12) consecutive months, a maximum security deposit amount shall be set from time to time by Resolution of the Council for residential customers and for commercial or industrial customers, or three (3) times the customer's average monthly electric bill, whichever is greater.~~

~~8-5-1720: LIABILITY OR INTERRUPTIONS OF SERVICE: The City shall not be liable for any loss, injury or damage of any kind resulting from the interruption, reduction, loss or restoration of electric service from any cause, including without limitation any such loss by fire, flood, accident, casualty, sabotage, strike, litigation, act of God or the public enemy or failure or inadequacy of distribution, transmission or generation equipment. Without limitation by the preceding enumeration, in no event shall the City be liable for damage to or destruction of any computer, computer software, photocopier or other electric device which is sensitive to spikes, surges, sags, transients, noise, or other electrical interruptions, outages or fluctuations. Any customer owning or operating such equipment shall take all reasonable precautions to protect such equipment by installation of surge suppressors or other protective devices or equipment. The City disclaims any express or implied warranty of merchantability or fitness for a particular purpose, nor shall the delivery of energy to any customer be construed as or deemed to be the delivery of goods under the Idaho Uniform Commercial Code.~~

~~8-5-1824: SHUT-DOWN FOR REPAIRS: For the purpose of making necessary repairs or changes to its generating, transmission or distribution facilities, or to avoid damage to property or to persons the City may suspend delivery of electric service for such periods as may be necessary, and the City shall not be liable for damage of any kind, direct or indirect, as a result of such discontinuance of electric service.~~

8-5-~~1922~~: TEMPORARY SUSPENSION OF DEMAND: When the customer suspends operation due to strikes, action of any governmental authority, act of God or the public enemy, the customer shall be obligated to pay the minimum monthly demand charge provided in the rate schedules set forth in this Chapter, or any minimum guarantees established in any special written agreement with the customer, irrespective of such temporary suspension.

8-5-~~203~~: INTERFERENCE WITH SERVICE: The City may refuse to supply loads of a character that may seriously impair service to any other customers, and the City may disconnect existing service if the customer's load is seriously impairing service to any other customers. Where the customer's use of electricity is intermittent or subject to extreme fluctuations, the City may require the customer to provide equipment to reasonably limit or moderate such fluctuations.

8-5-~~214~~: PROTECTION OF CUSTOMER'S EQUIPMENT:

(A) The customer is solely responsible for the selection, installation and maintenance of all electrical equipment and wiring, other than the City's meters and apparatus, on the load side of the point of delivery.

(B) All electric motor installations shall include effective protective apparatus, or have adequate protective measures within the motor to accomplish equivalent protection as follows:

(1) Overload and over current protection for each motor by suitable thermal relays, fuses, or circuit interrupting devices automatically controlled to disconnect the motor from the line to protect it from damage caused by overheating.

(2) Open phase protection on all polyphase installations to disconnect motors from the line in the event of opening of one phase.

(3) All polyphase motors for the operation of passenger and freight elevators, cranes, hoists, draglines and similar equipment shall have reverse phase relays, or equivalent devices, for protection in case of phase reversal.

(4) Motors that cannot safely be subjected to full voltage at starting should be provided with a device to ensure that upon energization at full voltage such motors will be disconnected from the line.

(C) The customer shall be responsible to install and maintain surge suppressors, auxiliary power units or other protective devices for the protection of computers, computer software and programming, televisions, VCR's or other equipment sensitive to voltage spikes, surges, sags, transients, noise interruptions or outages.

(D) The customer shall install and maintain all suitable protective devices and equipment to protect themselves, life and property, from harm or injury from electric current and the City assumes no duty to warn or otherwise assist the customer in the selection or use of electrical appliances, tools, equipment or facilities.

8-5-22~~5~~: 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, stating the size and serial number of the motor, the intended use, location of business and such other information Idaho Falls Power 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.

8-5-23~~6~~: MAINTENANCE OF EQUIPMENT: The customer shall provide, operate and maintain all transformers, lines and equipment on the load side of the point of delivery designated by the City.

8-5-24~~7~~: SECURITY LIGHTING: All exterior security lighting installed after the effective date of this Code, shall consist of overhead circuits, wood or metal poles and standard high pressure sodium or metal halide luminaries having a rated average lumen output as follows: WATTAGE 100 W 200 W 400 W 1,000 W For underground service installations, the customer shall pay the cost of the metal pole and install a concrete base in accordance with City Specifications. The customer shall also be responsible to open and close all trenches for electrical distribution lines.

8-5-25~~8~~: 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 and Idaho Falls Power shall then make such extension. In the event the actual cost of making such extension exceeds the amount estimated by Idaho Falls Power, 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.

8-5-26~~9~~: UNDERGROUND DISTRIBUTION LINES: Idaho Falls Power 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 to the customer or developer.

8-5-27~~30~~: SCHEDULE OF RATES:

(A) BILLINGS: Customers of Idaho Falls Power 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.

(B) COMMERCIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal voltages up to four hundred eighty (480) volts to commercial customers. The Commercial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

(C) SMALL INDUSTRIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal primary voltages to industrial customers having electric service with a minimum capacity of two hundred seventy five (275) KW. The Small Industrial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

(D) LARGE INDUSTRIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal primary voltages to industrial customers having electric service with a minimum capacity of two thousand (2,000) KW. The Large Industrial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

(E) LARGE SINGLE LOAD RATE: This rate shall be applicable to all single load customers whose aggregate demands at one or more points of delivery on the same premises exceed 5,000 kW. This rate shall be a unique, negotiated rate designed to return to the utility all costs of service that may be fairly and equitably apportioned to the customer using generally accepted rate-making principles, based upon the customer's unique circumstances and service needs. In no event shall such rate cause subsidization of such customer by other classes of customers nor cause subsidization of such other classes by the large single load customer. This rate shall be negotiated within thirty days after the date the customer's demands exceed such amount, provided that in the event the customer and the utility are unable to agree upon a fair and equitable rate, the utility may unilaterally implement such rate, using the principles stated above.

(F) RESIDENTIAL RATE: This rate shall be applicable for all electric service required by residential customers in single private dwelling units and individual family apartments for general domestic use only. The Residential Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

(G) CITY STREET LIGHTING SERVICE: This rate is applicable for electric service for the lighting of public streets, alleys, thoroughfares and public parks and recreational facilities. The City Street Lighting Service Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

(H) CITY-OWNED PUBLIC FACILITIES: This rate is applicable for all City-owned public facilities except street lighting. The City-Owned Public Facilities Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charge

(I) SECURITY LIGHTING: This rate is for electric service for lighting private property, including without limitation, parking lots, storage lots, driveways and yards. The rate shall consist of a fixed monthly charge for each luminaire, based upon the type of luminaire and its rated average minimum lumen output. The Security Lighting Rate shall be in an amount set from time to time Resolution of the Council for the following: Wattage Type of Luminaire 100 W High Pressure Sodium 200 W High Pressure Sodium 400 W Metal Halide Prior to the delivery of any energy to a security light, the customer shall pay a customer installation fee in an amount set from time to time by Resolution of the Council to the City Treasurer for each security lighting pole installed.

(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 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

(K) TRAILER COURT SERVICE: This rate shall apply to electrical service to trailer courts. The trailer court owner may remeter and bill for service to each of the trailers according to rates established and posted on the premises and this service will be regarded as an exception to the limitations of use stated in Section 8-5-9 of this Chapter. The Trailer Court Service rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges

8-5-~~283~~4: POWER FACTOR PENALTY: The commercial and single meter industrial rates stated above are based upon a customer power factor of eighty five percent (85%) lagging or higher as determined from simultaneous measurement of KWH and K Var h during any billing period. If the customer's power factor is found to be less than eighty five percent (85%) lagging, the demand as recorded by the City's meter will be increased by adding to the recorded demand a power factor penalty in the amount of the product of the recorded demand and .0075 multiplied by the number of percentage points, rounded to the next whole number, that the power factor is less than eighty five percent (85%) lagging.

8-5-~~293~~2: SELECTION OF RATE SCHEDULES: The customer shall have the responsibility to apply for the appropriate rate applicable to the desired type of service. The rate shall be applied upon determination by the City that the customer is eligible for the rate requested by the customer in his application for electrical service. Services qualifying for two or more rates shall be billed at the highest applicable rate.

8-5-~~303~~: TRANSFER FROM OTHER UTILITY: Any person who has previously been connected to the facilities of another electric supplier shall, before any extension, connection or delivery of City electric services to such person, pay a transfer charge to the City Utility Clerk. Such transfer charge shall equal one-half (1/2) of any transfer charge, fee or expense which is paid or which may be paid by the City to the other electric supplier as a direct result of such person's transfer to the

City electric facilities; provided, however, no charge shall be imposed or collected from the new customer by reason of the purchase from the other electric supplier by the City of any transmission lines, equipment or other facilities used by the transferring customer.

8-5-314: NON-OWNER-OCCUPIED PROPERTIES: When electric or other public utility services provided by the City have been delivered to any customer who is not the lawful owner of the premises, and such customer abandons or vacates the premises, then and in such event, the Utility Clerk may place the account in the name of the owner or owners of the premises where utility service is delivered or available, and may bill such owner for all utility services delivered thereafter at that point of delivery until a new written application for electric services is made or the owner or owners request termination of utility services; provided, however, the account shall not be placed in the owner's name until five (5) days after the Utility Clerk has mailed written notice to the last known address of such owner informing him or her of the proposed action on the account.

SECTION 7. Section 8-6-19 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

~~8-6-19: BILLINGS, COLLECTION, AND TERMINATION OF UTILITY FOR SANITARY SERVICE: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution. Bills for sanitary service shall be rendered monthly based upon billing cycles determined by the City. All bills shall be due on or before the tenth (10th) day of the month following the date of the billing. Billings shall be mailed to the address stated in the occupant's application for utility services, or such other address as may be delivered to the City Utility Clerk in writing. Any account not paid by the past due date shall bear interest at the maximum rate permitted by law, commencing upon the past due date.~~

SECTION 8. Section 8-6-20 of the City Code of the City of Idaho Falls, Idaho, is hereby deleted in its entirety:

~~8-6-20: TERMINATION OF SERVICES: In the event any occupant fails to pay the established monthly charges or otherwise fails to comply with the provisions of this Chapter, the City may terminate the electric, sanitary, sewer, or water service to the premises receiving sanitation service or any other property owned by the occupant receiving such services. Such termination of services shall conform to the procedures set forth in this Code for the termination of electric services. In the event the monthly services charges are not timely paid, the City shall also add a service charge, set in an amount from time to time by Resolution of the Council, to the bill, provided however nothing herein shall authorize the assessment of a service charge greater than the maximum City unified utility service charge, set from time to time by Resolution of the Council, if the occupant is receiving a City unified utility billing for water, sewer, electric or sanitation services.~~

SECTION 9. Section 8-13-16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

~~8-13-16: INVOLUNTARY TERMINATION OF FIBER OPTIC ACCESS~~BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE: Billing, collection, and

termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution.

~~(A) Whenever a bill becomes delinquent for more than fifty (50) days, fiber optic service may thereafter be terminated in the manner set forth below. In the event of such delinquency, or upon the customer's failure to comply with this Chapter, the City Treasurer shall mail a notice of termination to the customer and the customer's service may thereafter be terminated upon compliance with the procedure set forth hereinafter. The notice of termination shall contain the following:~~

~~(1) The customer's name and mailing address.~~

~~(2) The address or addresses where service is being delivered.~~

~~(3) The customer's account number under which the default has occurred.~~

~~(4) A statement that the customer's account is delinquent and the amount of such delinquency as of a specified date, or a statement of the reason for the proposed disconnect.~~

~~(5) A statement that the customer is entitled to a hearing regarding the alleged default.~~

~~(6) The period of time within which the customer must appear for the hearing.~~

~~(7) A statement that if customer does not appear within such time period the amount of the delinquency or the default will be deemed to be correct and that the customer's fiber optic services, water, or electric service at all points of delivery may be discontinued immediately thereafter if the bill is not sooner paid or unless a written arrangement for payment of the billing satisfactory to the City Treasurer is made, or unless the default is immediately corrected.~~

~~(B) The period of time in which the customer must appear shall not be less than ten (10) days and shall commence two (2) days after the date the notice of termination is mailed. The notice of termination shall be deemed to have been delivered upon its deposit in the United States mail, postage prepaid, addressed to the customer at the customer's address set forth in the customer's application for electric services, or such other address as may be communicated to the Utility Clerk in writing. If the customer fails to appear within such time period and the bill has not been paid, or satisfactory arrangements for the payment thereof have not been made, or the customer's default has not been satisfactorily corrected, the City Treasurer may immediately issue an order to discontinue fiber optic, electric, and water service to such customer. If the customer appears at the hearing, the City Treasurer shall hear the customer's complaint, review and examine the testimony and evidence presented and forthwith render a decision based upon such testimony and evidence and upon the records of the City. The City Treasurer may render a decision at the hearing or may render a decision in writing, and in such case shall mail a copy thereof to the customer. In the event the City Treasurer finds the customer to be in default, the City Treasurer shall advise the customer that his or her service will be discontinued at the expiration of three (3) days after notice of the~~

~~Treasurer's decision is given or mailed, unless the customer's default is satisfactorily corrected before such date. Termination of utility service may be made of any or all utility accounts under the name of the customer in default, regardless of whether or not the default relates to the premises or account for which termination is ordered.~~

~~(C) In the event fiber optic access is terminated for delinquency or other default, fiber optic access and other utility services shall not be restored until the entire amount of the delinquency and delinquency charges are paid in full, or the default is corrected, or an arrangement in writing is made for payment of such charges and a disconnect fee in an amount set from time to time by Resolution of the Council is paid. In the event one or more disconnect orders have been issued within the twelve (12) month period preceding the date of the current disconnect order, the disconnect fee shall be in an amount set from time to time by Resolution of Council. Nothing herein shall authorize the collection or assessment of fees exceeding in the aggregate three hundred dollars (\$300) per re-connection where service is discontinued for multiple utility services.~~

~~(D) In the event of such termination, the customer will forfeit all access rights and rights to use any leased fiber pair owned by the City and all proprietary rights, if any, to serve retail customers using the Fiber Optic System of the City.~~

SECTION 10. Sections 8-13-17 through 8-13-29 of the City Code of the City of Idaho Falls, Idaho, are hereby amended as follows:

8-13-17: PLANS FOR PAYMENT OF DELINQUENT ACCOUNTS:

~~(A) No arrangement or plan for the payment of any delinquent account shall be valid unless in writing and signed by the City Treasurer, or a designated representative, or confirmed or approved by a court of competent jurisdiction. In the event a customer proposes an arrangement or plan for payment of a delinquent account, whether informally or by order of court, the City Treasurer may require that a security deposit, subject to the limitations set forth hereinafter, be deposited and held by the City for the duration of the arrangement or plan. If the customer fails to timely pay his bills accruing thereafter or fails to comply with the arrangement or plan, the security deposit may then be forfeited and applied against the amount of any delinquency, and access may thereafter be discontinued in the manner set forth in the plan or arrangement, or if no disconnect procedure is set forth in the plan or arrangement, then fiber optic access and other public utility service to any property owned, leased or controlled by the customer, may be summarily terminated without further notice. The security deposit shall be returned after full compliance with the plan or an arrangement and as soon as a responsible and timely record of payments of the customer's billings has been established for a period of at least twelve (12) consecutive months. The amount of the security deposit shall be determined at the discretion of the City Treasurer, provided that in no event shall the security deposit exceed three (3) times the amount of the customer's average monthly bill for all utility services, including fiber optic access, for the preceding twelve (12) months. If the customer has not received fiber optic access for at least twelve (12) consecutive months, the amount of the security deposit shall not exceed an amount set from time to time by Resolution of the Council for commercial or industrial customers, or three (3) times the customer's average monthly fiber optic access and other utility services bill, whichever is greater.~~

~~(B) In the event the customer fails to fully comply with the terms and conditions of the payment plan, then utility service or access may be discontinued without prior notice and without compliance with the notice and hearing provisions of Section 8-13-15 of this Chapter.~~

8-13-178: LIABILITY FOR INTERRUPTIONS OF ACCESS: The City shall not be liable for any loss, injury or damage of any kind, including but not limited to consequential, special and punitive damages, resulting from the interruption, reduction, loss or restoration of fiber optic access from any cause, including without limitation any loss by fire, flood, accident, casualty, sabotage, terrorist act, strike, labor slow-down, act of God or the public enemy or failure or inadequacy of distribution fiber, backbone fiber or appurtenant facilities. The City disclaims any express or implied warranty of merchantability or fitness for a particular purpose and the delivery of fiber optic access to any customer shall not be construed as or deemed to be the delivery of goods under the Idaho Uniform Commercial Code. By acceptance of fiber optic access, the customer agrees to, and shall be deemed to, waive any and all claims for damage or loss to the customer's lines, facilities, or communications equipment caused by any act or omission of the City, however, nothing herein shall be deemed or construed as a waiver of any claim for damage or liability arising out of the gross negligence or malicious act of the City, or its agents.

8-13-189: SHUT-DOWN FOR REPAIRS: For the purpose of making necessary repairs, upgrades or changes to its backbone or distribution facilities, or to avoid damage to property or to persons, the City may without prior notice to the customer suspend fiber optic access for such periods as may be reasonably necessary to make such repairs, upgrades or changes and the City shall not be liable for damage of any kind, direct or indirect, as a result of such discontinuance of fiber optic access.

8-13-1920: TEMPORARY SUSPENSION OF DEMAND BY CUSTOMER: Whenever a customer suspends operation due to strikes, action of any governmental authority, act of God or the public enemy or other force majeure, the customer shall continue to be obligated to pay the monthly fiber optic access charge provided in the rate schedules set forth in this Chapter and for any distribution costs established in his or her Fiber Optic Access Application, irrespective of such temporary suspension.

8-13-204: INTERFERENCE WITH ACCESS: The City may refuse to supply fiber optic access where there is a possibility that the delivery of access may seriously impair or disrupt access to any other customers, or which may disrupt the operation of the public fiber optic backbone. The City may also disconnect fiber access if the customer's connection is seriously impairing access to any other customers. The City may also, without prior notice, suspend or disconnect access to any customer using the public network for the purposes of delivering any virus, spam, spyware, denial of service attacks, or any other illegal or malicious purpose which has the effect of or is intended to impair or impede the operation of the public fiber optic system, the internet, or any public or private computer or computer network connected thereto or for the purpose of obtaining illegal or unauthorized access to other computers or networks connected to the public fiber optic system.

8-13-212: PROTECTION OF CUSTOMER'S EQUIPMENT: The customer is solely responsible for the selection, installation and maintenance of all equipment and wiring, other than the City's apparatus, on the customer side of the point of delivery. The customer shall install and maintain

suitable protective devices and equipment to protect life and property from harm or injury and the City assumes no duty to warn or otherwise assist the customer in the selection or use of such protective devices.

8-13-223: BACKBONE EXTENSIONS: Extensions of the fiber backbone ring may be made at the sole discretion of the City. Access to the backbone ring will be provided through the construction of distribution system facilities as described in Section 8-13-234 hereof. The City reserves the right to upgrade, overbuild and rebuild the network in any fashion which may result in new backbone or distribution and service drop boundaries.

8-13-234: DISTRIBUTION SYSTEM EXTENSION: An extension of the distribution system is any continuation of, or branch from, the nearest available existing distribution fiber or new branch from the nearest available Backbone Access Point. The City may make extensions of the distribution system at customer expense as provided for in the schedule of rates set forth in Section 8-13-267 hereof. All distribution construction work shall be undertaken solely by the City and at the expense of the customer. An estimate of construction costs will be provided for customer review and approval prior to beginning any construction activity and the City may require the customer to pay such estimate in full prior to the commencement of such system extension. In the event that actual costs exceed the estimate, the customer shall pay such excess before fiber optic access is provided. Customers may elect to pay for the construction costs of such extension in full at the time of connection to the publicly owned fiber system or may, with the approval of the Director, amortize such costs over a period not to exceed sixty (60) months. Notwithstanding the customer's participation in the construction costs of any extension of the distribution system, ownership and control of such extensions shall remain solely with the City.

8-13-245: DISTRIBUTION DESIGN: All new connections between the backbone fiber and the end use location shall be designed by authorized City personnel. Distribution will begin at the most appropriate Backbone Access Point or Access Node as determined by the Director and shall run to a patch panel installed at the desired customer location. Distribution spurs, connecting the backbone to the Access Nodes, will be constructed of single mode fiber cable conforming to City standards. Routing will follow the public right-of-way and be placed on publicly owned poles to the maximum extent possible. Service drops will terminate at a patch panel in the end user's premises. The patch panel shall be supplied by the City and the cost thereof shall be included in the customer distribution costs payable in accordance with Section 8- 13-234 of this Chapter. All customers shall allow authorized personnel of the City access to the customer's patch panel at all reasonable times and any customer who refuses to allow such access shall be subject to termination of fiber access in the manner set forth in Section 8-13-15 hereof.

8-13-256: COST SHARING FOR DISTRIBUTION FIBER EXTENSIONS:

(A) The purpose of this section is to establish an equitable method for sharing the cost of constructing distribution fiber lines among customers who use such lines in common. The initial construction costs to extend any portion of a distribution fiber line shall be borne entirely by and shared among the customers using such distribution fiber, in the manner set forth below.

(B) Each initial fiber customer who constructs distribution fiber at his or her sole expense shall be entitled to recover a portion of his or her initial distribution fiber construction costs from any subsequent fiber customer or customers who connect to any portion of the distribution fiber constructed by such initial fiber customer. Such cost recovery shall be based upon the amounts paid by the initial customer to the City pursuant to the provisions of Section 8-13-7(B) of this Chapter. Such cost recovery shall be limited to collection only from a subsequent fiber customer who connects to such portion of the distribution fiber within five (5) years from the date that the distribution fiber was placed in service. Such cost recovery shall be undertaken in the manner set forth below.

(C) At the time any subsequent customer makes application for connection to a distribution fiber line constructed at the sole expense of another customer, the Director shall notify the initial customer of such application. The Director or his or her agent shall calculate the amount of cost recovery which the initial customer is entitled to recover from the subsequent customer, based upon the following formula: $\text{Amount of Recovery} = \text{Usage Ratio} \times \text{Distance Ratio} \times \text{Initial Construction Costs}$ Upon making such calculation, the Director shall notify the initial customer and the subsequent customer of such amounts. Such amounts shall then be paid to the City in a lump sum or in amortized payments in accordance with the terms of an amortization agreement approved by the Director prior to the delivery of fiber optic access to the subsequent customer. Upon receipt of such amount, the City shall credit the payment by the subsequent customer against the initial customer's monthly bill. In no case shall the total cost recovery from all subsequent users exceed the initial construction cost.

(D) For the purpose of the cost recovery method set forth herein, a subsequent customer may also be entitled to exercise such cost recovery right with respect to another subsequent customer who connects to any portion of the distribution fiber constructed at the first subsequent user's expense.

(E) All rights to cost recovery shall terminate upon the initial customer's termination of access to the public fiber optic system or at the expiration of five (5) years from the date of the distribution fiber being placed into service, whichever first occurs.

8-13-267: SCHEDULE OF RATES:

(A) Applicability: This rate schedule applies to all customers receiving Dark Fiber access from the City of Idaho Falls. The interconnection fees set forth below shall be paid by the customer prior to his or her connection to the Fiber Optic System.

(B) Fees: The following fees associated with dark fiber optic access provided by the City shall be set from time to time by Resolution of the Council and be paid as a condition for the commencement or continuation of fiber optic access to a customer:

Backbone Dark Fiber Service Fees	Notes
Backbone Service Fee, per single pair fiber, per month	One fiber pair over entire backbone ring. Payable as per Sections 8-13-14 and 8-13-15 hereof.

New customer connection fee	Applied toward engineering and new account costs. Payable prior to connection.
<u>Distribution Costs & Fees</u>	<u>Notes</u>
Construction Costs	As determined by the Director, payable prior to connection or amortized in a Fiber Optic Access Agreement.
Distribution engineering fee	Applied towards engineering, design, layout and testing costs.
Distribution Access Fee	One distribution pair per drop, payable monthly as per Section 8-13-14 and 8-13-15.
Cost Sharing Payments or Credits	If applicable, calculated on job by job basis and payable as per section 8-13-256 hereof.

(C) Monthly Backbone Access Fee: Each customer shall pay the specified monthly charge for the use of one or more single pairs of fiber traversing the entire backbone ring, regardless of actual distances used. Only that route shown on the Network Map as dark fiber backbone is included in the monthly access charge. Any route not covered by the dark fiber backbone is considered part of the distribution system and service drop network, and shall be subject to additional service charges or fees as specified above

(D) New Customer Connection Fee: At the time application of access is made, each customer shall pay a new customer access fee in the amount set forth in subsection (B) of this section. The new customer connection fee is a one time, non-refundable, account activation fee, which is intended to cover the City's initial costs for the following services:

- (1) Engineering costs associated with fiber strand allocations
- (2) Fiber splicing activities
- (3) Continuity testing of the associated backbone fiber strands
- (4) Account and billing setup

(E) Distribution Installation Costs: Distribution installation costs will be estimated on a case by case basis. The City's network engineering staff will determine the most economical route to provide distribution service or access to the customer location that satisfies the City's requirements for reliability, efficiency, splice limitations and system loss. An estimate of the construction costs will be presented to the customer for approval prior to commencing any work. Once the estimate is accepted by the customer, the construction will be done by the City with actual final costs being billed to the customer. The Director may require such estimate to be paid in full not less than thirty (30) days prior to the start of construction, or alternatively if the customer desires to execute an amortization agreement, then such executed amortization agreement shall be delivered to the Director not less than thirty (30) days prior to the start of construction. Any amounts incurred in excess of such estimate shall be billed to and paid by the customer prior to the delivery of fiber optic access.

(F) Distribution Engineering Fee: A one-time service drop fee for engineering will be charged for each service drop requested by the customer and shall be added to and included within the estimated installation fees and costs. The fee will cover costs for the preparation of installation and construction cost estimates, schedule of work, route map, fiber loss budget, splicing and activation and certification test results.

(G) Distribution Access Fee: A monthly access fee shall be charged for the use of one distribution pair of fiber. This charge covers the City's operation and maintenance costs for the distribution line.

(H) Cost Sharing Payment or Credit: Upon receipt of an application for access from a subsequent customer, the Director shall calculate the cost-sharing charge to be borne by the subsequent customer, according to Section 8-13-26 of this Chapter. The charge is only applicable if a subsequent customer makes use of a portion of a distribution line constructed by an initial customer or if another subsequent customer makes use of a distribution line paid for by a preceding subsequent customer.

(I) Disconnect or Reconnect Fees: In the event any wholesale customer requests a disconnection or reconnection of any Retail Internet User served by such wholesale customer, to any distribution fiber or to the fiber backbone, the Director may charge a disconnect or reconnect fee to such wholesale customer, in an amount equivalent to the reasonable cost of labor or materials incurred by the City in making such disconnection or reconnection.

8-13-278: TAMPERING WITH FIBER OPTIC NETWORK PROHIBITED: No person shall connect to, adjust, tamper with or make any alteration or addition to the Fiber Optic System, without having first obtained express permission from the Director. Any person who willfully or maliciously causes damage to, interference with or obstruction to the efficient operation of the Fiber Optic System shall be guilty of a misdemeanor. Any person who causes such damage shall in addition to any criminal fines or penalties, be liable to the City for any reasonable damages which may be proximately caused by such damage or interference. Such amounts may be included upon the customer's regular monthly billing statement for utility service and upon the customer's failure or refusal to pay such charges, fiber optic access or any other public utility service provided by the City, may be terminated in accordance with the procedures set forth in this Chapter.

8-13-289: THEFT OF FIBER OPTIC ACCESS: It shall be unlawful for any person to make any connection to or install or construct any facility or equipment with the specific intent of obtaining fiber optic access from or making use of the Fiber Optic System, without paying for such access or without paying the fees and charges set forth in this Chapter.

SECTION 11. 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 12. 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 13. 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 14. 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 November, 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, AMENDING TITLE 8, CHAPTERS 1, 4, 5, 6, AND 13 TO STANDARDIZE BILLING, COLLECTION, AND TERMINATION PRACTICES FOR CITY SEWER, WATER, ELECTRIC, SANITATION AND FIBER OPTIC UTILITY SERVICES BY REFERRING TO THE CITY’S ADOPTED UNIFORM UTILITY BILLING, COLLECTION AND TERMINATION POLICY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



A Department 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: November 20, 2015
Re: Ordinance amending sections of the City Code of Idaho Falls pertaining to electric service

Attached for your consideration is an Ordinance amending Title 8, Chapter 5 of the City Code of Idaho Falls. The City Attorney has prepared this ordinance. The proposed changes clarify thresholds for new large single loads, establish net metering classifications, establish in-person meter reading provisions, and establish regulations and fees for electric power line extensions.

Idaho Falls Power respectfully requests City Council approve the Ordinance.

JRF/694/cw

C: City Clerk
Municipal Services
File

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 5, CLARIFYING RATES FOR CONSUMPTION OF ELECTRICITY, AND IN-PERSON METER READING AND ESTABLISHING REGULATIONS AND FEES FOR ELECTRIC POWER LINE EXTENSIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City has updated its electric meter infrastructure to reduce costs to its Idaho Falls Power (IFP) consumers; and

WHEREAS, a small number of IFP customers have expressed interest in opting out of IFP's new metering infrastructure; and

WHEREAS, IFP is offering a limited opportunity for existing customers to opt out of new technology so long as the legacy meters continue to be operational, the customer pays any costs associated with maintaining their current meter, the customer remains current on the account, and the customer is not found to have tampered with the meter; and

WHEREAS, IFP intends to establish a lower threshold for new large single load customers to trigger negotiated electric rate; and

WHEREAS, IFP is establishing a rate classification for residential or commercial customers who have received approval to install distributed generation at their point of service; and

WHEREAS, the City is eliminating special rate classifications for City-owned public facilities and trailer court services and instead classifying them at the general commercial rate; and

WHEREAS, where the City is requested to extend electrical infrastructure to residential, commercial, and industrial customers to provide for future development electric needs, it intends to equalize cross subsidization of costs between electric consumptive customers with customer-requested expansion of the electric utility system (with cost causation principles whereby each is responsible for their respective share of costs incurred); and

WHEREAS, IFP has evaluated development extension costs in recent history, based on current infrastructure component pricing; and

WHEREAS, IFP has developed a fee structure and associated policy to cover development extension costs; and

WHEREAS, the Council has reserved the right to waive fees associated with property deemed to have met redevelopment or voluntary annexation provisions deemed important by the City Council; and

WHEREAS, the Council finds the provisions of this Ordinance to be fair to rate payers and IFP customers; and

WHEREAS, the Council finds that the provisions of this Ordinance strengthen and support efforts to operate a modern, up-to-date, municipal power utility that meets the many needs of those it serves; and

WHEREAS, IFP frequently receives requests from owners, contractors, developers, and others for extension of electric power lines to various homes, facilities, lots, developments, and other structures and properties within the City; and

WHEREAS, IFP wishes to establish a uniform process in order to answer such requests; and

WHEREAS, the IFP also desires to establish uniform fees to be charged for such services; and

WHEREAS, the Council is of the opinion that these services and fees should be established by this Ordinance and by fee Resolution.

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

SECTION 1. Section 8-5-1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows by adding the following new language:

8-5-1: DEFINITIONS: Certain terms used in this Chapter shall have the meanings ascribed below:

BACKUP SERVICE: Electric service, either single or three-phase, to a commercial building for the sole purpose of providing backup power.

CAPACITY: The average kilowatt (kW) supplied the customer during the fifteen (15) minute period of maximum use during the month, as shown on the City meter.

CITY UTILITY BILLING OFFICE: The City office, under the direction of the City Treasurer, that has the responsibility for billing services for City utilities.

COMMERCIAL: A building whose primary purpose is conducting business for profit.

COMMERCIAL DEVELOPMENT: A development requiring two (2) or more electrical services for the purpose of commercial operation.

COMMERCIAL SERVICE: Electric service, either single-phase or three-phase, to a permanent commercial structure.

COMPREHENSIVE PLAN: A plan which has been adopted by the Council pursuant to Idaho Code Title 67, Chapter 65 (the Local Land Use and Planning Act) for the purpose of guiding development in the City.

CONNECTED LOAD: The combined input rating of the customer's motors and other electric energy-consuming devices.

CUSTOMER: Any ~~person~~ individual, partnership, business entity, or corporation receiving or desiring to receive or provide electric service at a point of delivery located within the City or for whom electric service is delivered under agreement with any other electric utility.

ELECTRIC SERVICE: The availability of power and energy in the form and at the voltage specified in the application for electric service irrespective of whether electric energy is actually utilized.

FACILITIES: Any electrical equipment and/or materials, whether overhead or underground, owned by the City, which are used to generate, transmit, and distribute electrical power to a customer.

HIGH VOLTAGE DELIVERY: Electric service delivered at two thousand four hundred (2,400) volts or greater.

IDAHO FALLS POWER OR "IFP": The department of the City that operates and manages the electric light system of the city.

LINE EXTENSION: Any change or addition to the IFP electrical system, including service lines, distribution lines, Project Improvements, System Improvements, procurement of rights of way, easements, and permits for the primary purpose of providing electrical service requested by a customer.

LOW VOLTAGE DELIVERY: Electric service delivered at six hundred (600) volts or less.

OVERHEAD SERVICE: Any service supplied directly to the customer from aerially-connected service conductors.

POINT OF DELIVERY: The point where the customer's wires are joined to the equipment or facilities of the City, unless otherwise specified in the application for electric permit and approved by the ~~Director of Idaho Falls Power~~ Chief Electrical Engineer or his designated agent.

POWER FACTOR: The relationship between real and reactive power drawn under actual operating conditions as determined by measurements made by the City.

PRIMARY DISTRIBUTION LINE: Any high voltage electrical conductor that provides power to the high voltage side of a customer transformer. ~~line two thousand four hundred (2,400) volts or greater normally used to distribute power to service areas of the City.~~

PROJECT IMPROVEMENTS: Any new installation of electrical facilities or upgrade of existing electrical facilities for the primary purpose of serving a residential or commercial customer, including but not limited to poles, cables, transformers, and appurtenant facilities.

RESIDENTIAL DEVELOPMENT: A subdivision containing two (2) or more lots for use as residential housing, as evidenced by a subdivision plat recorded with the Bonneville County Recorder's Office.

RESIDENTIAL SERVICE: Electric service which is one hundred twenty/two hundred forty (120/240) volt single-phase, to a permanent residential structure.

SECONDARY SERVICE: The materials and labor necessary to provide service from the secondary side of the transformer to the point of meter service on a building, home, or structure.

SERVICE MONTH: The period between successive meter readings, generally consisting of approximately thirty (30) consecutive days.

SYSTEM IMPROVEMENT: Any new installation or upgrade of electrical generation plants, electrical transmission lines, substations, distribution main feeders, and the like.

TEMPORARY SERVICE: Electric service required for a specific period of time not to exceed one (1) year, at the end of which period the facilities will no longer be needed.

UNDERGROUND SERVICE: Any service supplied directly to the customer by means of conductors placed underground.

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

8-5-5: APPLICATION FOR ELECTRIC SERVICES: Electric service shall not be delivered to any customer until the customer or the customer's ~~his~~-authorized agent shall personally appear at the City utility billing office of the Utility Clerk, 308 Constitution Way, Idaho Falls, Idaho, and make written application for delivery of electric services. Such application shall be in such form as may be designated by the City Treasurer. The ~~Utility Clerk~~ City utility billing office staff may require appropriate identification of any customer or agent making application for electric service. Any customer who willfully gives materially false information in ~~the~~ his or her application or who shall falsely represent ~~an~~ his or her identity shall be guilty of a misdemeanor, and electric service to such customer may be terminated all in accordance with ~~Section 8-5-17 of this Chapter.~~

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

8-5-8: VOLUNTARY TERMINATION OF SERVICES: In the event that any customer desires to discontinue receiving service from the City, he or she shall give advance notice in writing to the ~~Utility Clerk~~ City utility billing office of such desire to discontinue receiving electric services.

Customers will be responsible for all electric service supplied to the customer's premises until the date set forth in the customer's notice and for any electricity actually consumed by such customer after the termination date set forth in the customer's notice of termination. In the event any customer fails to give written notice in the manner set forth above, the customer shall be responsible for any and all bills or charges incurred by any person until such notice is given, or until another customer shall make application to receive electric service at the same point of delivery, regardless of whether or not the customer actually consumed electrical energy or utilized electrical service for his or her own purposes.

SECTION 4. Section 8-5-12 of the City Code of the City of Idaho Falls is hereby amended as follows:

8-5-12: MEASUREMENT OF ENERGY:

(A) All energy delivered by the City shall, except as otherwise specifically provided, be paid for according to measurement by meters located at or near the point where the energy is to be delivered to the customer. When a billing error is found or when a meter is found to be more than two percent (2%) fast or slow under the conditions of normal operation, an adjustment of the charges shall be made for any period during which the billing error or malfunctioning meter can be established with reasonable certainty by the party in whose favor the adjustment is to be made. Such adjustment shall be based upon the customer's average monthly consumption for the year preceding the date of the erroneous billing or upon any other method which will more accurately estimate electrical consumption for such period.

(B) ~~Upon request by any customer, the City will test the customer's electromechanical or Advanced Meter Reading (AMR) meter for accuracy in its measurement of energy, and will do so without charge or expense to the customer, provided that in the event the customer has made a similar request for the same meter within one (1) year immediately preceding such request, the~~ The charge for making such meter test shall be in an amount set from time to time by Resolution of the Council.

SECTION 5. Section 8-5-15 the City Code of the City of Idaho Falls is hereby amended as follows:

8-5-15: METER READING: Meters will be read and bills will be rendered based upon the customer's service month. The customer's service month may be determined solely by the City and may commence at any time during a calendar month. If the meter is not read during the customer's service month, bills may be rendered for the customer's estimated energy consumption based upon the customer's past electrical consumption for the service month in question or upon the typical consumption of a customer having equivalent service and usage requirements. Where a customer's meter must be read in person (e.g. because it is an electromechanical, Advanced Meter Reading (AMR), or a radio-disabled Advanced Meter Infrastructure (AMI) meter), the customer shall be charged a fee in an amount set from time to time by Council.

SECTION 6. Section 8-5-25 through 8-5-31 the City Code of the City of Idaho Falls are hereby amended as follows:

~~8-5-25: 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 and Idaho Falls Power shall then make such extension. In the event the actual cost of making such extension exceeds the amount estimated by Idaho Falls Power, 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.~~

~~8-5-26: UNDERGROUND DISTRIBUTION LINES: Idaho Falls Power 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 to the customer or developer.~~

8-5-2725: SCHEDULE OF RATES:

(A) BILLINGS: Customers of Idaho Falls Power shall be billed for electric energy and demand according to the schedule of rates set forth below and pursuant to the electrical billing rate calculation and billing policy adopted by the Council. No other rates for energy consumption shall apply except by special permit or contract specifically 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.

(B) COMMERCIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal voltages up to four hundred eighty (480) volts to commercial customers. The Commercial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges.

(C) SMALL INDUSTRIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal primary voltages to industrial customers having electric service with a minimum capacity of two hundred seventy five kilowatts (275) ~~Kk~~W). The Small Industrial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges.

(D) LARGE INDUSTRIAL RATE: This rate shall be applicable at each point of delivery, for all energy requirements delivered at nominal primary voltages to industrial customers having electric service with a minimum capacity of two thousand kilowatts (2,000) ~~Kk~~W). The Large

Industrial Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges.

(E) LARGE SINGLE LOAD RATE: This rate shall be applicable to all single load customers whose aggregate demands at one or more points of delivery on the same premises exceed one thousand kilowatts (51,000 kW). This rate shall be a unique, negotiated rate designed to return to the utility all costs of service that may be fairly and equitably apportioned to the customer using generally accepted rate-making principles, based upon the customer's unique circumstances and service needs. In no event shall such rate cause subsidization of such customer by other classes of customers nor cause subsidization of such other classes by the large single load customer. This rate shall be negotiated within thirty (30) days after the date the customer's demands exceed such amount, provided that, in the event the customer and the utility are unable to agree upon a fair and equitable rate, the utility may unilaterally implement such rate, using the principles stated above. This rate shall apply to any new customer following the adoption of this Subsection.

(F) RESIDENTIAL RATE: This rate shall be applicable for all electric service required by residential customers in single private dwelling units and individual family apartments for general domestic use only. The Residential Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges.

(G) NET METERING RATE: Residential or Commercial customers who have an approved Net Metering and Small Generation Interconnection Agreement Application for installation of distributed generation will be classified according to their appropriate net metering rate.

~~(HG)~~ CITY STREET LIGHTING SERVICE: This rate is applicable for electric service for the lighting of public streets, alleys, thoroughfares and public parks and recreational facilities. The City Street Lighting Service Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges.

~~(H) CITY OWNED PUBLIC FACILITIES: This rate is applicable for all City owned public facilities except street lighting. The City Owned Public Facilities Rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charge.~~

(I) SECURITY LIGHTING: This rate is for electric service for lighting private property, including without limitation, parking lots, storage lots, driveways, and yards. The rate shall consist of a fixed monthly charge for each luminaire, based upon the type of luminaire and its rated average minimum lumen output. The Security Lighting Rate shall be in an amount set from time to time Resolution of the Council for the following:

Wattage	Type of Luminaire
100 W	High Pressure Sodium
200 W	High Pressure Sodium
400 W	Metal Halide

Prior to the delivery of any energy to a security light, the customer shall pay a customer installation fee in an amount set from time to time by Resolution of the Council to the City Treasurer for each security lighting pole installed.

(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 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.

~~(K) TRAILER COURT SERVICE: This rate shall apply to electrical service to trailer courts. The trailer court owner may remeter and bill for service to each of the trailers according to rates established and posted on the premises and this service will be regarded as an exception to the limitations of use stated in Section 8-5-9 of this Chapter. The Trailer Court Service rate shall be in an amount set from time to time by Resolution of the Council for: Energy Charges; and Demand Charges~~

8-5-2826: POWER FACTOR PENALTY: The commercial and single meter industrial rates stated above are based upon a customer power factor of eighty five percent (85%) lagging or higher as determined from simultaneous measurement of kilowatt hour (KkWHh) and K Var h during any billing period. If the customer's power factor is found to be less than eighty five percent (85%) lagging, the demand as recorded by the City's meter will be increased by adding to the recorded demand a power factor penalty in the amount of the product of the recorded demand and .0075 multiplied by the number of percentage points, rounded to the next whole number, that the power factor is less than ~~eighty-eighty-five~~ percent (85%) lagging.

8-5-2927: SELECTION OF RATE SCHEDULES: The customer shall have the responsibility to apply for the appropriate rate applicable to the desired type of service. The rate shall be applied upon determination by the City that the customer is eligible for the rate requested by the customer in his application for electrical service. Services qualifying for two or more rates shall be billed at the highest applicable rate.

8-5-3028: TRANSFER FROM OTHER UTILITY: Any person who has previously been connected to the facilities of another electric supplier shall, before any extension, connection or delivery of City electric services to such person, pay a transfer charge to the ~~City Utility Clerk~~ City utility billing office. Such transfer charge shall equal one-half (1/2) of any transfer charge, fee or expense which is paid or which may be paid by the City to the other electric supplier as a direct result of such person's transfer to the City electric facilities; provided, however, no charge shall be imposed or collected from the new customer by reason of the purchase from the other electric supplier by the City of any transmission lines, equipment or other facilities used by the transferring customer.

8-5-3129: NON-OWNER-OCCUPIED PROPERTIES: When electric or other public utility services provided by the City have been delivered to any customer who is not the lawful owner of the premises, and such customer abandons or vacates the premises, then and in such event, the ~~Utility Clerk~~ City utility building office staff may place the account in the name of the owner or

owners of the premises where utility service is delivered or available, and may bill such owner for all utility services delivered thereafter at that point of delivery until a new written application for electric services is made or the owner or owners request termination of utility services; provided, however, the account shall not be placed in the owner's name until five (5) days after the ~~Utility Clerk~~ City utility billing office has mailed written notice to the last known address of such owner informing the owner ~~him or her~~ of the proposed action on the account.

SECTION 7. Title 8 Chapter 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended by the addition of the following new language as subsection 8-5-30:

8-5-30: (A) **PURPOSE:** The purpose of this Subsection is to establish regulations relative to the construction and extension of electrical power lines and facilities within the City where such are requested by customers served by IFP and to establish fees therefore.

(B) **SERVICE REQUESTS:**

(1) The following shall require a fee to be paid as established herein:

(a) **Line Extension to Provide Temporary Service.** IFP installation and removal of power for a temporary facility to an existing infrastructure within thirty feet (30') of underground tap point or one hundred twenty-five feet (125') from the closest overhead tap point. If such service requires pole installation or transformer placement, an additional fee shall be charged.

(b) **Residential Service Line Extension:**

(i) **Within a Residential Development:** IFP provision or extension of existing service lines to a residential structure within a new Residential Development. The fee for this service shall be determined on a "per lot" basis for an individual dwelling unit or on a "per unit" basis for multi-family housing. The fee shall also take into account the density and zoning for the dwelling to be served.

(ii) **Within Residential Development:** IFP provision of Project Improvements or electrical service lines to a Residential Unit outside of a Residential Development. The customer requesting such project improvements and service lines shall pay all costs of such Project Improvements and all labor and material costs required, as determined by IFP.

(2) **Commercial Service Line Extensions:**

(a) Within A Commercial Development: IFP provision of Project Improvements within a commercial planned development in commercially zoned areas. The customer requesting such Project Improvements, shall pay, at the time of building permit issuance, all construction costs for Project Improvements necessitated by the development, based upon an approved engineering design from the developer. In such case, IFP shall supply and install the transformer and meter.

(b) Within A Commercial Development: IFP provision of a commercial electric utility connection within a commercial planned development. A customer requesting the commercial electric utility connection shall complete the trenching, install commercial electric service conduit and pay, in advance, a commercial hook-up fee. Following completion of such preparations, IFP shall make the connections at the transformer.

(c) Within A Commercial Development: IFP provision of Project Improvements or a commercial electric utility connection to a commercial structure that is not within a commercial planned development. The customer requesting such Project Improvements or commercial electric utility connection shall pay, in advance, all costs for construction of the Project Improvements, line extensions, and hook-up. Costs, based upon an approved engineering design accepted by IFP, shall be paid at the time of building permit issuance. In such case, IFP shall supply and install the transformer and meter.

(3) Requests For Backup Service: IFP installation and maintenance of backup service to a customer. The customer requesting installation and maintenance of backup service shall pay, in advance, the cost of all System Improvements, Project Improvements, transformer installation, metering, and service lines required to provide backup service.

(4) Requests For Relocation or Modification of Facilities:

(a) A customer shall pay all actual costs for the removal, relocation, modification, or underground installation of IFP facilities where there is no change to existing electric service.

(b) A customer shall pay the total estimated costs of Project Improvements necessary to accommodate the desired changes for the removal, relocation, modification, or underground installation of IFP facilities where there is a change in the nature of existing electric service.

(5) Secondary Service Connection: A customer requesting connection of electrical service to a building shall pay a one-time fee.

(C) GENERAL PROVISIONS:

(1) Any fees established by this Subsection shall be in an amount established from time to time by Resolution of the Council.

(2) All line extensions and facilities modifications, including conduit provided by the customer, shall become and are deemed IFP property upon installation.

(3) All line extensions and facilities modifications shall be made in accordance with standard construction requirements of the IFP Service Policy adopted by the Council.

(4) Line extensions or facilities modifications shall be made only after the customer has paid the fees and estimated costs established in this Subsection.

(5) Project Improvements where any new single connected load is anticipated to be larger than 1 MW, shall require a negotiated interconnection agreement between the requester and IFP in addition to the fees and costs for the service. The agreement may take into consideration necessary IFP structure upgrades, such as substation capacity improvements.

(6) Except as provided in section (B)(4), (B)(5), and (C) of this Subsection, the provisions of this Subsection shall not apply to System Improvements.

(7) In areas identified for redevelopment in the Comprehensive Plan and at the sole discretion of IFP, fees for line extensions and facility modifications may be reduced or waived.

SECTION 8. Title 8 Chapter 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended by the addition of the following new language as subsection 8-5-31:

8-5-31: WAIVER OR ADJUSTMENT OF FEES: Council reserves the right to waive or adjust fees (other than net metering fees) upon a finding of good cause to do so where such waiver or reduction supports redevelopment or the annexation of property contiguous with or surrounded by the City.

SECTION 9. 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 10. 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 11. 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 12. 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 November, 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,
AMENDING TITLE 8, CHAPTER 5, CLARIFYING RATES FOR
CONSUMPTION OF ELECTRICITY, AND IN-PERSON METER READING
AND ESTABLISHING REGULATIONS AND FEES FOR ELECTRIC POWER
LINE EXTENSIONS; PROVIDING SEVERABILITY, CODIFICATION,
PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



A Department 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: November 20, 2015
Re: Resolution Amending the Idaho Falls Power Service Policy

Attached for your consideration is a resolution adopting modifications to the Idaho Falls Power Service Policy. The revisions incorporate language related to the electric line extensions and associated fees, clarifying customer responsibility pertaining to secondary service, and clarify net metering application process. The City Attorney has reviewed the proposed changes.

Idaho Falls Power respectfully requests that City Council approve the Resolution and authorize the Mayor to sign the document.

JRF/695

Attachment

Cc: City Clerk
City Attorney
file

RESOLUTION NO. 2015-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE MODIFIED IDAHO FALLS POWER SERVICE POLICY (2016), PROVIDING THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City owns and operates a municipal electric utility, Idaho Falls Power (“IFP”), employing a number of dedicated employees in the electric trade and providing services to many customers; and

WHEREAS, the City has authorized the IFP to promulgate written rules and regulations and/or customer service policies regarding its delivery of electrical services pursuant to Idaho Falls City Code; and

WHEREAS, IFP has developed a Service Policy relative to procedures for new and existing electrical services and addressing what will be required for a customer who desires to receive electric services from IFP; and

WHEREAS, the Council agrees that the updated Service Policy is an appropriate policy to formally adopt by Resolution to help insure consistent and fair conditions of delivery of electrical services by IFP; and

WHEREAS, the attachments to the Service Policy are appropriate to explain to all IFP customers and potential customers, what is expected to be provided relative to the receipt of such electric services.

NOW, THEREFORE, BE IT RESOLVED that on behalf of Idaho Falls Power, the Idaho Falls City Council hereby adopts and endorses the modified Idaho Falls Power Service Policy (2016) as the governing set of rules, regulations, and/or customer service policies regarding delivery of electrical services by IFP to electric customers.

ADOPTED and effective this ____ day _____, 2016.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

KATHY HAMPTON, CITY CLERK

REBECCA L. NOAH CASPER

(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 Resolution
entitled, “A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A
MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING THE
MODIFIED IDAHO FALLS POWER SERVICE POLICY (2016), PROVIDING
THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND
PUBLICATION ACCORDING TO LAW.

KATHY HAMPTON, CITY CLERK