



**CITY COUNCIL MEETING**  
**Thursday, October 11, 2018**  
**7:30 p.m.**

**CITY COUNCIL CHAMBERS**  
**680 Park Avenue**  
**Idaho Falls, ID 83402**

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*Thank you for your interest in City Government. If you wish to express your thoughts on a matter listed below, please contact Councilmembers by email or personally **before** the meeting. Public testimony on agenda items will not be taken unless a hearing is indicated. 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. Regularly-scheduled City Council Meetings are live streamed at [www.idahofallsidaho.gov](http://www.idahofallsidaho.gov), then archived on the city website. If you need communication aids or services or other physical accommodations to participate or access this meeting, please contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

**1. Call to Order.**

**2. Pledge of Allegiance.**

**3. Public Comment.** *Members of the public are invited to address the City Council regarding matters that are **not** on this agenda or already noticed for a public hearing. When you address the Council, please state your name and address for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending before the Planning Commission or Board of Adjustment which may be the subject of a pending enforcement action, or which are relative to a City personnel matter are not suitable for public comment.*

**4. Consent Agenda.** *Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.*

**A. Items from Municipal Services:**

- 1) Bid IF-19-02, Chlorine and Sodium Bisulfite
- 2) Bid IF-19-01, Haul and Spread Liquid Wastewater Biosolids

**B. Items from the City Clerk:**

- 1) Minutes from the August 16, 2018 Special Council Meeting; August 20, 2018 Council Work Session; and August 23, 2018 Council Meeting
- 2) License Applications, all carrying the required approvals

RECOMMENDED ACTION: To approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

**5. Regular Agenda.**

**A. Airport**

**1) Approval of Consultant Services Agreement with Volaire Aviation Consulting:** For consideration is an air service development consulting services agreement with Volaire Aviation Consulting. This is a two-year agreement for Volaire to provide on-call air service development consulting services. Entering into this two-year agreement lowers the cost of services by approximately \$10,000 annually from the current agreement.

RECOMMENDED ACTION: To approve the consulting services agreement with Volaire Aviation Consulting and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

**B. Public Works**

**1) Material Transfer Agreement with Momentum Recycling, LLC:** For consideration is an agreement with Momentum Recycling LLC, of Salt Lake City, Utah, involving glass recycling. If approved, the City would place glass recycling receptacles at all 13 drop-off recycling locations within the City limits. Glass would then be collected by the City and hauled to a storage location until a full truckload, consisting of approximately 40 tons of glass, is accumulated for pickup.

RECOMMENDED ACTION: To approve the Material Transfer Agreement with Momentum Recycling, LLC, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

**C. Police**

**1) Distracted Driving Ordinance:** For Council consideration is the proposed Distracted Driving Ordinance. If approved, this would make use of a mobile electronic device while operating a moving vehicle a primary vehicle stop for law enforcement. A violation counts as an infraction, while three violations in any two-year period will result in a misdemeanor charge. Some limited exceptions as spelled out in the ordinance do apply.

RECOMMENDED ACTION: To approve the Distracted Driving 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).

**6. Announcements and Adjournment.**

**CONSENT**

**AGENDA:**



# MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Municipal Services Department

**DATE:** October 5, 2018

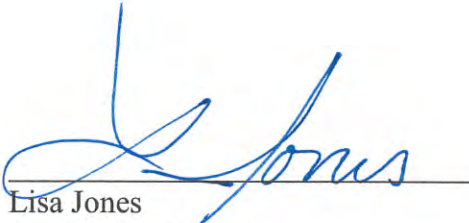
**RE:** Bid IF-19-02, Chlorine and Sodium Bisulfite

It is the recommendation of the Municipal Services Department and Public Works to accept the lowest responsive, responsible bids. Services will be contracted for one-year beginning October 2018 through September 30, 2019. Funds are budgeted in the 2018/2019 Public Works Water and Wastewater operating budgets.

Section	Vendor	Description	Price per Container/ Cylinder	Approximate Annual Cost
I	Thatcher Company Inc.	Chlorine, 150 Pound Cylinders	\$315.005	\$64,260.00
II	Thatcher Company Inc.	Chlorine, 1-Ton Container	\$1,289.00	\$247,488.00
III	Thatcher Company Inc.	Sodium Bisulfite, per Gallon	\$1.21	\$96,800.00
<b>Approximate Lump Sum</b>				<b>\$408,548.00</b>

Respectfully,

  
Pamela Alexander  
Municipal Services Director

  
Lisa Jones  
Purchasing Agent

  
Chandra Witt  
General Services Administrator

CITY OF IDAHO FALLS  
PO BOX 50220  
IDAHO FALLS, ID 83405-0220  
Phone 208-612-8433

Office of Purchasing Agent

September 25, 2018

**TABULATION**

**BID IF-19-02**

Chlorine and Sodium Bisulfite

<b>BIDDER</b>	Univar USA, Inc Kent, WA	PVS Chemical Detroit, MI	Thatcher Company, Inc Salt Lake City, UT	
<b>SECTION I: Chlorine, 150 lb.</b> Chlorine, 150 Pound Cylinders – Price per Each (Estimated Quantity: 204)	NO BID	NO BID	\$315.00	
Fee for Demurrage After 120 Days			.30	
Extended cost			\$64,260.00	
<b>SECTION II: Chlorine – 1 Ton</b> Chlorine, 1-Ton Container – Price per Each (Estimated Quantity: 192)	NO BID	NO BID	\$1289.00	
Extended Cost			\$247,488.00	
<b>SECTION III: Sodium Bisulfite</b> Sodium Bisulfite – Price per Gallon (Estimated Quantity: 80,000)	\$1.97	4.00	\$1.21	
Extended cost	\$157,000.00	\$320,000.00	\$96,800.00	



## MEMORANDUM

**TO:** Mayor and City Council

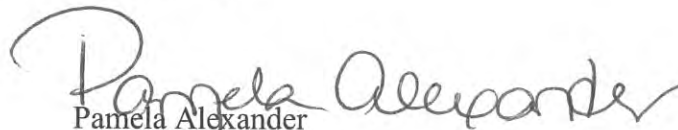
**FROM:** Municipal Services Department

**DATE:** October 11, 2018

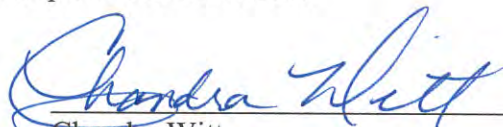
**RE:** Bid Award – IF-19-01, Haul and Spread Liquid Wastewater Biosolids

It is the recommendation of the Public Works and Municipal Services Departments to accept the lowest responsive, responsible bid from G & F Pond Enterprises for a unit amount of \$1.995 per kilo gallon, which equals approximately \$448,875.00. This service is to haul and spread liquid wastewater biosolids to various fields throughout the City for a one-year period beginning October 2018 through September 30, 2019. Funds are budgeted in the 2018/2019 Public Works operating budget.

Respectfully,

  
Pamela Alexander  
Municipal Services Director

  
Lisa Jones  
Purchasing Agent

  
Chandra Witt  
General Services Administrator

# CITY OF IDAHO FALLS

PO BOX 50220

IDAHO FALLS, ID 83405-0220

Phone 208-612-8433

Office of Purchasing Agent

Opening Date: September 25, 2018

## TABULATION BID IF-19-01

### Haul and Spread Liquid Wastewater Biosolids

BIDDER	1) G&F Pond Enterprises, Idaho Falls	2)	3)
Price Per kgal-mi (Approximate 225,000)	1.995		
<b>Extended Price</b>	<b>\$448,875.00</b>		

## **August 16, 2018 - Unapproved**

The City Council of the City of Idaho Falls met in Special City Council Meeting, Thursday, August 16, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

### **Call to Order:**

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Thomas Hally  
Councilmember John Radford  
Councilmember Jim Francis  
Councilmember Michelle Ziel-Dingman  
Councilmember Shelly Smede  
Councilmember Jim Freeman

Also present:

All available department directors  
Kathy Hampton, City Clerk

### **Pledge of Allegiance:**

Mayor Casper requested Duane Nelson, Deputy Fire Chief, to lead those present in the Pledge of Allegiance.

### **Opening Remarks and Presentation:**

Mayor Casper stated each City has the privilege and responsibility to adopt a budget, the City Council has worked hard to fulfill this law. She expressed her appreciation to those in attendance as she indicated the budget process is larger and more significant than just a vote or hearing. She reviewed the budget process which includes the community Budget Watch, Department Director input, several Council discussions, and, approval of a tentative budget. The tentative budget is then advertised, by law, prior to the public hearing. Follow-up discussions will be held as needed with final budget approval by the Council, as per State Statute. Mayor Casper indicated the Mayor's Office and the Municipal Services finance team facilitates the entire process. She reiterated the budget process is not complete until the Council hears from the public. Mayor Casper stated the largest portion of funds comes from ratepayers. Funds are also received by the State and Federal governments, private donations, grants, and, fees. Mayor Casper indicated due to the increase of the community population, as well as the surrounding communities, calls for a variety of services have also increased while Federal and State revenues have decreased. She believes the City needs to be more vigilant and more sophisticated to keep the citizens safe. Mayor Casper stated the tentative budget will include funding to design one, or more spray parks, as well as budget capacity for donations to offset construction costs. She indicated the removal of the old structures at Reinhart Park are not actions that put the possibility of a spray park at risk. The removal of the old structures is for safety issues. Mayor Casper then introduced Municipal Services Director Pamela Alexander.

Director Alexander acknowledged City staff as well as additional assistance from a variety of departments and the directors.

Director Alexander presented the following:

Total 2018/19 tentative budget ceiling is \$206,598,558 consisting of:

- Base property tax certified whole dollar value of \$31,481,473
- Growth and annexation from the previous year (2016/2017) of \$523,113
- Statutory 3% property tax levy allowable of \$944,444
- Grant and donations of \$4,783,634 (includes Federal Aviation Administration (FAA), Community Development Block Grant (CDBG), Civic Center for the Performing Arts, Heritage Park, and, Community Oriented Policing Services (COPS))



## August 16, 2018 - Unapproved

- Forgone allocation of \$925,222

### Funding priorities:

- No monetary increases to City employee contribution for medical and dental benefits
- 2% wage inflation increase to non-union City employees
- Union negotiated wage and benefit packages for Electrical and Fire unions
- Maintenance of operating current service levels across departments
- Projects that 100% grant and/or donation funded followed by those that have a portion of grant and/or donated funds
- Spending that is required for safety or accreditation
- Repair and/or replacement of existing equipment and buildings

### Public Safety Package:

Dedicated to staffing, safety and equipment needs for a total of \$1,130,431 for budget capacity to accept grant funds of \$205,209 for a net total of \$925,222. Director Alexander reviewed the staffing, safety and equipment items included in the Public Safety Package.

### Community Opportunities:

- Capital funding to complete funded project phases for Heritage Park, Zoo Education Center, and, Civic Center renovation
- Planning and design for splash pad(s)
- Human Resources employee supervisor training program
- Tautphaus Park Funland appraisal and purchase option
- Allocation for Community Development professional services to address an increase in City growth

Director Alexander reviewed the Property Tax Budget Overview of Growth, Statutory 3%, and \$1.1m forgone. She also reviewed residential and commercial increases.

Director Alexander reviewed the 2018/19 Tentative Budget – General Fund (\$46,380,570); Special Revenue Funds (\$23,451,557); Capital Project Funds (\$9,780,000); Enterprise Funds (\$117,446,431), and, Projected Revenue (\$206,598,558).

Director Alexander briefly reviewed proposed new and fee increases greater than 5% of such fees collected.

### Public Hearings:

Mayor Casper opened the public hearing for Notice of Intent to Use Forgone Amount. She requested any public comment.

No one appeared. Mayor Casper closed the public hearing.

Councilmember Radford read the summary and sections of the Resolution as follows:

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO COMPLY WITH IDAHO CODE § 63-802(1)(E), TO INDICATE THE INTENT TO USE FORGONE AUTHORITY, TO CERTIFY BY RESOLUTION THE AMOUNT OF FORGONE INCREASE, AND TO IDENTIFY THE SPECIFIC PURPOSE FOR WHICH THE FORGONE INCREASE IS BEING BUDGETED, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

The City of Idaho Falls intends to use no more than \$925,222 of its forgone amount in its 2018-2019 fiscal year budget. These funds shall be used for the specific purpose of public safety projects specifically identified as: four (4) police officer positions; four (4) patrol vehicles, vehicle up fit and technology packages; a new police records

### August 16, 2018 - Unapproved

clerk position; two (2) dispatch/communication specialist positions; two (2) animal control officer positions; an M-Vac System; a mini-scope light source; a smart ray SRV x-ray system; a new crime scene trailer; first year of Fire Department recommended turnout gear, and, a replacement fire vehicle with light and technology package.

Councilmember Freeman stated these items have been delayed for several years. He believes now is the time to step up and fund the Idaho Falls Police Department (IFPD).

Councilmember Hally stated the budget process is a Federal, State, County, and City budget process. He reiterated the tentative budget is the ceiling amount.

Councilmember Dingman concurred with Councilmember Freeman regarding the public safety package as she believes public safety is the number one role of government.

Councilmember Francis stated three (3) of the public safety package items will help the IFPD investigate crimes, protect the community, and protect the officers.

Councilmember Smede also believes this is the best time to approve the public safety package.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Forgone Resolution and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

### RESOLUTION NO. 2018-20

Mayor Casper opened the public hearing for the Proposed Fiscal Year 2018-19 Budget. She requested any public comments.

Matt Larsen, Idaho Falls, appeared. Mr. Larsen expressed his appreciation for the splash park, the remodel of the Civic Auditorium, working on the purchase of Funland, re-doing Tautphaus Park, and, the fiber project. Mr. Larsen also requested additional bike paths to allow more ways to connect through the City.

Lisa Loret, Idaho Falls, appeared. Ms. Loret encouraged the splash pad at Reinhart Park as there is currently no water park access for the west side residents.

Richard Boardman, Idaho Falls, appeared. Mr. Boardman is also in favor of a splash park at Reinhart Park. He stated in 2002 the surrounding Reinhart Park neighborhood, along with an Eagle Scout project, rebuilt the Reinhart Park pool. Mr. Boardman expressed his appreciation for the soccer complex and baseball fields on the west side of town. He also agreed with a west side splash park as he believes the park would be well used.

Susan Boardman, Idaho Falls, appeared. Ms. Boardman stated she prefers a place, such as Reinhart Park, for children as well as parents to visit. She is grateful for the City.

Alan Tucker, Idaho Falls, appeared. Mr. Tucker resides around Reinhart Park. He stated he is supportive of a splash pad as he believes the area is a neighborhood gathering place. He also believes the park area has been underutilized since the pool shut down. Mr. Tucker also supports the Parks and Recreation Department.

Gina Waite, Idaho Falls, appeared. Ms. Waite is also supportive of a splash park. She is proud to be a City resident and proud to be parent. She is grateful for the memories of Reinhart Park and is hopeful for amenities to create awareness, growth and development, and progress on the west side.

Lisa Keller, owner of Idaho Falls properties, appeared. Ms. Keller expressed her concern for her renters/tenants. She believes the spending belt should stay tight as renters are having a hard time finding affordable living in Idaho Falls. Ms. Keller stated she owns lower income properties and tries to keep the properties nice for renters. She believes Idaho Falls is not booming and there should be affordable living. She stated not everyone is in a better economy. She requested the Council reconsider increasing the taxes every year just because it's legally allowed.

Mayor Casper closed the public hearing.

**August 16, 2018 - Unapproved**

Mayor Casper opened the public hearing for the Proposed Fiscal Year 2018-19 New Fees. She requested any public comments.

Ms. Keller reappeared. Ms. Keller encouraged savings where possible to keep fees lower for struggling individuals.

Ms. Loret reappeared. Ms. Loret expressed her concern for the license fees of altered/unaltered animals. She believes there is a problem with unfixed animals. She also believes the \$10 annual fee, versus a one-time fee, for altered animals seems excessive.

Ashley Romero, Idaho Falls, appeared. Ms. Romero stated not all individuals receive the newspaper/advertisements for the public hearings. Mayor Casper stated although the advertisement in the newspaper is required by State Code, the public hearing is available by several methods. Ms. Romero requested additional avenues for forms of announcements. She stated it is difficult to add extra fees.

Mia Keller, owner of Idaho Falls property, appeared. Ms. Keller stated she is concerned for the disconnection and reconnection fees as these appear to be new fees. She stated she has experienced issues with renters who do not pay the utility bill for several months and then they depart. Therefore, Ms. Keller is responsible for the utility bill prior to reconnection.

Mr. Larsen reappeared. He expressed his concern for the Library non-resident card fee as the fee is doubling. He requested reconsideration of this fee.

Rebecca Mitchell, Idaho Falls, appeared. Ms. Mitchell believes the unaltered fee should be increased as she believes it is inappropriate to have unfixed animals.

Mayor Casper closed public hearing.

**Follow-up Discussion:**

Mayor Casper stated a follow-up meeting will occur on August 20 to allow deliberation for the public hearing input. Councilmember Radford expressed his appreciation for public input. He realizes there are sensitive issues and priorities particularly with public safety. He stated all Councilmembers are available to hear concerns or suggestions. Councilmember Radford believes City government works best with partnering with the citizens. Councilmember Hally stated the City tries to make affordable accommodations. He indicated Idaho Falls was recently recognized as one of the most affordable communities in the nation. Mayor Casper also stated the City's power rates are some of the lowest rates in nation and the water rates are one of lowest rates in the state.

There being no further business, the meeting adjourned at 8:36 p.m.

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CITY CLERK

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MAYOR

## **August 20, 2018 - Unapproved**

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, August 20, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

### **Call to Order and Roll Call:**

There were present:

Mayor Rebecca L. Noah Casper

Councilmember Jim Freeman

Councilmember Jim Francis

Councilmember Michelle Ziel-Dingman

Councilmember Shelly Smede

Councilmember John Radford (arrived at 3:12)

Absent:

Councilmember Thomas Hally

Also Present:

Rick Cloutier, Airport Director

Chris Fredericksen, Public Works Director

Dave Hanneman, Fire Chief

Duane Nelson, Deputy Fire Chief

Randy Fife, City Attorney

Kathy Hampton, City Clerk

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

### **Acceptance and/or Receipt of Minutes:**

It was moved by Councilmember Freeman, seconded by Councilmember Smede, to receive the recommendations from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

### **Calendar, Announcements and Reports:**

August 21, Idaho Falls Police Department (IFPD) Officer Swearing-In; and, IFPD No-Alcohol Night at the Chukars

August 22, City Council Budget Work Session (if needed); Thunder Ridge Ribbon Cutting; Idaho Falls Fire Department (IFFD) Night at the Chukars; and, City Club

August 23, Employee Benefit Fair; and, City Council Meeting

August 25, Idaho Falls Zoo Community Appreciation Day

August 27, Center for HOPE Luncheon

September 3, Labor Day (City offices closed)

September 8, Bonneville County Heritage Association Vietnam War Tribute

September 10, City Council Work Session

September 13, City Council Meeting

September 28, Hoedown for Humanity

October 5, Policemen's Ball s

Mayor Casper expressed her concern regarding the upcoming School District 91 bond vote and the statement made by a group against the bond indicating that some of the City Councilmembers did not approve of the bond. She stated at this time the City, as an entity, officially neither supports nor opposes the bond.

Mayor Casper stated there was a recent dedication/ribbon cutting at the new all-access play area at Freeman Park. She indicated the Civitans intend to work on improving one playground each year.

## August 20, 2018 - Unapproved

### Liaison Reports and Concerns:

Councilmember Freeman stated sanitation collection will be on regular schedule for the Labor Day holiday.

Councilmember Smede stated that the Library summer reading program is winding down.

Councilmember Francis reiterated the Fire Department night at the Chukars.

Councilmember Dingman had no items to report.

Councilmember Radford had no items to report.

### Airport Security Update:

Mayor Casper stated she has requested Director Cloutier to review protocols due to some recent events in the Nation relating to airport security and mental health. Director Cloutier stated that due to the sensitive nature of the security plan he cannot fully discuss the entire security plan. He also stated that insider threats have been an issue to Transportation Security Administration (TSA) for many years and most smaller airports, such as Idaho Falls Regional Airport (IFRA) are at a disadvantage due to the lack of 24/7 security. TSA intelligence indicates most events will start at these smaller airports. Director Cloutier reviewed the employee background checks process. He stated IFRA will be focusing on TSA policies including challenge procedures, physical deterrents with badge checks, and limiting access of employees to certain sections. Mayor Casper stated there could be concern due to the ownership of hangers at the airport and those individuals who have access. Brief discussion followed regarding 'movement of people'. Councilmember Freeman questioned Air Traffic Control and the areas they monitor. Director Cloutier indicated Air Traffic Control only monitors air traffic and taxi ways. Mayor Casper stated any additional questions or concerns be submitted to Director Cloutier.

### 2018 Public Works Construction Projects Update:

Director Fredericksen stated the summer construction schedule was originally presented at the May 7, 2018 Council Work Session. He expressed his appreciation to Bruce Scholes, Idaho Falls Power (IFP) staff member, for managing the traffic signals. Director Fredericksen presented the following updates with general discussion throughout: S. Boulevard and Elm Street Roundabout (should be completed mid-September, road closures are pre-contract and identified in the bid); 17th Street Overlay and 17th Street Medians (there have been cost savings with the pavement due to the Federal Aid project, this will allow sidewalk needs to be addressed); Anderson Street Water Line Replacements (500' of water line is being installed); 25th Street Improvements (this is anticipated to create a 40-year life span for the street - brief discussion followed regarding the median landscaping, the possibility of a dry-scape being installed, and seal coat options); Well 1 Improvements (there have been many issues and delays with equipment, some financial repercussions are expected due to the contract delay); Waste Water Treatment Plant (anticipated to be completed in spring 2019); Sewer Rehabilitation Phase 1 and 2 (completed); Sewer Spot Repairs (completed); Eastside Greenbelt Path (mostly completed, aside from issues with installation of the handrail - brief discussion followed regarding safety near the Snake River); Iona Street to Riverside Drive Sidewalk (handrail should be installed in the near future); Pinecrest Sidewalk and Path (mostly completed); Science Center Drive and Iona Street Sidewalk (will be completed prior to the beginning of the school year); Yellowstone Sidewalk Connection (has been put on hold to pursue alternative funding/grant); Bel Aire Concrete Improvements (completed); Water Line 8th and 9th Street (project was delayed due to contractor issues - brief discussion followed regarding the use of alley ways to avoid construction work on streets); Water Line 18th and 19th Streets (water line has been delayed); Street Overlays (completed); Street Seal Coating (mostly completed with the exception of the fog coat); S. Boulevard Storm Line Improvements (mostly completed - brief discussion followed regarding travel, parking, and a fog lane for bicycle traffic on S. Boulevard); Well 18 Improvements (completed); Northgate Water Line Spot Repairs (prior to Idaho Transportation Department (ITD) project); Water Meter Replacements (currently out for bid); Mel Erickson Sunnyside Park Paving (mill tailings replaced); Ernest Drive Water Line (to be installed later in the year); High-Intensity Activated crossWalk (HAWK) Signals (installed at Boulevard and 15th Street prior to school starting, Royal and Bower Streets will be completed once the school year begins); Thermoplastic (anticipated to be completed by the end of September); and, Rectangular Rapid Flashing Beacon (RRFB) on Boulevard at 9th Street and Birch Street (will be installed by the end of September). Director Fredericksen indicated that ITD projects will extend

**August 20, 2018 - Unapproved**

through September, including Northgate Mile, Yellowstone Avenue, and Holmes Avenue. He stated work on Lincoln Road will continue as part of the Connecting Our Communities plan which will connect with John Adams by the bike lane sharrows on 5th and 6th Streets.

**Mutual Aid Agreement with Bonneville County Regarding Wildland Fires:**

Chief Hanneman stated for the previous four (4) years the IFFD has worked to solidify agreements for Mutual Aid which cover the City of Idaho Falls; the Fire District outside of City limits by contract; and the Sheriff's unincorporated no-man lands. These no-man lands fires need to be extinguished quickly to prevent spreading into a District. Chief Hanneman stated the Fire District has put a limitation of one (1) mile past the Fire District to take their brush truck, which then eliminates the resources to help the Sheriff. He then approached Bonneville County, including the Sheriff's Office, to discuss the purchase of a brush truck in which the City will lease for \$1. This truck would also be utilized to respond to fires for the Sheriff. The brush truck will be housed at Station 4. Following brief comments, there was consensus of the Council to place this item on the August 23 Council Meeting agenda as a Consent Agenda item.

Chief Hanneman reviewed wildfire deployments including the number of incidents and the additional revenue the City will receive. This revenue will help with the deficit on the Ambulance Fund. He stated the IFFD has the most paramedic Firefighters in the State. Chief Hanneman reviewed single resources (including personnel); incident; dates; and hourly rates. He also reviewed the equipment usage, including unit; incident; dates; and hourly rates. He stated two (2) personnel were recently deployed for wildfire assistant in Nevada. Brief discussion followed regarding deployment and the 14-day deployment commitment.

**Public Hearing Comments and Consideration of Final 2018/2019 Budget Proposed Revisions:**

Mayor Casper requested any changes prior to the final presentation of the budget at the August 23 Council Meeting. She reminded the Councilmembers that the amount cannot be increased. Councilmember Radford believes all budget and proposed fee items have been addressed. Councilmember Freeman stated he is comfortable with the tentative budget. Councilmember Dingman indicated the public comment supported expenditures for a splash pad. Councilmember Francis is supportive of the tentative budget although he believes the Animal Control fees may require additional discussion. Councilmember Dingman stated that fees need to represent the service provided, they should not subsidize activities for a single citizen. She also stated the fees established are the ceiling amount and they can go down. Councilmember Radford commended the Municipal Services staff and the administration for the presentation of the budget. Councilmember Smede stated she was impressed by the citizens for their input and courtesy. Mayor Casper believes the lack of interest during the public hearing regarding the foregone amount communicates that no one is willing to oppose the public safety initiative, this is a compliment to the first responders. Following brief comments, there was a consensus to cancel the August 22, 2018 Council Budget Work Session.

There being no further business, the meeting adjourned at 4:34 p.m.

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CITY CLERK

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MAYOR

## **August 23, 2018 - Unapproved**

The City Council of the City of Idaho Falls met in Regular City Council Meeting, Thursday, August 23, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m.

### **Call to Order:**

There were present:

Mayor Rebecca L. Noah Casper  
Councilmember Thomas Hally  
Councilmember Jim Francis  
Councilmember John Radford  
Councilmember Michelle Ziel-Dingman  
Councilmember Shelly Smede  
Councilmember Jim Freeman

Also present:

All available department directors  
Randy Fife, City Attorney  
Kathy Hampton, City Clerk

### **Pledge of Allegiance:**

Mayor Casper requested Rylan Vesella, Boy Scout Troop #445 and Bridgewater Elementary student, to lead those present in the Pledge of Allegiance.

### **Public Comment:**

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Jerry Jernigan, Idaho Falls, appeared. Mr. Jernigan is protesting the actions taken on S. Boulevard between 17th Street and Sunnyside Road. He understands the center lane is being included due to the number of accidents although he has heard of no accidents in this area. He stated the center lane will prohibit parking and will lower the property values. Mr. Jernigan requested the bike lane be moved.

Tony Jenkins, Idaho Falls, appeared. Mr. Jenkins expressed his concern for S. Boulevard as the reconfiguration is moving the vehicular traffic much closer to the sidewalk. He believes the turning lane is completely useless. He questioned how the Council would feel if no warning was received. Mr. Jenkins indicated the bike lane is too narrow for traffic and he guaranteed someone will be injured in the bike lane. Mr. Jenkins did express his appreciation for the lower speed limit in this area.

Tony Gresham, Idaho Falls, appeared. Mr. Gresham reiterated the same concerns for S. Boulevard although he too appreciates the lower speed limit for enhanced safety. Mr. Gresham believes the middle lane is not necessary for the traffic flow and he agrees the bike lane is too narrow in the current configuration, this is a safety risk. He stated the residents will have no on-street parking and there will be no access for services without blocking the bike lane.

Mike Murdock, Idaho Falls, appeared. Mr. Murdock indicated accidents on S. Boulevard are minimal. He stated he attempted to ride in the bike path and ended up falling into the curb. Mr. Murdock stated RV's can only be driven in the center lane to avoid the overhanging trees. He indicated no warning was received for the reconfiguration.

Ben Hill, Idaho Falls, appeared. Mr. Hill stated there is no room to park at his residence therefore his several visitors will have to park in adjacent housing editions, which may be difficult. He indicated the reconfiguration of S. Boulevard has moved people closer to the curb, whereas most families ride their bicycles on sidewalk. He

## **August 23, 2018 - Unapproved**

believes the center lane just takes up space. Mr. Hill questioned a bike lane on the west side of the street only. He indicated he was almost struck on his bike while staying in the bike lane.

Kate Jenkins, Idaho Falls, appeared. Ms. Jenkins expressed her concern for the center lane on S. Boulevard. She stated the mail truck had to park at the entryway and walk as there is nowhere to park the mail truck. She believes delivery trucks parked in front of the residents will be an easy accident as they would use the turn lane as a go-around lane. Ms. Jenkins stated the driveways will be directed into traffic. She also stated there are a small number of streets for turning left.

Renee Murdock, Idaho Falls, appeared. Ms. Murdock stated she has regularly lived in the S. Boulevard area since 1968 and she has not seen any accidents. She believes the turn lane is unnecessary and is a hazard.

### **Consent Agenda:**

Municipal Services requested approval of the Treasurer's Report for the month of June, 2018; and, Street Department purchase of used paver.

The Fire Department requested approval of Fire Engine Lease Agreement for wildland fires.

The City Clerk requested approval of the Expenditure Summary for the month of July, 2018; minutes from the July 12, 2018 Council Meeting; July 13, 2018 Council Budget Session; July 17, 2018 Council Budget Session; and, July 20, 2018 Council Budget Session; and, license applications, all carrying the required approvals

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

### **Regular Agenda:**

#### **Municipal Services**

##### **Subject: Adoption of 2018/2019 Proposed Fees, Including New Fees and Fee Increases**

Municipal Services respectfully requests Mayor and Council approval of the 2018/19 proposed fees including new fees and fee increases.

Councilmember Radford stated the fees have been discussed multiple times over the course of several months. Mayor Casper stated the proposed fees do not include the Animal Control fees which were advertised in error. Those specific fees will be considered at a later time.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Resolution adopting 2018/19 proposed fees, including new fees and fee increases, and give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

## **RESOLUTION NO. 2018-21**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

##### **Subject: Adoption of 2017/18 Fiscal Year Budget**



### August 23, 2018 - Unapproved

For consideration is the proposed annual 2018/19 fiscal year budget that was tentatively approved on August 16, 2018 by the Mayor and City Council. Municipal Services respectfully requests formal adoption of the 2018/19 fiscal year budget, in the amount of \$206,598,558, appropriating the monies to and among the various funds.

Councilmember Radford expressed his appreciation to Municipal Services Director Pamela Alexander and the finance team. Councilmember Francis concurred, he also believes there was collaborative effort among all departments with a major emphasis on the first responders for protection of the community and protection for the first responders themselves. Mayor Casper commended all Department Directors and their staff members for recommendations, proposals, and projects for coming years. She believes this is a herculean effort with Municipal Services staff. Mayor Casper stated the Councilmembers have reviewed all elements and they have read, studied, and made sure they understand the necessity for each element. The Councilmembers have also advocated for department needs. Mayor Casper stated she is proud to be a part of the finished project. Councilmember Radford stated \$26M of the budget will be allocated to first responders. He is grateful for this part of process and he believes the community shares those values.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Annual Appropriation Ordinance for the 2018/19 fiscal year budget 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 – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

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

#### ORDINANCE NO. 3209

THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, FOR THE PERIOD COMMENCING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, APPROPRIATING AND APPORTIONING THE MONIES OF SAID CITY TO AND AMONG THE SEVERAL FUNDS OF SAID CITY AND DESIGNATING THE PURPOSE FOR WHICH SAID MONIES MAY BE EXPENDED; SPECIFYING THE AMOUNT OF MONEY PAID BY PROPERTY TAX TO BE APPROPRIATED TO SAID FUNDS; AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

#### **Subject: Sales Agreement with Bonneville County for Two Street Sweepers**

It is the recommendation of the Municipal Services and Public Works Departments to sell two (2) used street sweepers from the City's surplus equipment to Bonneville County. Under the sale agreement, Bonneville County will pay the City of Idaho Falls \$20,000.00 for each sweeper, for a total of \$40,000.00.

Councilmember Radford confirmed the proper steps were followed for this item.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Sales Agreement with Bonneville County for two (2) street sweepers in the amount of \$40,000. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

#### **Fire Department**

#### **Subject: Idaho State University Paramedic Instruction Agreement**

For consideration is the annual contract between Idaho State University (ISU) and the City for providing paramedic instruction and clinical experience for Idaho State University's Paramedic program. This is the third year of the program and reflects a small increase from last year.

Councilmember Francis stated didactic instruction has now been included in the agreement. He indicated there has been collaborative effort among several groups in the City. He believes this agreement will improve the Emergency

## **August 23, 2018 - Unapproved**

Medical Technicians (EMT) as instructors. Councilmember Freeman believes the City is fortunate to have ISU in the vicinity with an emphasis on medical training.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the contract with Idaho State University and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

### **Community Development Services**

#### **Subject: Business Improvement District (BID) Management Agreement with Idaho Falls Downtown Development Corporation (IFDDC) for FY2018-2019**

For consideration is the BID Management Agreement with IFDDC for FY2018-2019. Each year the BID has existed the City has entered into such an agreement with IFDDC. The agreement requires IFDDC to report on their plans and expenditures, hold meetings with its membership, and outlines the payment schedule for tax assessment collections within the BID boundaries.

Councilmember Smede stated Bonneville County collects the tax assessment funds and then allocates those funds to the City. She also stated the BID Management Agreement has been occurring for approximately twenty years. Councilmember Freeman congratulated Catherine Smith, IFDDC Executive Director, for the improvements. Councilmember Francis read the goals of the IFDDC. Councilmember Dingman stated she has seen communication improvement with the downtown merchants and with management of the BID. Councilmember Radford concurred. Councilmember Hally stated the Redevelopment Agency has made an effort to include the downtown area in the redevelopment area, he believes there have been several improvements. He also believes the downtown area is important to the City as a stamp of identity. He fully supports the downtown. Councilmember Freeman believes the IFDDC goals benefits the downtown as well as all businesses across the City. Mayor Casper believes the seeds for success have occurred for many years with other groups, including the Redevelopment Agency and Community Development Services. She also believes a vibrant downtown is important.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the BID Management Agreement with IFDDC for FY2018-2019 and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

#### **Subject: Long Cove Drive Right-of-Way Plat**

For consideration is a Right-of-Way plat for a portion of Long Cove Drive. This plat will establish necessary right-of-way between the Sand Pointe and Darcy Steward subdivisions. The reason for having a separate right-of-way plat is that the property line between the two subdivisions bisects the proposed roadway. This method of platting allows the right-of-way to be established without both developments providing the full plat, as one of the developers is not ready to do so.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Right-of-Way plat for Long Cove Drive, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

#### **Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, T&T Park Addition**

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for T&T Park Addition. The Planning and Zoning (P&Z) Commission considered this item

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at its June 5, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated the parcel was partially developed while in Bonneville County but redevelopment within the City required platting. The development will require changes to approaches and sidewalks along the street frontage.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for T&T Park Addition, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Final Plat for T&T Park Addition, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for T&T Park Addition, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

### **Subject: Public Hearing – Form-Based Code Amendments**

For consideration is an ordinance amending three sections of the Idaho Falls Form Based Code. The changes include a small amendment to façade requirements to match the Downtown Design Guidelines, the addition of two building types in the Edge C Subdistrict, and a minor change to a reference in the chapter on sign requirements. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into record.

Community Development Services Director Brad Cramer appeared. He believes all amendments to this code are almost completed.

#### **Slide 1 – Form Based Code Changes - Buildings**

Director Cramer stated this change is related to window height guidelines for downtown buildings. The windows will not be counted in the transparency requirements. This change will also match previous code guidelines.

#### **Slide 2 – Form Based Code Changes - Building Types**

Director Cramer stated building types will be added to Subdistricts which are meant to be a transition from commercial to residential. It is proposed to add Store Front Building Type and General Stoop Building Type.

#### **Slide 3 – Form Based Code Changes - Signs**

Director Cramer stated General Requirements have been amended which specifically refers to Central Commercial (CC) Zone in the downtown district.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilmember Smede reiterated the changes as presented by Director Cramer.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance amending sections of the Idaho Falls Form Based Code 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 – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

**August 23, 2018 - Unapproved**

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

**ORDINANCE NO. 3212**

AN ORDINANCE AMENDING CHAPTER 7 TO TITLE 10 OF THE IDAHO FALLS CITY CODE, ADOPTING THE AUGUST 2018 EDITION OF THE IDAHO FALLS FORM BASED CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Subject: Public Hearing – Zoning Ordinance Amendments**

For consideration is an ordinance amending various sections in Chapters 2 and 3 of the zoning ordinance. The changes are primarily related to allowed uses and their definitions, but there is also a small change to the requirements for accessory dwellings and lot sizes in the Traditional Neighborhood Zone. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into record.

Director Cramer appeared. He also believes all amendments to this code are almost completed.

Slide 1 – Zoning Ordinance Changes - Land Use Tables

Slides 2-9 – Zoning Ordinance Changes

Director Cramer reviewed the proposed changes: planned transition overlay zone will now list what is allowed as permitted uses; vehicle washing facility defined, identified, and location allowed; Light Industry and Heavy Industry now includes distribution in the warehousing definition; Accessory Dwellings relating to the lot size area; Traditional Neighborhood (TN) Zone wording correction; rear yard setback was inadvertently eliminated; typo numbers were corrected; uses allowed, and not allowed, in Commercial Zone; eliminating duplication in Performance Standards; and, Light Industry eliminated from Limited Commercial Zone.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilmember Smede stated as adjustments are needed the document can be updated and changed. She reiterated the changes as presented by Director Cramer. She believes these changes will match the zoning ordinance.

Councilmember Francis questioned the proposed wording included in (6) Commercial Uses in the TN Zone. He recommended the inclusion of 'permitted' to (a) Applicability (i). Director Cramer also recommended changing (6) to Non-Residential Uses in the TN Zone. He believes both recommendations would be acceptable. It was then moved by Councilmember Francis, seconded by Councilmember Radford, to amend 6(a)(i) standards apply to all permitted non-residential uses and, to amend the title of (6) to strike Commercial and insert Non-Residential Uses. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance with the accepted amendments from Councilmember Francis amending various sections of the zoning ordinance 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 – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

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

**ORDINANCE NO. 3210**

**August 23, 2018 - Unapproved**

AN ORDINANCE AMENDING TITLE 11 OF THE IDAHO FALLS CITY CODE, AMENDING THE COMPREHENSIVE ZONING, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

**Subject: Public Hearing – Rezone from R&D to R1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Heritage Hills Division No. 3**

For consideration is the application for rezoning from R&D to R1, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Heritage Hills Division No. 3. The Planning and Zoning Commission considered this item at its June 19, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into record.

Director Cramer appeared with the following:

Slide 1 – Property under consideration in current zoning area

Slide 2 – Aerial photo of property under consideration

Slide 3 – Additional aerial photo of property under consideration

Director Cramer stated several years ago a preliminary plat was submitted for an additional division to the subdivision that would require rezoning of this property to accommodate the preliminary plat.

Slide 4 – Comprehensive Plan Future Land Use Map

Slide 5 – Photo looking south along 5<sup>th</sup> West (East River Road)

Slide 6 – Photo looking east near the southwest corner

Slide 7 – Photo looking west near the northeast corner

Slide 8 – Photo looking north near southwest corner

Councilmember Radford questioned the sidewalk and gutter requirement. Director Cramer stated the City failed to make the sidewalk and gutter improvement requirements during the time of the preliminary plat. He indicated a hold has been placed on future building permits until the improvements are completed.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing. She noted no comments were received in the P&Z Commission hearings for any of the above public hearing items.

Councilmember Smede reiterated the approval of the previous preliminary plat. Councilmember Francis believes there is logic and benefit to develop the curb and sidewalk. Councilmember Radford expressed his concern for the rezone as his vision does not include housing overcoming the ability to become a Research and Development (R&D) Center. He indicated he would not support additional development to the south of this area as he believes this area needs to be protected for the future of the City as a research-oriented City. Councilmember Smede concurred with Councilmembers Francis and Radford. She wants to ensure the City does not encroach on current R&D facilities. Councilmember Dingman concurred with Councilmembers Francis and Smede. She believes zoning needs to respond to the markets, noting there were no public comments to persuade her otherwise. Councilmember Hally believes a sidewalk will be important for the traffic on East River Road. Mayor Casper commended the R&D opportunity, she also appreciates the previous commitment of the preliminary plat.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the ordinance rezoning Heritage Hills Division No. 3 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 – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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

**ORDINANCE NO. 3211**

**August 23, 2018 - Unapproved**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF M&B: APPROXIMATELY 7.744 ACRES SE 1/4, SECTION 1, T 2N, R 37E AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R&D ZONE TO R1 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezone of Heritage Hills Division No. 3, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

**Announcements and Adjournment:**

Mayor Casper stated Appreciation Day at the Zoo will be held August 25. Councilmember Francis noted Mayor Casper spent the day on the South Fork of the Snake River learning about water conservation. Mayor Casper stated the water conservation funds will help in a number of ways.

There being no further business, the meeting adjourned at 8:43 p.m.

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CITY CLERK

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MAYOR

**REGULAR**

**AGENDA:**



## MEMORANDUM

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**TO:** Honorable Mayor and City Council

**FROM:** Rick Cloutier, CM, Airport Director *RC*

**DATE:** October 11, 2018

**RE:** Council Agenda Item – Approval of Consultant Services Agreement with Volaire Aviation Consulting

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Attached for your consideration is a air service development consulting services agreement with Volaire Aviation Consulting. This is a two year agreement for Volaire to provide on call air service development consulting services. Entering into this two year agreement lowers the cost of services by approximately \$10,000 annually from the current agreement.

The Airport Department respectfully requests authorization for the Mayor and City Clerk to execute said document.

c: City Clerk  
Voltaire file



# VOLAIRE

AVIATION CONSULTING

## CONSULTING SERVICES AGREEMENT

This Consultancy Agreement (the "Agreement") is made and entered into by and between Volaire Aviation, Inc. (the "Consultant") and Idaho Falls Regional Airport (the "Company" and/or "Airport") (hereinafter referred to individually as a "Party" and collectively as "the Parties").

### **I. Engagement and Services**

(a) Engagement. The Company hereby engages the Consultant to provide and perform the services set forth in this section of the agreement (the "Services"), and the Consultant hereby accepts the engagement.

(b) Term. This agreement will begin on October 1, 2018 and be in effect through September 30, 2020. It can be extended for one 12-month period (October 1, 2020 – September 30, 2021) at Company's discretion.

(c) Scope of Work. Airport can commission each of the following projects at its discretion. Each project will be invoiced separately upon completion. Airport is under no obligation to commission any of the following projects.

#### **1) Airline headquarters meetings and presentations**

Consultant will prepare all materials for airline headquarters meetings, including a specific business case for targeted service. Presentations will include specific demographic analysis of the airport catchment area, economic analysis of the market region, overview of current airline market conditions, and a specific business case and analysis of proposed new service or expanded service.

Consultant will attend all airline headquarters meetings with Airport and present the full business case for current, new, and expanded service.

Consultant will provide all requested follow-up information requested by the airline following the meeting.

#### **2) Allegiant Air conference presentation**

Consultant will prepare all materials for Allegiant Air conference one-to-one meetings, including a specific business case for targeted service. Presentations will include specific demographic analysis of the airport catchment area, economic analysis of the market region, overview of current airline market conditions, and a specific business case and analysis of proposed new service or expanded service.

Consultant will attend Allegiant Air conference meetings with Airport and present the full business case for current, new, and expanded service.

Consultant will provide all requested follow-up information requested by the airline following the meeting.

**3) Air service development conference meetings**

Consultant will work with Airport to identify target airlines for meetings and to identify which conferences Airport should attend. Consultant will work with conference organizers to schedule meetings.

Consultant will prepare all materials for airline conference meetings, including a specific business case for targeted service. Presentations will include specific demographic analysis of the airport catchment area, economic analysis of the market region, overview of current airline market conditions, and a specific business case and analysis of proposed new service or expanded service.

Consultant will attend all airline conference meetings with Airport and present the full business case for current, new, and expanded service.

Consultant will provide all requested follow-up information requested by the airline following the meeting.

**4) Community visits**

Consultant will prepare state of the industry information, market detail, and other pertinent information for community meetings at Airport's request.

Consultant can also visit the community to develop funding for new and expanded air service, meeting with local stakeholders and businesses.

**5) Small community air service development grant application**

Consultant will write Airport's application for Small Community Air Service Development Grant funding. Consultant will advise Airport on matching funding requirements, application requirements, and all items to enhance Airport's opportunity to win funding.

Consultant will research and develop the business case for proposed service. Consultant will write the application for funding and assist Airport in its submission. Consultant will work to secure airline support for the initiative.

**6) Drive diversion/passenger leakage study**

At Airport's discretion, Consultant can develop a new drive diversion/passenger leakage study detailing airport use for catchment area passengers. The study will include zip code level detail including passengers, average fares, revenue, top markets, and carrier usage.

The analysis will include both filed passenger data and booking data by zip code. The study will use Consultant's proprietary methodology to determine the drive diversion of passengers to and from other airports and to develop an actual market size for the catchment area.

# VOLAIRE

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## 7) Community survey

Consultant will prepare an on-line survey for dissemination throughout the region, delving into travel patterns, demand for service, the quality of current service, and other pertinent market research. Consultant will prepare a report of results and present the results during a visit to the community.

## 8) Economic impact analysis

Consultant will detail the economic impact of the Airport and its scheduled air service. The analysis will include a survey of all airport-related business to determine the baseline of on-airport impact. It will also include indirect and induced impact, as developed through the IMPLAN software program. The written report will include detail on impact by source, tax impact, and employment impact throughout the region.

## 9) Air service incentive review and updated plan

Consultant will develop both a cost-benefit analysis of potential new service to determine new Airport revenue and an incentive policy recommendation based upon the revenue forecast. Consultant will forecast the potential performance of new service. Based on the forecasts, Consultant will forecast potential new passenger revenue to the Airport based on current passenger revenue trends.

Consultant will research and write Airport's formal incentive policy for adoption, based on new revenue forecast in phase one of the project. The policy will include recommended fee waivers, marketing cash, and other incentives deemed necessary to facilitate the expansion of airline service. Consultant will ensure the program is competitive with airports in the region, and similar sized airports in North America.

Consultant will vet proposed incentive policies against Federal Aviation Administration (FAA) guidelines to ensure compliance.

## 2. Consultancy Fee and Expenses

(a) Per Project Fee Schedule Option. Projects commissioned by Airport will be invoiced, upon completion, at the following rates. Airport will qualify for discounted rates if it commissions three or more projects upon signing this agreement.

<u>Project</u>	<u>Standard</u>	<u>Discounted</u>
1) Airline headquarters meeting (first in calendar year):	\$10,000	\$7,500
2) Airline headquarters meeting (subsequent in calendar year):	\$8,500	\$5,500
3) Allegiant Air conference meeting:	\$4,500	\$3,500
4) Airline conference meeting (first at conference):	\$4,000	\$3,000
5) Airline conference meeting (subsequent at conference):	\$2,000	\$1,500
6) Community visit (per trip):	\$3,500	\$2,500
7) Small community air service development grant application:	\$10,000	\$8,000
a. In subsequent year, if not awarded:	\$7,500	\$6,500
8) Drive diversion/passenger leakage study:	\$15,000	\$13,500
9) Community survey:	\$7,500	\$6,500
10) Economic impact analysis:	\$15,000	\$13,500

# VOLAIRE

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(b) Monthly Retainer Option. Airport may commission Consultant for the work listed below for each year of this agreement and receive an invoice of an equal retainer of \$4,600 per month for a period of 24 months. Invoices will be issued on the first of each month. The retainer is based on the following discounted project amounts in the per project option of this agreement:

<u>Project</u>	<u>Value</u>
1) Airline headquarters meeting (first in calendar year):	\$15,000
2) Airline headquarters meeting (two additional per calendar year):	\$22,000
3) Allegiant Air conference meeting (one per year):	\$7,000
4) Airline conference meeting (first at two conferences):	\$12,000
5) Airline conference meeting (eight additional):	\$24,000
6) Community visit (two per year):	\$10,000
7) Small community air service development grant application:	\$8,000
8) Drive diversion/passenger leakage study (one per two years):	\$13,500
Total Value:	\$111,500

(c) Hourly rates. For projects not included in the above list, Airport will be invoiced on an hourly basis. The standard hourly rate is \$200 per hour.

(d) Expenses. Consultant shall be entitled to reimbursement for expenses reasonably incurred in the performance of the Services, upon submission and approval of written statements in accordance with the then regular procedures of the Company. Reasonable expenses include, but are not limited to, travel (airfare, hotel, rental car, and meals), printing of materials, and shipping of materials. Consultant will invoice all expenses at cost plus a 10% administrative fee.

In the case of air service development conferences, Consultant will allocate expenses based on the total expenses of the firm divided by the total number of meetings covered by the firm.

(e) Payment. The Consultant shall submit to the Company invoices detailing the Services performed, expenses, and the amount due. All such invoices shall be due and payable within thirty (30) calendar days after receipt thereof by the Company.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement by their authorized representatives as of the date first written above.

Signed for and on behalf of  
Idaho Falls Regional Airport

Signed for and on behalf of  
Volaire Aviation, Inc.

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By: Rebecca L. Noah Casper  
Title: Mayor, City of Idaho Falls

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By: John A. Penning, III  
Title: Managing Partner



## MEMORANDUM

**TO:** Honorable Mayor & City Council

**FROM:** Chris H Fredericksen, Public Works Director

**DATE:** October 5, 2018

**RE:** Material Transfer Agreement with Momentum Recycling, LLC

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Attached for consideration is an agreement with Momentum Recycling of Salt Lake City, Utah, involving glass recycling. If approved, the City would place glass recycling receptacles at all 13 drop off recycling locations within the City limits. Glass would then be collected by the City and hauled to a storage location until a full truckload, consisting of approximately 40 tons of glass is accumulated for pickup. Per the agreement the City may either:

- A.) request transportation of the glass material at Momentum Recycling's cost, or;
- B.) arrange for transportation of the glass material to the recycling center in Salt Lake City and receive reimbursement in the amount of \$25 per ton.

Public Works recommends approval of this agreement; and, authorization for the Mayor and City Clerk to sign the document.

## **MATERIAL TRANSFER AGREEMENT BETWEEN CITY OF IDAHO FALLS, IDAHO, AND MOMENTUM RECYCLING, LLC**

This MATERIAL TRANSFER AGREEMENT BETWEEN CITY OF IDAHO FALLS, IDAHO, AND MOMENTUM RECYCLING, LLC (the “Agreement”) is made and entered into effective as of June 1, 2018 (the “Effective Date”), by and between the City of Idaho Falls (“CITY”), and Momentum Recycling, LLC, a Utah limited liability company (“MOMENTUM”). CITY and MOMENTUM are collectively referred to herein as the “Parties” and individually as a “Party.”

### **RECITALS**

WHEREAS, CITY collects recyclable products in the geographic limits of CITY and desires to transfer and convey any recyclable post-consumer glass products (“Product”) collected, pursuant to this agreement, exclusively to MOMENTUM, and;

WHEREAS, MOMENTUM desires to receive all of CITY’s recyclable glass products; and.

WHEREAS, The Parties desire to enter into this Agreement to set forth their rights and understandings relating to the Agreement of the Parties relating to the subject matter hereof.

NOW, THEREFORE, in consideration of the covenants, agreements, representations and warranties contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Conveyance and Acquisition of the Glass Products. For each month during the Term, CITY shall have the obligation to provide, and MOMENTUM shall have the obligation to accept, all Product collected by CITY during such month in the manner described in paragraph 4.

2. Product. As used herein, the term “Product” shall mean all colors of post-consumer glass products collected by CITY that will then be recycled by MOMENTUM during the Term. CITY shall exercise its reasonable best efforts to avoid the collection of all ceramics, laminated glass, light bulbs, mirror, porcelain, and such other materials as are designated by MOMENTUM in writing, from time to time

3. Collection. CITY shall provide publicly-accessible collection containers for the Product at various points, and in varying quantities, throughout the geographic limits of CITY. The quantity and placement of such containers are solely at the discretion of CITY. CITY will also arrange to transfer the Product from these containers to a consolidation point nearby. This consolidation point shall be large enough to accommodate at least forty tons of Product, and shall be accessible to MOMENTUM as needed.

4. Transportation, Price and Payment. The method used for compensation will be determined by CITY at CITY’s discretion, and MOMENTUM will compensate CITY in one of the two following methods:

Method A: In lieu of cash payment, MOMENTUM will compensate CITY for the Product by arranging and paying for the transportation of the Product from CITY to MOMENTUM. CITY will be responsible for loading the Product into a truck, which will be provided by MOMENTUM or its subcontractors.

Method B: CITY shall be responsible for arranging and paying for the transportation of the Product from CITY to MOMENTUM, and, in exchange, MOMENTUM will pay CITY twenty-five dollars (\$25.00 USD) per ton for all Product delivered. All incoming loads will be weighed at MOMENTUM's scale, and a scale ticket will be issued for each load. MOMENTUM will issue payment for all loads delivered in a month within 30 days of the close of such month.

5. Term and Termination.

(a) Term. This Agreement and the obligations of the parties hereunder shall commence as of the Effective Date and shall expire on the one (1) year anniversary of such date. The Agreement shall automatically renew for an additional two (2) terms, unless either party elects, in writing at least thirty (30) days prior to the expiration date, not to renew the Agreement.

(b) Termination. This Agreement may only be terminated by either Party upon one-hundred twenty days written notice to the other party or upon a material breach of this Agreement by the other Party, after notice and a reasonable opportunity to cure.

6. Insurance. In order to effectuate the foregoing indemnification provisions, MOMENTUM shall maintain insurance coverage as follows:

(a) MOMENTUM shall purchase a comprehensive liability insurance policy in the amount of \$2,000,000 combined single limit to indemnify CITY from any and all public liability claims CITY shall be named as an additional insured or be acknowledged by MOMENTUM's insurance carrier as a covered entity under the terms of said policy. Moreover, MOMENTUM is required to put its surety on notice, that said surety may not change or cancel the existing insurance policy with MOMENTUM without first giving CITY at least thirty (30) days written notice.

(b) MOMENTUM shall purchase personal property insurance in an amount sufficient to insure any and all MOMENTUM'S personal property which might be used in MOMENTUM's operation of the business or which might be present at the collection site. MOMENTUM understands that CITY does not provide insurance coverage for MOMENTUM's personal property or equipment.

(c) If applicable, MOMENTUM shall provide Worker's Compensation insurance in accordance with the applicable provisions of the Labor Code of the State of Utah for its employees and furnish the City Clerk with satisfactory proof that such insurance is in effect.

(d) An Accord Certificate of Insurance evidencing compliance with the foregoing insurance requirements shall be filed with the City Clerk of CITY prior to or at the time of execution of this Agreement. The above described insurance shall contain contractual coverage sufficiently broad to insure the provisions of Section 10 "Indemnification and Hold Harmless." MOMENTUM's failure to maintain insurance shall be a basis for immediate termination of this Agreement.

7. Indemnification. MOMENTUM agrees to defend, pay on behalf of, indemnify, and hold harmless CITY, its elected and appointed officials, employees, and volunteers and others working on behalf of CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from CITY, its elected and appointed officials, employees, volunteers or others working on behalf of CITY, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

8. Miscellaneous.

(a) Force Majeure. No Party shall be deemed to be in default of its obligations hereunder because of a delay in its performance to the extent that such delay is caused by factors beyond its control which it could not reasonably have foreseen, including, without limitation, fire, explosion, accident, riot, flood, earthquake, civil insurrection, act of God or the public enemy, or a labor dispute, strike or lockout.

(b) Notices. All notices and other communications hereunder shall be in writing and shall be sufficiently given if made by hand delivery, by facsimile, or by regular, registered or certified mail (postage prepaid) to the parties at the following addresses (or at such other address for a party as shall be specified by it by like notice):

If to MOMENTUM: 658 S. 4050 W.  
Salt Lake City, Utah 84104  
Attn: John Lair

If to CITY: The City of Idaho Falls  
308 Constitution Way  
Idaho Falls, Idaho 83402  
Attn: Public Works Director

All such notices and other communications shall be deemed to have been duly given when delivered by hand, if personally delivered; three business days after being deposited in the mail, postage prepaid, if delivered by mail; or sent via facsimile.

(c) No Agency or Partnership; Limited Rights. This Agreement does not create any agency or partnership relationship between any of the Parties.



(d) Construction. This Agreement shall be construed pursuant to the laws of the State of Idaho. The parties agree that no construction of this Agreement shall be made in a Court of competent jurisdiction against the interests of any party to the Agreement on the basis that the party had primary responsibility for drafting the Agreement.

(e) Assignability. This Agreement shall be binding upon and inure to the benefit of the Parties, their legal representatives, successors and assigns. This Agreement may be assigned to MOMENTUM's affiliates or any purchase of all or substantially all of the assets of MOMENTUM.

(f) Waiver. No failure or delay by any Party in exercising any right, power or remedy will operate as a waiver of such right, power or remedy, and no waiver will be effective unless it is in writing and signed by the waiving party.

(g) Governing Law Venue. This Agreement shall be governed by and construed in accordance with the laws of State of Idaho, without regard to the principles of conflicts of laws. By executing this Agreement, the parties agree to submit to the exclusive jurisdiction of and agree to the venue of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville.

(h) Severability. The provisions of this Agreement will be deemed severable, and the unenforceability of any one or more provisions will not affect the enforceability of any other provisions. In addition, if any provision of this Agreement, for any reason, is declared to be unenforceable the Parties will substitute an enforceable provision that, to the maximum extent possible in accordance with applicable law, preserves the original intentions and economic positions of the Parties.

(i) Complete Understanding and Agreement. This Agreement constitutes the entire Agreement between the Parties, and supercedes all other prior or contemporaneous communications between the Parties (whether written or oral) relating to the subject matter of this Agreement. This Agreement may be modified or amended solely in a writing signed by the Parties.

(j) Third Party Beneficiaries. There are no third party beneficiaries under this Agreement.

(k) Headings. The title or section headings of the various provisions hereof are intended solely for convenience and ease of reference and shall not in any manner amplify, limit or modify or otherwise be used in interpretation of any of said provisions.

(l) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute one and the same instrument.

(m) Attorney's Fees Upon Breach. In the event it becomes necessary for either party to enforce the terms of this agreement, the prevailing party shall be awarded by a sum which will reasonably compensate it for the attorney's fees and costs incurred by such party to enforce the terms of this agreement. In the event attorney fees are awarded by a Court of law, the parties agree that a reasonable rate for attorney fees is \$150.00 per hour.

(n) Non-Discrimination. MOMENTUM shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical or mental handicap, gender identity/expression, sexual orientation, or national origin.

(o) Ownership and Publication of Materials. CITY and MOMENTUM agree that CITY, with this Agreement, acquires the right to use all reports, information, data, and other materials prepared by MOMENTUM pursuant to this Agreement and shall have the authority to release, publish, or otherwise use them, in whole or in part. Nothing in this section shall constrain MOMENTUM from using materials for other trainings or projects with other entities.

The parties acknowledge that any documents, reports, invoices, information, data or other materials received by CITY from MOMENTUM are subject to public disclosure under the Idaho Public Records Law, Chapter 2 of Title 74 of the Idaho Code.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

**THE CITY OF IDAHO FALLS**

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
, City Clerk

**MOMENTUM RECYCLING, LLC,**

By: \_\_\_\_\_

Name: John Lair

Title: President



## MEMORANDUM

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**TO:** Rebecca Casper, Mayor

**FROM:** Bryce Johnson Chief of Police

**DATE:** October 9, 2018

**RE:** Council Agenda Item – Distracted Driving Ordinance

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For Council consideration is the proposed Distracted Driving Ordinance. If approved, this would make use of a mobile electronic device while operating a moving vehicle a primary vehicle stop for law enforcement. A violation counts as an infraction, while three violations in any two-year period will result in a misdemeanor charge. Some limited exceptions as spelled out in the ordinance do apply.

**RECOMMENDED ACTION:** The Idaho Falls Police Department respectfully requests that the City Council approve, the Mayor to sign the ordinance, or take other action as deemed necessary.

/lh

Johnson MEMO-036.2018 Agenda Item - Distracted Driving Ordinance

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

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 5, CHAPTER 4 TO DEFINE AND PROHIBIT THE USE OF A MOBILE ELECTRONIC DEVICE WHILE DRIVING; ESTABLISH PENALTIES; ALLOW POLICE TO STOP VEHICLES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, ESTABLISHING EFFECTIVE DATE AND DATE FOR REVIEW AND ASSESSMENT.

WHEREAS, driving is a high risk and dangerous activity when drivers are distracted and not paying proper attention to surrounding conditions as they drive; and

WHEREAS, the purpose of this Ordinance is to encourage and promote safe driving habits, regulate the safe use of mobile electronic devices in motor vehicles, and to reduce vehicle accidents, injury to people, and damage to property; and

WHEREAS, distractions that divert attention from the task of driving are inherently dangerous to the drivers, their passengers, and others on or near the roadway; and

WHEREAS, mobile electronic devices, if used improperly or at inappropriate times while driving, contribute to driver distractions; and

WHEREAS, research supports the conclusion that driving while distracted (including texting while driving) is dangerous; and

WHEREAS, adoption of this Ordinance will encourage drivers to use their mobile electronic devices (with some exceptions) only when stopped, parked, or standing (and not while the vehicle is moving); and

WHEREAS, this Ordinance allows for the use of mobile electronic devices where the use outweighs the danger generated by use; and

WHEREAS, because of the dangers created by the misuse of mobile electronic devices is significant, this Ordinance specifically authorizes a City peace officer to stop a vehicle for the sole purpose of enforcing this Ordinance; and

WHEREAS, this Ordinance creates an infraction fine unless the driver continues to violate the Ordinance, in which case, the fine may be a misdemeanor; and

WHEREAS, this Ordinance is being adopted and enforced as a reasonable exercise of municipal police powers granted to the City pursuant to Idaho Code Title 50, Chapter 3, and as a temporary

regulation necessary to cover the special condition of driving while using a mobile electronic device in the absence of a State-wide regulation of the same; and

WHEREAS, this Ordinance shall be reviewed and assessed on or before October 1, 2021, to determine whether this Ordinance should be revoked or continued.

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

**SECTION 1.** Title 5, Chapter 4, Section 9 of the City Code of the City of Idaho Falls, Idaho, is hereby added as new language:

#### 5-4-9 DISTRACTED DRIVING

##### (A) DEFINITIONS

- (1) **Mobile Electronic Device.** Any handheld or portable electronic device capable of receiving, producing, displaying, or providing wireless data or voice communication, including a cellular telephone; broadband personal communication device; two-way messaging device; text messaging device; pager; electronic device that can receive or transmit text or character-based images, access or store data or connect to the internet; personal digital assistant; laptop computer; computer tablet; stand-alone computer; portable computing device; mobile device with a touchscreen display that is designed to be worn; electronic games; equipment that is capable of playing a video, taking photographs, capturing images or recording or transmitting video; and any similar device that is readily removable from a vehicle and may be used to write, send or read text or data or capture images or video through manual input. "Mobile electronic device" shall not include a radio designed for the citizens band service or the amateur radio service of the Federal Communications Commission or a commercial two-way radio communications device.
- (2) **Motor Vehicle.** A device or vessel classified as a "motor vehicle" in Idaho Code Section 49-123 "V".
- (3) **Operate.** Driving or occupying the driver's position of a motor vehicle in motion upon a public way, street, road or highway. "Operate" shall not include a motor vehicle that is lawfully parked or standing.
- (4) **Park.** Standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

- (5) Standing. The complete halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

## B. USE OF MOBILE ELECTRONIC SERVICES PROHIBITED

Except as specifically provided in this Section, no person shall operate a motor vehicle while using a mobile electronic device.

## C. EXCEPTIONS

1. The provisions of this Chapter shall not apply to:
  - a. A law enforcement officer, firefighter, emergency medical technician, paramedic, operator of an authorized emergency vehicle or similarly engaged paid or volunteer public safety first responder during the performance of that person's official duties, and a public utility employee or contractor acting within the scope of that person's employment when responding to a public utility emergency.
  - b. The use of a mobile electronic device including a text messaging device, for emergency purposes. "Emergency purposes" include, contacting a 911 system; reporting an emergency to a law enforcement agency, health care provider, fire department or other emergency services agency or entity; reporting a fire, traffic accident, serious road hazard or medical or hazardous materials emergency to appropriate authorities; and reporting the operator of another motor vehicle who is driving in a reckless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs to law enforcement.
2. Use of a global positioning or navigation system feature of a mobile electronic device, provided that the operator of the vehicle is not manually entering information into the global positioning or navigation system feature of the device and the device is not in the operator's hands while operating the motor vehicle.
3. Use of a mobile electronic device in a voice-operated or hands free mode, only where the operator of the motor vehicle does not use their hands to operate the device, except to activate or deactivate the voice-operated function of device.

D. AUTHORITY FOR PRIMARY VEHICLE STOP. A City peace officer is hereby authorized to utilize this Section as the primary or sole reason for issuing a citation to a driver.

## E. PENALTIES.

Unless otherwise provided herein, any person who violates this Section is guilty of an infraction in an amount set from time to time by Resolution of the Council. Any person who violates this

Section more than three (3) times within a two (2) year period is guilty of a misdemeanor for such violation.

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

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

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

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

**SECTION 6.** Council Review and Assessment. This Ordinance is a temporary regulation necessary to cover the special condition of driving while using a mobile electronic device in the absence of a State-wide regulation of the same. The Council shall review and assess the necessity of this temporary Ordinance on or before October 1, 2021, to determine whether it should continue as a temporary Ordinance or should be revoked.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_ day of \_\_\_\_\_, 2018.

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 5, CHAPTER 4 TO DEFINE AND PROHIBIT THE USE OF A MOBILE ELECTRONIC DEVICE WHILE DRIVING; ESTABLISH PENALTIES; ALLOW POLICE TO STOP VEHICLES FOR VIOLATIONS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, ESTABLISHING EFFECTIVE DATE AND DATE FOR REVIEW AND ASSESSMENT.”

(SEAL)

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