



SPECIAL CITY COUNCIL MEETING

Tuesday, November 26, 2019

7:30 p.m.

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

*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, 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 city 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. Item from Parks and Recreation:

- 1) Receipt of Pledge Received from the William J. and Shirley A. Maeck Family Foundation

B. Items from Municipal Services:

- 1) Receipt of Pledge Received from the William J. and Shirley A. Maeck Family Foundation
- 2) Bid IF-20-04, Road Salt for Public Works
- 3) Quote IF-20-009, Bobcat Skid Steer Loader for Public Works
- 4) Quote IF-20-010, Distribution Transformers for Idaho Falls Power

C. Items from the City Clerk:

- 1) Canvass of the Vote from the November 5, 2019 Election
- 2) Minutes from the November 12, 2019 Council Work Session; and, November 14, 2019 Council Meeting
- 3) License Applications, all carrying the required approvals

RECOMMENDED ACTION: 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. Office of the Mayor

1) E-Scooter/E-Bike Ordinance: For consideration is an ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted by several City departments including: Police; Public Works; Community Development Services; Parks & Recreation; Legal Services, and the Mayor's Office Economic Development Coordinator.

RECOMMENDED ACTION: Approve the Ordinance amending Title 9 by the addition of Chapter 8, under a suspension of the rules requiring three complete and separate readings and request 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. Municipal Services

1) Approve Ordinance to Adopt Changes to Titles 4 and 7, License Expiration Dates: The Municipal Services Department recommends approval to adopt changes to license expiration dates for all business and tradesman licenses.

RECOMMENDED ACTION: Approve the Ordinance amending Titles 4 and 7, under a suspension of the rules requiring three complete and separate readings and request 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).

C. Public Works

1) Resolution allowing the Mayor to approve Sewer Service Connections within Bonneville County – Local Improvement District (LID) No. 2: For consideration is a Resolution that would allow the Mayor to execute sanitary sewer service connection agreements to properties located within the Bonneville County Local Improvement District (LID) No. 2.

RECOMMENDED ACTION: Approve the resolution allowing the Mayor to approve Sewer Service Connections within Bonneville County – Local Improvement District (LID) No. 2, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

6. Announcements.

7. Adjournment.

CONSENT

AGENDA:



MEMORANDUM

FROM: PJ Holm, Director, Parks and Recreation Department

DATE: Friday, November 22, 2019

RE: Receipt of Pledge Received from the William J. and Shirley A. Maeck Family Foundation.

Item Description

On November 13, 2019 The Parks and Recreation Department received a pledge from the William J. and Shirley A. Maeck Family Foundation in the amount of \$100,000. The pledge is intended to support the Idaho Falls Zoo for the completion of the Islands and Idaho exhibit.

Purpose

This generous donation supports the Community-Oriented Results by allowing for a Livable Community by developing park land that will provide affordable and accessible recreational activities and preserve natural resources, open space and amenities.

Fiscal Impact / Financial Review

These funds were/were not included in the departments' 2019/20 Zoo budget. These funds are a donation with no match required. The donation of the \$100,000 will be given equally over a two year period with the first \$50,000 issued on or before April 30, 2020 and the second \$50,000 issued on or before April 30, 2021.

Legal Review

Legal Services has reviewed the pledge and found no irregularities in the contribution as presented in the attached pledge form.

Interdepartmental Review

No other department coordination is required at this time. Some coordination may be required as funds are spent in service to the intended project(s).

Recommended Action

The Parks and Recreation Department respectfully requests that the Mayor and City Council gratefully acknowledge receipt of this generous pledge.



☐ Economic

☐ Governance

☐ Growth

☐ Learning



☒ Livable



☐ Safety



☐ Sustainability



☐ Transportation

**WILLIAM J. & SHIRLEY A.
MAECK FAMILY FOUNDATION**

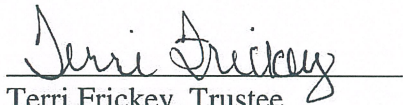
**432 SHOUP AVENUE
IDAHO FALLS ID 83402
PH: (208) 524-4200**

NOVEMBER 13, 2019

MAYOR REBECCA CASPER
CITY OF IDAHO FALLS
308 CONSTITUTION WAY
IDAHO FALLS ID 83402

DEAR MAYOR CASPER

In recognition of our commitment to the values and mission of the Idaho Falls Civic Center for the Performing Arts, subject to the conditions below, the William J and Shirley A Maeck Family Foundation (the Foundation), hereby pledge and agree to give to the City of Idaho Falls for the benefit of the Idaho Falls Zoo, \$100,000 for the completion of the Islands and Idaho exhibit. The \$100,000 contribution from the Foundation will be given equally over a two year period with the first \$50,000 issued on or before April 30, 2020 and the second \$50,000 issued on or before April 30, 2021.



Terri Frickey, Trustee
William J & Shirley A Maeck Family
Foundation

Mayor Rebecca Casper
City of Idaho Falls



MEMORANDUM

FROM: Municipal Services Department

DATE: Monday, November 18, 2019

RE: Receipt of Pledge Received from William J. and Shirley A. Maeck Family Foundation

Item Description

On November 13, 2019 the Municipal Services Department received a pledge from the William J. and Shirley A. Maeck Family Foundation in the amount of \$200,000. The pledge is intended to support the Idaho Falls Civic Center for the Performing Arts for architectural design services.

Purpose

The generous donation supports the livable community oriented result by allowing for accessible and affordable performing arts activities for all ages, abilities and interests.

Fiscal Impact / Financial Review

These funds were included in the Municipal Services Department, Civic Center 2019/20 budget. The pledge of \$200,000 will be given equally over a two-year period, with the first \$100,000 issued on or before April 30, 2020 and the second \$100,000 issued on or before April 30, 2021.

Legal Review

Legal has reviewed the pledge and has found no irregularities in the attached pledge form.

Interdepartmental Review

No other department coordination is required at this time. Some coordination may be required as funds are spent in service to the intended project.

Recommended Action

The Municipal Services Department respectfully request that the Mayor and City Council gratefully acknowledge receipt of this generous pledge.



☐ Economic



☐ Governance



☐ Growth



☐ Learning



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☐ Sustainability



☐ Transportation

**WILLIAM J. & SHIRLEY A.
MAECK FAMILY FOUNDATION**

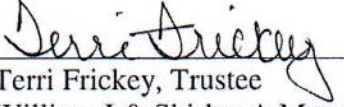
432 SHOUP AVENUE
IDAHO FALLS ID 83402
PH: (208) 524-4200

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CITY OF IDAHO FALLS
308 CONSTITUTION WAY
IDAHO FALLS ID 83402

DEAR MAYOR CASPER

In recognition of our commitment to the values and mission of the Idaho Falls Civic Center for the Performing Arts, subject to the conditions below, the William J and Shirley A Maeck Family Foundation (the Foundation), hereby pledge and agree to give to the City of Idaho Falls for the benefit of the Idaho Falls Civic Center for the Performing Arts, \$200,000 as a match to the \$200,000 the City of Idaho Falls agreed to give for the architectural design of Phases II and III of the Idaho Falls Civic Center for the Performing Arts. The \$200,000 contribution from the Foundation will be given equally over a two year period with the first \$100,000 issued on or before April 30, 2020 and the second \$100,000 issued on or before April 30, 2021.


Terri Frickey, Trustee
William J & Shirley A Maeck Family
Foundation

Mayor Rebecca Casper
City of Idaho Falls

IDAHO FALLS

MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Monday, November 18, 2019

RE: Bid IF-20-04 – Road Salt for Public Works

Item Description

On November 14, 2019 bids were received in response to Bid IF-20-04 – Road Salt for Public Works.

Purpose

Public Works is requiring an estimate of 2,000 tons of road salt. This purchase of road salt supports the safety community oriented result by providing safe and reliable transportation.

Fiscal Impact / Financial Review

Funds to purchase the road salt are within the Public Works 2019/20 budget.

Legal Review

Legal has confirmed the purchase complies with State Statute §67-2806(1).

Interdepartmental Review

Public Works concurs with the purchase.

Recommended Action

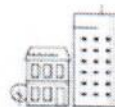
Municipal Services recommends approval of road salt from Specialty Construction Supply of Idaho Falls to purchase road salt in the amount of \$78,880.00 (or take other action deemed appropriate).



☐ Economic



☐ Governance



☐ Growth



☐ Learning



☐ Livable



☒ Safety



☐ Sustainability



☒ Transportation

CITY OF IDAHO FALLS

PO BOX 50220

IDAHO FALLS, ID 83405-0220

Phone 208-612-8433

Office of Purchasing Agent

Opening Date: November 14, 2019

TABULATION BID IF-20-04

Road Salt

(Approximate—2,000 Ton)

BIDDER:	1)Morton Salt	2)Compass Minerals America Inc.	3)Specialty Construction Supply	4)vector Construction, LLC
CITY, STATE:	Chicago, IL	Overland Park, KS	Idaho Falls, ID	Blackfoot, ID
Price per Ton:	NO BID	\$41.50	\$39.44	\$48.00



SPECIALTY CONSTRUCTION SUPPLY

5190 S. Heyrend Dr., Idaho Falls, ID, 83402

Phone (208) 522-3242 • Fax (208) 522-4012 • Toll Free (888) 574-7732

www.specialtysupply.com

Public Works License # PWC-C-12763-AAA-2-4 (02785, 01550, 18700, 01570, 07100)

Oregon Construction Registration #125917

Contractor Registration # RCE-20560

Branch Mgr: Bret Hendricks

Email: bhendricks@specialtysupply.com

Sales Person: Randy Lozano

Email: rlozano@specialtysupply.com

QUOTATION Salt Quote

Project: City of Idaho Falls
Bid Number: IF-20-04

Bid Date: 11/14/2019

ITEM	QUANTITY	UNITS	DESCRIPTION	UNIT PRICE	TOTAL
DEIC2	1	TON	Class C Treated Road Salt	\$ 39.44	\$ 39.44

Mixed with magnesium chloride to enhance performance and storage. Blended with an anti-caking agent for optimal flowability. Sodium Chloride

Quantities are estimates only - unit price prevails.

\$ 39.44

* F.O.B. our plant with freight allowed to jobsite stockpile, trucks accessible under own power. Purchaser to unload.

* Prices quoted do not include sales or use tax.

* Totals and average prices are shown for your convenience. Our invoice will reflect the unit prices for the actual quantities required and furnished.

* Prices are based on furnishing all of the material on this quotation at truck or carload quantities. Prices on individual items will be furnished on request.

* Quantities are based on our take off and are not guaranteed.

* Above prices quoted for acceptance within 30 days and apply to this project only.

IDAHO FALLS

MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Monday, November 18, 2019

RE: Quote IF-20-009 – Bobcat Skid Steer Loader for Public Works

Item Description

On November 8, 2019 the attached quote was received in response to Quote IF-20-009 – Bobcat Skid Steer Loader for Public Works.

Purpose

This purchase of the Bobcat skid-steer loader supports the safety community oriented result by providing safe and reliable equipment.

Fiscal Impact / Financial Review

Funds to purchase the Bobcat skid steer loader are within the Public Works 2019/20 budget as an addition to the department's fleet.

Legal Review



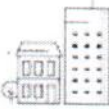





Legal has confirmed the purchase complies with State Statute §67-2806(1).

Interdepartmental Review

Public Works concurs with the purchase.

Recommended Action

Municipal Services recommends approval of the quote from Pro Rentals and Sales of Idaho Falls to purchase a new Bobcat skid steer loader in the amount of \$60,347.32 (or take other action deemed appropriate).

 <input type="checkbox"/> Economic	 <input type="checkbox"/> Governance	 <input type="checkbox"/> Growth	 <input type="checkbox"/> Learning
 <input type="checkbox"/> Livable	 <input checked="" type="checkbox"/> Safety	 <input type="checkbox"/> Sustainability	 <input checked="" type="checkbox"/> Transportation

City of Idaho Falls

PO BOX 50220
IDAHO FALLS, IDAHO 83405
PHONE: (208) 612-8433

Quote IF-20-009

One (1) New 2019 or Newer Skid Steer Loader

BIDDER	Tractor Sales & Auto, Inc. Idaho Falls, ID	Hommen Equipment Co. Idaho Falls, ID	Pro Rentals & Sales Idaho Falls, ID
Manufacturer	New Holland	John Deere	Bobcat
Model	L218	320G	
TOTAL PRICE	\$45,734.00	\$94,063.21	\$60,347.32
Did not meet specs. Unit too wide and did not include grinder			



Product Quotation

Quotation Number: NEW

Date:

Ship to	Bobcat Dealer	Bill To
Pro Rentals & Sales	Pro Rentals & Sales, Idaho Falls, ID 1525 NORTH WOODRUFF AVENUE IDAHO FALLS ID 83401 Phone: 208-523-1767 Fax: 208-523-4147 ----- Contact: TC Garriott Phone: 208.523.1767 Fax: 208-523-4147 Cellular: 208-520-0330 E Mail: tc@prorentalsandsales.com	Pro Rentals & Sales

11/8/2019
City of IF

74.0 HP Tier 4 Turbo Diesel Engine
2-Speed Travel
Auxiliary Hydraulics: Variable Flow
Backup Alarm
Bob-Tach
Bobcat Interlock Control System (BICS)
Controls: Bobcat Standard
Cylinder Cushioning - Lift, Tilt
Engine/Hydraulic Systems Shutdown
Glow Plugs (Automatically Activated)
Horn
Instrumentation: Engine Temperature & Fuel Gauges,
Hourmeter, RPM and Warning Lights

Lift Arm Support
Lift Path: Vertical
Lights, Front & Rear
Operator Cab
Includes: Adjustable Suspension Seat, Top & Rear
Windows, Parking Brake, Seat Bar & 3-Point Seat Belt
Roll Over Protective Structure (ROPS) meets SAE-J1040
& ISO 3471
Falling Object Protective Structure (FOPS) meets SAE-
J1043 & ISO 3449, Level I; (Level II is available through
Bobcat Parts)
Spark Arrestor Exhaust System
Tires: 31 x 12-16.5, 10 PR, Bobcat Heavy Duty
Warranty: 2 years, or 2000 hours whichever occurs first

P68 Performance Package
Power Bob-Tach
7-Pin Attachment Control Kit
High Flow

M0247-P06-P68	1	\$2,909.72	\$2,909.72
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2-Speed
Hydraulic Bucket Positioning
Automatic Ride Control

C37 Comfort Package
Enclosed Cab with AC/Heat
Sound Reduction
Cab Accessories Package

M0247-P07-C37	1	\$4,375.80	\$4,375.80
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Deluxe Instrument Panel with Keyless Start
Radio
Heated Cloth Air Ride Suspension Seat

Selectable Joystick Controls (SJC)
Two Speed SJC
Telematics US
68" Heavy Duty Bucket
--- Bolt-On Cutting Edge, 68"
68" Angle Broom
--- Nozzle Spray Kit for Water Kit
--- Quick-Tach Mounting Kit
--- Quick-Tach Water Kit
18" Planer, High Flow
--- Drum 18 Smoothcut
--- Nozzle Spray Kit for 40" Planer

M0247-R01-C04	1	\$540.60	\$540.60
M0247-R04-C04	1	\$0.00	\$0.00
M0247-R51-C02	1	\$0.00	\$0.00
7272679	1	\$780.80	\$780.80
6718006	1	\$192.58	\$192.58
7337703	1	\$4,050.84	\$4,050.84
7113709	1	\$339.05	\$339.05
7152508	1	\$658.20	\$658.20
6813816	1	\$1,320.53	\$1,320.53
M7018	1	\$9,864.88	\$9,864.88
M7018-R01-C11	1	\$2,861.44	\$2,861.44
7113092	1	\$235.52	\$235.52

Total of Items Quoted
Quote Total - US dollars

\$60,347.32
\$60,347.32

Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes.

Customer Acceptance:

Purchase Order: _____

Authorized Signature:

Print: _____ **Sign:** _____ **Date:** _____



MEMORANDUM

FROM: Municipal Services Department

DATE: Tuesday, November 19, 2019

RE: Quote IF-20-010, Approval to Purchase Distribution Transformers for Idaho Falls Power

Item Description

Quotes were received for the purchase of distribution transformers for Idaho Falls Power.

Purpose

The purchase of distribution transformers for Idaho Falls Power supports the safety and livable results by having an inventory of distribution transformers.

Fiscal Impact / Financial Review

Funds to purchase the transformers are within the 2019/20 Idaho Falls Power operating budget.

Legal Review

Purchase complies with State Statute §67-2806(1).

Interdepartmental Review

Idaho Falls Power concurs with this purchase through centralized purchasing.

Recommended Action

Municipal Services recommends approval of quotes received from Anixter of Lake Dallas, Texas in the amount of \$36,084 and General Pacific of Laurel, Mississippi in the amount of \$13,916 (or take other action deemed appropriate).



☐ Economic



☐ Governance



☐ Growth



☐ Learning



☒ Livable



☒ Safety



☐ Sustainability



☐ Transportation

CITY OF IDAHO FALLS

Quote 20-010 Transformers

		ANIXTER LAKE DALLAS, TX ERMCO	BROWN CORPORATION OAKLAND TOWNSHIP, MI WEG	GENERAL PACIFIC LAUREL, MS HOWARD INDUSTRIES, INC.
Item 1:	1500 KVA 3 Phase Padmount Transformer 915 698 11500			
1		<div> Price/Each Total Delivery BCL BWL Impedance Price per Each - Load Loss Lump Sum - Load Loss </div>	<div> \$24,740.00 \$24,740.00 28-30 Weeks 1.375 10.828 5.740 \$32,904.00 \$32,904.00 </div>	<div> \$28,514.00 \$28,514.00 17-21 Weeks 1.476 10.452 5.900 \$36,692.00 \$36,692.00 </div>
Item 2:	1000 KVA 3 Phase Pad mOunt Transformer 915 698 11480			
1		<div> Price/Each Total Delivery BCL BWL Impedance Price per Each - Load Loss Lump Sum - Load Loss </div>	<div> \$18,813.00 \$18,813.00 28-30 Weeks 0.942 8.266 5.760 \$24,830.00 \$24,830.00 </div>	<div> \$13,916.00 \$13,916.00 17-21 Weeks 1.245 7.044 5.900 \$19,928.00 \$19,928.00 </div>
Item 3:	225 KVA 3 Phase Padmount Transformer 915 698 12025			
2		<div> Price/Each Total Delivery BCL BWL Impedance Price per Each - Load Loss Lump Sum - Load Loss </div>	<div> \$10,637.00 \$21,274.00 28-30 Weeks 0.381 2.158 3.130 \$12,478.00 \$24,956.00 </div>	<div> \$9,991.00 \$19,982.00 17-21 Weeks 0.367 2.227 5.200 \$11,838.50 \$23,677.00 </div>

CITY OF IDAHO FALLS

Quote 20-010 Transformers

GENERAL PACIFIC
LAUREL, MS
HOWARD INDUSTRIES, INC.
\$13,916.00

BROWN CORPORATION
OAKLAND TOWNSHIP, MI
WEG

ANIXTER
LAKE DALLAS, TX
ERMCO
\$36,084.00

City
Manufacturer
Awarded Totals

Lump Sum Total 50000.000

CITY OF IDAHO FALLS

November 5, 2019

BONNEVILLE COUNTY RESULTS

NOVEMBER 5, 2019

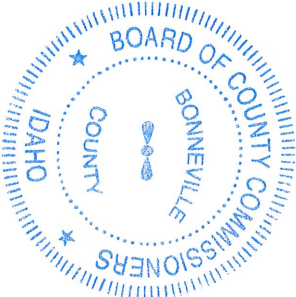
CITY OF IDAHO FALLS

CITY OF IDAHO FALLS				
PRECINCT	COUNCIL SEAT 1 4 Year Term Vote for One	COUNCIL SEAT 3 4 Year Term Vote for One		COUNCIL SEAT 5 4 Year Term Vote for One
	MICHELLE ZIEL-DINGMAN	TOM HALLY	STEPHANIE LUCAS	JOHN BOYD RADFORD
01	91	53	51	89
02	66	41	34	62
03	57	39	33	62
04	94	61	47	94
05	70	44	46	66
06	109	72	74	105
07	68	41	49	62
08	85	58	42	85
09	74	39	52	71
10	107	57	86	109
11	113	97	71	116
12	150	88	97	145
13	91	75	52	96
14	91	76	42	100
15	143	122	93	144
16	150	118	85	148
17	111	77	62	111
18	134	76	79	133
19	154	143	74	151
20	71	43	47	68
21	94	63	52	98
22	26	11	16	26
23	46	36	14	47
24	100	74	53	96
25	119	84	68	126
26	84	73	39	86
27	75	52	39	75
38	4	0	4	4
46	22	13	15	22
Absentee	398	343	186	405
TOTAL	2997	2169	1702	3002

VOTING STATISTICS					
PRECINCT	Total Number of Registered Voters at Cutoff	Number of Election Day Registrations	Total Number of Registered Voters	Number of Ballots Cast	% of Registered Voters that Voted
01	1084	4	1088	106	9.74%
02	1110	2	1112	76	6.83%
03	645	9	654	74	11.31%
04	1067	5	1072	110	10.26%
05	940	5	945	93	9.84%
06	950	9	959	150	15.64%
07	1089	13	1102	92	8.35%
08	957	5	962	103	10.71%
09	1221	0	1221	94	7.70%
10	1137	5	1142	143	12.52%
11	1188	10	1198	170	14.19%
12	1033	18	1051	190	18.08%
13	1134	8	1142	137	12.00%
14	876	5	881	118	13.39%
15	1148	10	1158	217	18.74%
16	1114	6	1120	203	18.13%
17	1160	6	1166	140	12.01%
18	1201	10	1211	157	12.96%
19	1059	2	1061	222	20.92%
20	1114	0	1114	90	8.08%
21	1103	5	1108	118	10.65%
22	143	1	144	27	18.75%
23	449	9	458	51	11.14%
24	1275	10	1285	127	9.88%
25	982	7	989	154	15.57%
26	1154	2	1156	115	9.95%
27	803	11	814	92	11.30%
38	5	0	5	4	80.00%
46	280	0	280	30	10.71%
Absentee				537	
TOTAL	27421	177	27598	3940	14.28%

STATE OF IDAHO
COUNTY OF
BONNEVILLE

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ss.

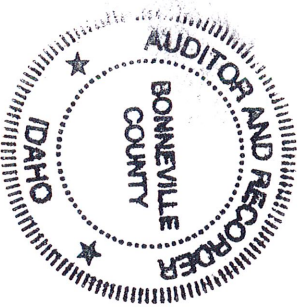


We, the commissioners of the county and state aforesaid, acting as a Board of Canvassers of Election, do hereby state that the attached is a true and complete abstract of all votes cast within this county at the **Consolidated Election** held **November 5, 2019** as shown by the records now on file in the County Clerk's office.

Debra S. Chapman
Steve B. Bickel
Erin Z. Roach
County Board of Canvassers

STATE OF IDAHO
COUNTY OF
BONNEVILLE

}
ss.



I, Penny Manning, 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 issue therein named as appeared on the election ballot held November 5, 2019, for the **City of Idaho Falls** as shown by the record of the Board of Canvassers filed in my office this 12th day of November, 2019.

Penny Manning
County Clerk

November 12, 2019 - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Tuesday, November 12, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper (arrived at 3:17 p.m.)
Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Michelle Ziel-Dingman
Councilmember John Radford (arrived at 3:02 p.m.)

Also present:

Brad Cramer, Community Development Services Director
PJ Holm, Parks and Recreation Director
Bob Skinner
Bryce Johnson, Police Chief
Ryan Tew, Human Resources Director
Pamela Alexander, Municipal Services Director
Derick Sorensen, Accountant
Chris Fredericksen, Public Works Director
Dana Briggs, Economic Development Coordinator
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Pro Tem Hally noted City offices were closed on Monday, November 11, 2019, due to Veterans Day. He then called the meeting to order at 3:00 p.m. with the following:

Acceptance and/or Receipt of Minutes:

There were no minutes to accept.

Liaison Reports and Concerns:

Councilmember Hally stated the Idaho Falls Police Department (IFPD) Quarterly Awards Ceremony will be occurring on November 14.

Councilmember Smede had no items to report.

Councilmember Freeman had no items to report.

Councilmember Francis stated the Sister Cities Adult Delegation recently returned from Tokai-mura, Japan. He noted there were a total of 18 attendees. He stated the delegation was treated with amazing generosity and grace. Councilmember Francis presented a gift from Tokai-mura to the City of Idaho Falls, which represents a symbol of the 2020 Olympics to be held in Japan. He indicated the City will be receiving a written explanation of the Olympic symbol. He stated the City of Idaho Falls presented a tomahawk to Tokai-mura in honor of the 200th anniversary of the Lewis and Clark Expedition. He noted a full report will be presented at a January 2020 Work Session. Councilmember Francis stated the Fire Department has completed negotiations regarding the Bingham County ambulance contract. He noted several Fire Department and Municipal Services items will be included on the November 14 Council Meeting agenda.

Councilmember Radford stated an Idaho Falls Power (IFP) Board Meeting will be occurring on November 14. He also stated he has received a briefing on the current audit in Municipal Services. Councilmember Hally commended Councilmember Radford on his American Public Power Association (APPA) report.

Councilmember Dingman had no items to report.

Progress Report: South Downtown Planning:

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Director Cramer stated the final draft of the South Downtown Plan was presented to the public in October 2019. He believes positive feedback and concerns were received. The plan is being presented to the Planning and Zoning (P&Z) Commission on November 12, it will then be presented to the Councilmembers by January 2020. Director Cramer stated this project has involved neighborhoods, the public, a steering committee, multiple departments, and, staff. He believes involvement makes for a better project. He expressed his appreciation to the neighborhood as the neighborhood was more engaged than anticipated. Director Cramer reviewed the website links regarding the Idaho Falls South Downtown. He expressed his appreciation to those who put the data together, including Travis Barnes, a previous temporary planner. Director Cramer noted the South Downtown Plan is included within the City Core Master Plan and Implementation Strategy. He stated staff previously worked with Agnew Beck in 2015 as consultants prior to this Downtown Plan. He noted a wide range of responses to 'downtown' were received which are included on the map in the Master Plan. This information is similar to a 2016 Boise study which recognized a collection of neighborhoods with their own identity and particular feel. Director Cramer stated the City is looking at similar information. He indicated the Downtown Master Plan and Implementation Strategy will be replaced with a new document which will include South Downtown. Director Cramer briefly reviewed the South Downtown Vision (including three (3) Key Initiatives: Connectivity, Overall Economic Health, and, Urban Design), Implementation, and, Appendix. He stated staff is working on a Form-Based Code for South Downtown although this code will not be presented at the same time as the South Downtown Plan. This code should also be presented in early 2020. Councilmember Hally noted the City is not paying for redevelopment of this area. Redevelopment will include many partners, historical grants, developers, etc. Councilmember Freeman questioned the Cliff Street area and the island of residential in this area. Director Cramer stated the original downtown plan extended to Cliff Street although it was recognized this was a transition area between the traditional business district and the other areas. He indicated the map tried to reflect the subdistricts/transition areas and the railroad was used as the transition area versus Cliff Street. He also noted the Form-Based Code allows unique areas.

Calendars, Announcements and Reports:

Mayor Casper stated she and Chief Johnson recently attended an informal Legislative Study Group including a discussion regarding citizen fatalities. She indicated data points were shared including the department, investment of officers, and, the working environment. Mayor Casper briefly reviewed calendar items, including a Building Officials luncheon on November 13, and, an Idaho Falls Power (IFP) Board Meeting and City Council Meeting on November 14. She congratulated the newly-elected officials. She stated electing a new Council President and receiving new liaison assignments will occur at the January 9 City Council Meeting. She also stated a calendar review for 2020 will occur at the November 25 Council Work Session. Upcoming IFP-related meeting information was distributed.

Discussion: War Bonnet Round Up Association (WBRUA) Agreement:

Director Holm stated the War Bonnet Round Up Rodeo (WBR) requires several volunteers to bring the event to fruition. He also stated Friends of the War Bonnet, or the WBRUA, created in the previous year, will help market and grow the WBR in the community. The proposed agreement will allow the WBRUA to collect, retain, and manage monies from all WBRUA socials, raffles, rifles, alcohol sales, and, rodeo royalty. The WBRUA will also collect, retain, and, manage WRBUA-sponsored grants, donations to the WBRUA, fundraising by WBRUA, and, sponsorship dollars; and, will maintain adequate financial records for all receipts and expenditures. Director Holm stated the Parks and Recreation (P&R) Director will be included as a non-voting, ex officio member. The agreement also states the City will allow the WRBUA to apply for grants, raise money, hold special events, advertise rodeo activities, promote the rodeo, and, use the rodeo grounds for such purposes. The WBRUA agreement would be a two-year term although it can be reviewed as needed. To the response of Councilmember Freeman, Director Holm confirmed this agreement will allow more opportunities for grants. Councilmember Francis questioned the definition of special events. Director Holm believes special events would include concerts and other activities to raise money for the WBR. Mayor Casper believes the intent of the WBRUA is to be rodeo-focused. Mr. Fife noted the language in the Whereas clause of the agreement comes directly from the WRBUA Charter. Mr. Skinner believes the agreement is a mechanism for sponsorship, donations, etc. He concurred that special events would include youth-focused events or any other special event that is rodeo related. Brief discussion followed regarding a charter. Councilmember Francis expressed his concern for use of the WBR logo. Mr. Skinner reiterated the logo would only be used for a rodeo-related event. Mr.

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Fife stated the City may revoke the permission for the logo/trademark at any time. Councilmember Francis prefers 'rodeo-related' be included with 'special events'. Mayor Casper believes officers of the WBRUA are committed to growing the rodeo. She is hoping to properly institutionalize the relationship. To the response of Councilmember Hally, Mr. Fife stated the City is not legally bound to the WBRUA, other associations could be utilized. Councilmember Dingman requested all Councilmembers receive the WBRUA by-laws. Brief discussion followed regarding by-laws of other organizations. Director Holm stated, per the by-laws, all monies outside of the WBRUA costs, will be submitted to the City. Mr. Skinner believes the WBRUA would also be able to collect sponsorship from other companies/organizations. Councilmember Hally questioned a financial report at the conclusion of the rodeo. Mayor Casper noted this item has been included on the November 14 Council Meeting agenda. Following additional discussion, the by-laws will be distributed to the Councilmembers prior to the November 14 Council Meeting with a decision at the November 14 Council Meeting to be determined.

Pay Scale Discussion:

Chief Johnson stated this item was previously discussed several months ago as part of the Police Personnel Manual. It was determined the Police pay scale was out of market to top out, top out is currently 22 years for the Idaho Falls Police Department (IFPD). There is desire to top out at 18 years. Chief Johnson reviewed the cost analysis per this previous discussion. The proposed Police scale would only cover sworn IFPD officers that are not currently promoting. There was no data for Sergeants, Lieutenants, or, Captains. This information will be presented in the future. Chief Johnson stated the proposed pay scale would cost \$17,000 in the next year. These costs would be ongoing and would increase over the course of each year. That increase for a 24-year period was reviewed. This increase would cost the City \$1.5M per officer over 24 years, this does not include benefits. The overall increase would be \$58,750 over the life span of a 24-year officer. Chief Johnson stated it would cost \$222,758 more per year at full implementation, which would take several years. He noted this is not a huge percentage of the current IFPD budget and the IFPD would cover this amount internally for the first few years. He also stated \$17,000 was budgeted into the current year although similar funding would require approval in future budget years. Chief Johnson stated it is difficult to retain positions as this is a competitive environment. He believes this pay scale would be closer to the market value and this would be a higher priority than adding new positions. Councilmember Radford believes time off for officers needs to be considered as well. Chief Johnson stated time off is above market value. Councilmember Radford stated the current system does not allow the freedom to choose other capital expenditures as there is no revenue to pay for IFPD personnel. He also stated this is not sustainable and an innovative solution must be found to have money be part of the solution as well as being a great place to work. He noted the General Fund pays the payroll for IFPD, Idaho Falls Fire Department (IFFD), and, P&R. He believes there is need to find a middle ground. He also believes healthcare is dominating this conversation. Mayor Casper stated ongoing conversations are occurring as there is a different culture within each department and each profession. She also stated compensation discussion will potentially occur in March 2020. Councilmember Francis questioned the police compensation. Director Tew stated the police scale discussion began prior to the compensation committee. He indicated it's possible that Chief Johnson's proposal could be rolled into the compensation. Mayor Casper believes this is a compounding expense due to PERSI (Public Employee Retirement System of Idaho) and other benefits. Councilmember Hally concurred the national healthcare is an issue, which the City cannot control. He also believes growing the base is a factor. To the response of Mayor Casper, Chief Johnson stated these conversations began during the union discussion and as the Police Personnel Manual was developed. He believes the IFPD was out of market compared to other organizations prior to the data, although there are other benefits from working for the City. He noted the market was compared to other surrounding communities. He also stated the highest cost is payroll as the IFPD is a people business. Councilmember Smede stated there is a cost for recruiting/hiring/training. She believes this may be a good investment. Chief Johnson stated multiple cities are having similar hiring issues, being at market is more competitive. General discussion followed. Chief Johnson reiterated getting to market value would be prioritized over positions. Director Tew stated one charge of the compensation committee relates to non-union positions. The committee is looking for one plan that fits all. To the response of Councilmember Francis, Chief Johnson stated the Steps adjustment at the 5-year mark was based on the lower market value. The goal is to get at market value at Step 6. Mayor Casper believes this pay scale would be difficult for the compensation committee for a one plan that fits all. She also noted this would be an ongoing cost. Additional discussion followed. Councilmember Freeman noted he is in favor of the proposal. Councilmember Radford is also in favor of the proposal realizing other budget cuts within the department may be needed. Chief

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Johnson stated this process would take time and could be adjusted each budget year. Mayor Casper reminded the Council this is not a sustainable path with the increasing healthcare costs. Councilmember Francis believes the compensation committee should present data prior to any decision. Councilmember Hally believes the decision should be data driven with recommendation from the committee. Councilmember Dingman concurred there is a sustainable and compensation issue. She believes officers' salaries and compensation should be improved although the cost is unknown. Councilmember Smede believes a decision would sabotage the committees' recommendation. Councilmember Dingman believes there is support although a decision may need to be delayed. Mayor Casper indicated the committee recommendation may not occur until spring 2020. Chief Johnson questioned the fundamental shift from the previous Council direction during the budget session. He reminded the Council of previous union conversations. Mayor Casper stated this conversation was delayed due to data requested. Director Alexander concurred there is a cumulative impact. Councilmember Smede requested information prior to a discussion.

Director Fredericksen stated the following three (3) items will be presented to Council at future date.

Introduce Capital Improvement Ordinance Modification to Include Water Rights:

Director Fredericksen stated connection fees are collected for new businesses that will expand the water system. These fees currently are applied to Capital Improvement Funds (CIF) for Water and Wastewater. He noted City ordinance does not specify Water Rights as an allowable use for Capital Fund expenditures. There was also concern with the Controller's Office and the governmental accounting standards. Therefore, it was recommended the CIF be eliminated and those funds be rolled into Water and Wastewater Enterprise Funds. Director Fredericksen stated there is also a fuel fee fund that does not exist, this will also be eliminated.

Snow Removal Discussion:

Director Fredericksen stated, per annual review by staff, snow removal A Zone is larger than needed. He identified the area south of 17th Street, north of 1st Street, bounded by the railroad tracks on the west, and, Holmes Avenue. It has been recommended to remove this area from the A Zone. This area would not require the restriction of the 24-hour notice, parking restrictions would also be accommodated. A proposed change in the ordinance would modify this A Zone and would also include recent street name changes. Director Fredericksen also stated any snow event would be referred to the City website versus the Idaho Transportation Department (ITD) website. The website will also include implementation of an interactive snow removal map. Director Fredericksen stated the Snow Removal Policy will be updated with new lane mileage. He noted any potential annexations could drastically change the priority routes in the policy as well. To the response of Councilmember Francis, Director Fredericksen stated removal of downtown signage does not affect snow removal.

Municipal Separate Storm Sewer (MS4) Permit Update:

Director Fredericksen stated the Environmental Protection Agency (EPA) will be renewing the National Pollutant and Discharge Elimination System (NPDES) permit for the MS4. The initial permit was issued in 2007 and expired in 2012 although the permit has been administratively extended. Public comment is being accepted until December 10. Director Fredericksen indicated the permit is currently being reviewed and will be presented in the near future for acceptance. He stated the proposed permit would become effective October 2020.

E-Scooter Discussion:

Mayor Casper stated this discussion has been occurring within several departments and staff. Ms. Briggs stated the proposed ordinance will include safety, equipment requirements, where and how these scooters could be ridden, speed, abandoned equipment removal process, licensing and registration, and, penalties. She also stated the proposed ordinance does not include specific geographic areas, a requirement for helmet usage, seasonality, and, limiting the number of vendors. Mr. Fife stated, after recently attending a subject-related conference, several cities are struggling or wondering how to react to the scooters including regulations. He believes the market and weather should regulate for the most part with availability as needed without the clutter. He noted many scooters are regulated by larger companies. Mr. Fife stated the proposed ordinance was drafted following Boise's approach with discussion/decisions based on this community. He noted no City requires helmets although some cities require helmets on younger people. He also noted a lot of injuries have occurred with E-scooters, many of which involve alcohol. Mr. Fife stated the

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more that the City regulates, the more it inserts itself to potential risk and liabilities. He indicated larger companies are willing to train, promote, etc. in exchange for a monopoly. Ms. Briggs stated one of the benefits was to see other cities that have regulations, changes to these cities' regulations were also helpful. Mr. Fife stated Boise's regulations were modeled from the International Municipal Lawyers Association, the City of Idaho Falls is a member of this association. To the response of Mayor Casper, Ms. Briggs noted the City has been contacted by several companies and one (1) company has begun operation in the City. Director Holm indicated the current company has nine (9) scooters. He expressed his concern for clutter and safety issues although he believes these concerns were addressed with speed limits and geofencing (technology to dictate how fast and where the scooters can travel). Mr. Fife stated the parameters would be given to the company(s) per the specified departments. Director Fredericksen expressed his concern for Americans with Disabilities Act (ADA), signage, and, the docking locations on public Right of Ways, which would require electricity. He also believes these concerns were addressed in the proposed ordinance. Director Cramer stated there is interest in promoting multi-modes of transportation in a safe way. Councilmember Radford questioned the current electric bikes. Mr. Fife stated electric bikes would be treated similar to regular bicycles. He noted private use and business regulations were discussed. Chief Johnson stated this will not come with additional enforcement of officers. He believes the geofencing and speed limit will assist with this issue. He also stated bicycles being dumped were considered lost property. There will be a requirement for the agent/company to pick up discarded bikes/scooters. Mr. Fife noted there is currently no direct commercial interest in town. Councilmember Radford believes regulation is important and it is unrealistic to think these are not coming. He also believes there will be a cost to the City, specifically with the IFPD. He is in favor of exempting smaller companies although large companies should help pay for the City's operation costs. Brief discussion followed regarding franchise fees, licensing fees, sidewalk rules, speed limits, injuries/lawsuits, and, the downtown area. This item will be included on the November 26 Council Meeting agenda.

There being no further business, the meeting adjourned at 6:24 p.m.

CITY CLERK

MAYOR

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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 14, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in 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
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Kailey Johnson, a sophomore at Compass Academy and Senior Girl Scout in Troop 733, 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.

Catherine Smith, Idaho Falls resident and Idaho Falls Downtown Development Corporation (IFDDC) Executive Director, appeared. Ms. Smith expressed her concern with downtown scooters. She likes the idea of another mode of transportation although she expressed her concern with the speed limits. She believes 15 mph is too fast for downtown sidewalks as they are some of the busiest sidewalks. She suggested a solution to slow down traffic on the sidewalk is to provide a rule that scooter riders must dismount through a crosswalk. Ms. Smith also stated IFDDC is now managing the on-street parking following the October 10 Council Meeting. She indicated IFDDC is actively working hard to respond to concerns.

Carter Smith, Idaho Falls resident, appeared. Mr. Smith stated he believes the City should have a skate park downtown. He stated it would be more fun to bring in tourists with skateboarding kids.

Jake Durtschi, Idaho Falls resident and IFDDC Chairperson for the Idaho Falls Park Advisory Board, appeared. Mr. Durtschi stated IFDDC performed two (2) years of research, including other cities, to move parking forward for growth. He concurred with Ms. Smith regarding hiccups that have occurred due to past enforcement. He noted no rules have been changed and IFDDC is only enforcing the rules that have been in place.

Jim Pletcher, husband to an owner of a downtown shop, appeared. Mr. Pletcher stated he has been attending IFDDC meetings as an observant and with the perspective as a retail owner. He believes the process has been excellent and there has been a lot of hard work and thought. He stated there has not been rigidity and there is flexibility put in place to evaluate changes. He also stated getting the two (2) hour parking more into the hand of the customers, clients, and, visitors is the goal to proceed with. Mr. Pletcher is in strong favor of that approach.

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Tasha Taylor, Idaho Falls resident and member of the IFDDC Board, appeared. Ms. Taylor concurred with Mr. Durtschi and Ms. Smith. She believes there should have been support from the City. She also believes the misconception is the lack of communication. Ms. Taylor requested support for downtown.

Consent Agenda:

Idaho Falls Power requested approval of minutes from the October 17, 2019 Special Council Meeting.

The Fire Department requested approval of Bingham County Ambulance Service Agreement; and, Firefighter Personal Protective Equipment (PPE).

Municipal Services requested approval of the Treasurer's Report for the month of September, 2019; Bid IF-20-D Backhoe Loader for Public Works; Bid IF-20-F Used Tractor with Mower for Parks and Recreation; Bid IF 20-G Pierce Enforcer Pumper Truck Fire Department; and, Bid IF-20-H Two Dump Trucks for Public Works.

The City Clerk requested approval of minutes from the October 21, 2019 Council Work Session; October 24, 2019 Council Meeting; and, November 8, 2019 Executive Session and Special Council Meeting; and, license applications, all carrying the required approvals.

Councilmember Radford noted, for those present, that many of the items on the Consent Agenda were worked through during previous budget meetings.

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

It was then moved by Councilmember Smede, seconded by Councilmember Freeman, to remove item 5.B.2) Parks and Recreation, War Bonnet Round Up Association Agreement, from the agenda as it is not ready for consideration. This item will be added to a future agenda following additional discussion. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Regular Agenda:

Community Development Services

Subject: Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 1.753 acres, SW1/4, Section 26, T 2N, R 37E

For consideration is an application for Annexation and Initial Zoning of HC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2North, Range 37 East. The application was considered by the Planning and Zoning Commission at its October 2, 2018 meeting and recommended approval by unanimous vote. Because the Commission's recommendation was over a year old the annexation and initial zoning was reconsidered by the Commission at their November 12, 2019 meeting and again recommended for approval. Staff recommends approval of the application.

Councilmember Smede stated this property is located north of Jackson Hole Junction. The intent is to use the property for commercial uses. This annexation is Category A, requested by the property owner. There are services readily available in the area.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance annexing M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, under

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a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3280

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.753 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; 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 annexation of M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to assign a Comprehensive Plan designation of Medical Services Center and to approve the ordinance establishing the initial zoning for M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning Office. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3281

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.753 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC, HIGHWAY COMMERCIAL 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 Initial Zoning for M&B: Approximately 1.753 acres, South West 1/4, Section 26, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Loder Subdivision

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Loder Subdivision. The application was considered by the Planning and Zoning Commission at its October 2, 2018 meeting and recommended approval by unanimous vote. Because the Commission's recommendation was over a year old the plat was reconsidered by the Commission at their November 12, 2019 meeting and again recommended for approval. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

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Councilmember Smede questioned this final plat, versus a preliminary plat, due to this area being annexed in the previous motions. Community Development Services Director Brad Cramer stated there are a number of requirements in the subdivision ordinance for a preliminary plat. However, because this is one (1) lot and it follows existing roadways the ordinance does not require a preliminary plat. Councilmember Smede stated this property is currently vacant, undeveloped land and is a single-lot plat. The property will require development of sidewalks along the frontage and during modification of the Jackson Hole Junction improvement drawings. Mayor Casper questioned development along the interstate including the frontage road. She also questioned placing a walking area next to the interstate where there is only one (1) road entrance into the parcel. Director Cramer confirmed the sidewalk is on the Pioneer Road side and will most likely be on only one (1) side of Pioneer Road. He indicated the parcel is small enough that a single access will likely be adequate for emergency services although it would require internal accommodation if needed. He stated if shared access is required a second entrance would be added. Councilmember Francis questioned the final plat being drawn up prior to annexation. Director Cramer stated this was previously a common practice. He also stated both these items were approved more than a year ago and it is a fairly simple plat. Councilmember Dingman questioned the property owner being located so closely to Jackson Hole Junction. Director Cramer does not recall the owner of property but he stated this property would not be part of the Jackson Hole Junction plat.

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

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Loder Subdivision, 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.

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 Loder Subdivision, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Brookside Division No. 6

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Brookside Division No. 6. The application was considered by the Planning and Zoning Commission at its June 4, 2019 meeting and recommended approval by unanimous vote. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

Councilmember Smede stated two (2) previous preliminary plats were approved for this area in 2001 and 2008. The land was annexed into the City in March 2018. The developer has previously worked with the City to allow water lines to run through the County property. A variance was previously approved which serves to allow development and to protect water line placement. Councilmember Smede stated there are seven (7) buildable lots and all will be completed in a single phase as detached, single-dwelling units.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Brookside Division No. 6, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – Radford. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Brookside Division No. 6, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final

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Plat. Roll call as follows: Aye – Councilmembers Freeman, Smede, Francis, Dingman, Hally. Nay – Radford. 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 Brookside Division No. 6, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Francis, Dingman, Smede, Freeman. Nay – Radford. Motion carried.

To the response of Mayor Casper, Councilmember Radford expressed his concern with amended plats when the infrastructure is not being fully played out through whole subdivision plats.

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Winter Sunnyside Development Division No. 1

For consideration is the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Winter Sunnyside Development Division No. 1. The application was considered by the Planning and Zoning Commission at its June 4, 2019 meeting and recommended approval by unanimous vote. The plat complies with all requirements of the Subdivision Ordinance. Staff recommends approval of the application.

Councilmember Smede stated this property was annexed in April 2018. The single building has since been removed and the property contains a single commercial lot. Councilmember Smede stated direct access to Sunnyside Road for just this lot will not be allowed. The plat establishes a shared access easement for the property to the east. Cross access will be encouraged so potential development of properties to the west could utilize the shared access. To the response of Councilmember Francis, Director Cramer confirmed there will be access to the east so it will not encroach onto residential property. The hope is to share access on the west. To the response of Councilmember Radford, Director Cramer confirmed that Public Works believes this is the least obtrusive way to provide access and protect the major thoroughfare. Councilmember Radford questioned an access road off the main road. Director Cramer stated it is not a warranted need in this situation.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Winter Sunnyside Development Division No. 1, and give authorization for 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.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Winter Sunnyside Development Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. 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 Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Winter Sunnyside Development Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Parks and Recreation:

Subject: Purchase and Sale Agreement between the City of Idaho Falls and Robert Elden Pennock

For consideration is a Purchase and Sale Agreement between the City of Idaho Falls and Robert Elden Pennock for the land next to Heritage Park that will allow the City to develop Heritage Park and connect the park to the south end of Milligan Road.

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Councilmember Freeman stated there have been issues since the property was donated for Heritage Park and there is a need for property for the next step of development. Director Holm stated there was a need to move power lines from the middle of the park to the western right-of-way along the outside of the park. The Engineering Department stated more property was needed for future widening of Milligan Road for adequate turning lanes. Councilmember Freeman stated this property will also connect to the River Walk. Councilmember Dingman questioned the purchase price. Director Holm stated the purchase price was through real estate comps, the final comp was \$45,000 per acre or \$1.01 per square foot for .31 acres. Councilmember Freeman believes this is a step forward in right direction. Councilmember Radford believes there has been a lot forethought and planning for Heritage Park. He is excited for the use of the Snake River as part of a natural park and a connection to the trail system that is now approaching 30 miles around the river. He believes park property along the river is a win for everyone.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Purchase and Sale Agreement with Robert Elden Pennock for a total amount of \$14,000, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: War Bonnet Round Up Association Agreement

This item was removed from the agenda.

Fire Department

Subject: Idaho Falls Community Hospital Transport Service Agreement

For consideration is the contract between Idaho Falls Community Hospital and the CITY for Transports that originate from IF Community Hospital and transport patients to other medical facilities. This two (2) year professional services contract will provide new services with an Eastern Idaho Medical Center.

Councilmember Francis stated this is a two (2) year agreement with one (1) year extension by mutual agreement. The Idaho Falls Fire Department (IFFD) will be the first call and primary provider. Councilmember Francis noted two (2) typos and an issue on page 4 of the agreement. He stated paragraph 1.8.d.iii should read “fee schedule as established by the City of Idaho Falls”. He noted Legal staff will correct the issue. Councilmember Radford questioned the distribution of ambulance runs between the two (2) hospitals. Fire Chief Duane Nelson stated the agreement is only for transports out of the Idaho Falls Community Hospital and is established for movement of patients between medical facilities within or outside the City. This does not include 911 responses. Chief Nelson also stated protocol has been set up for what each facility can and are willing to receive and, how to decide which patient goes to which hospital. He clarified a patient always has the choice of hospital. Councilmember Freeman stated this is similar to other County agreements. Chief Nelson stated this agreement requires a contract with other hospitals from what was previously a 911 dispatch call.

It was moved by Councilmember Francis, seconded by Councilmember Freeman, with the modified wording as previously discussed and legal making the corrections for the contract, to approve the Healthcare Transportation Service Agreement with Idaho Falls Community Hospital, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Fire Department Lease Purchase Agreement

It is the recommendation to approve the Master Lease Purchase Agreement with PNC Equipment Finance, LLC with a five-year lease term.

Councilmember Francis stated this is a five (5) year lease purchase. He also stated this item was thoroughly discussed at the October 21 Council Work Session. The first payment will be due October 2020 and the annual

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payment will be paid from the IFFD Municipal Equipment Replacement Fund (MERF). The new truck will replace the current truck which is reaching its end of service and will go into reserve. Councilmember Francis stated the new truck will help the City keep the Insurance Services Office (ISO) rating. Councilmember Radford believes this is a good situation at this time. He stated the IFFD is trying to keep the MERF whole and will continue to allocate money into the MERF. At Mayor Casper's request, Councilmember Radford briefly explained the MERF for those present.

It was moved by Councilmember Francis, seconded by Councilmember Radford, to approve the Master Lease Purchase Agreement with PNC Equipment Finance, LLC for a Ladder Truck, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

Announcements:

Councilmember Francis expressed his appreciation to all those in attendance. Mayor Casper stated the Idaho National Laboratory (INL) will be assisting with the CyberForce Competition on November 15 and 16. The competition includes nine (9) Idaho teams. She also stated the Festival of Trees begins the week of November 18; and, the Centennial Ball, celebrating 100 years, will be held at the Colonial Theatre on November 22.

There being no further business, the meeting adjourned at 8:23 p.m.

CITY CLERK

MAYOR

REGULAR

AGENDA:



MEMORANDUM

FROM: Interdepartmental

DATE: Tuesday, November 26, 2019

RE: E-Scooter/E-Bike Ordinance

Item Description

Please find attached an ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted by several City departments including: Police; Public Works; Community Development Services; Parks & Recreation; Legal Services, and the Mayor's Office Economic Development Coordinator.

Purpose

The purpose of this ordinance is to provide comprehensive regulation of E-bike and E-scooter operations in Idaho Falls. Encouraging E-scooter and E-bike operations follows the community results Idaho Falls seeks to achieve. Additional mobility options aids in the effort to be a livable community, and one that places value on transportation and safety.

Fiscal Impact / Financial Review

The anticipated cost of administering this ordinance is expected to be minor. A nominal Dockless Bikeshare Program registration fee will be assessed.

Legal Review

The ordinance was drafted and reviewed by the Legal Services Department.

Interdepartmental Review

The Police, Public Works, Parks & Recreation, Community Development Services, and Municipal Services departments, as well as the Mayor's Office Economic Development Coordinator have reviewed this ordinance.

Recommended Action

To approve the Ordinance amending Title 9 by the addition of Chapter 8, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary.



☐ Economic



☐ Governance



☐ Growth



☐ Learning



☒ Livable



☒ Safety



☐ Sustainability



☒ Transportation

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, technology has developed dockless E-bikes and E-scooters so that they are popular and useful within an urban environment, such as the City and its downtown business district; and

WHEREAS, the “sharing economy” promotes and sustains Dockless Bikeshare Programs; and

WHEREAS, the City desires to incorporate E-bike and E-scooter uses and programs within the City’s transportation system; and

WHEREAS, E-bike and E-scooter technology and shared economy systems are best regulated with a comprehensive plan to allow uses of E-bikes and E-scooters in City transportation corridors and on public properties within the City; and

WHEREAS, the Council believes that this Ordinance accomplishes the goals and needs of cities regarding safety, convenience, availability, predictability, and use.

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

SECTION 1. Title 9, Chapter 8, of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

9-8-1: DEFINITIONS. The following terms, whenever used in this Chapter, shall have the meaning ascribed below:

ABANDONED E-BIKE OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left or remaining unattended or unused in a public place for forty-eight (48) consecutive hours or longer after it is tagged with a notice of intention to abate.

ALLOWED USE AREA. A section of the City, designated by “geofencing” technology or otherwise, where dockless bikeshare programs utilizing E-bikes and E-scooters may operate.

BICYCLE PATH. A travel way, as defined in Title 9 Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

BICYCLE ROUTE. A travel way, as defined in Title 9 Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

CROSSWALK. (a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one (1) side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DOCKLESS BIKESHARE PROGRAM. A person or entity that provides E-bikes and E-scooters for rent to the general public within a geographical area or City including rental of bicycles, E-bikes, and E-scooters controlled by a computer program or application (such as a smart phone app) and where individual units can be located by GPS.

ELECTRIC ASSISTED BICYCLE (E-bike). A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) "Class 3 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An E-bike is not a "motor vehicle" as defined in Idaho Code Title 49, Chapter 1, for purposes of this Chapter.

ELECTRIC ASSISTED SCOOTER (E-Scooter). A two (2) wheeled device that has handlebars, a floorboard designed to be stood upon when riding, and an electric motor with a power output of not more than three hundred (300) watts that: (a) is incapable of propelling the device at a speed of more than fifteen (15) miles per hour; (b) gives the operator the option to propel the device exclusively under human power without the assistance of the motor, and (c) disengages or ceases to function when the device's brakes are applied. An E-scooter is not a "motor vehicle" as defined in Idaho Code Title Code Title 49, Chapter 1, for purposes of this Chapter.

OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

OPERATOR. A person or persons in exclusive control of an E-bike or E-scooter and using the device for transportation.

PUBLIC PLACE. Any publicly owned or operated property, including, but not limited to, sidewalks, streets, alleys, rights-of-way, parks, and plazas located within the City's jurisdictional limits.

RIDER. A person or persons using an E-bike or E-scooter for transportation, other than the operator.

9-8-2: TRAFFIC LAWS APPLY TO PERSONS RIDING E-BIKES AND E-SCOOTERS.

A. Every person, regardless of age, who operates an E-bike or E-scooter upon a roadway, public parking lot, sidewalk, bicycle path, bicycle route, or other public vehicular right-of-way in the City shall be granted the same rights and shall be subject to the same responsibilities applicable to a motor vehicle operator by Idaho Code. Provisions of this Chapter not in conflict with Title 49, Idaho Code also apply, except to the extent those laws and ordinances by their very nature can have no application to E-bikes or E-scooters.

B. Exemptions. Any Idaho peace officer, as defined in Idaho Code Section 19-5101(d), operating an E-bike or E-scooter in the course and scope of their official duties is exempt from the requirements of Subsection A of this Section, if the E-bike or E-scooter is being operated under any of the following circumstances:

1. When responding to a 9-1-1 call;
2. While en route to or engaged in rescue operations; or
3. While actively pursuing an actual or suspected violator of the law.

9-8-3: REQUIRED EQUIPMENT. No person shall operate an E-bike or E-scooter without the following features:

A. Brakes capable of causing the E-bike or E-scooter to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement; and

B. A bell or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no E-bike or E-scooter shall be equipped with nor shall any person use upon an E-bike or E-scooter any siren or whistle; and

C. A red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of the lawful upper beams of a motor vehicle, and a forward-facing, white electric light visible from a distance of at least five hundred feet (500') in front of the E-bike or E-scooter. Any

E-bike or E-scooter equipped with a generator-powered light that is unlit when the E-bike or E-scooter is stopped shall also have a front-facing white or yellow reflector visible at least five hundred feet (500') in front of the E-bike or E-scooter when directly in front of the lawful upper beams of a motor vehicle.

9-8-4: OPERATING E-BIKES OR E-SCOOTERS.

A. No person riding or operating an E-bike or E-scooter shall place themselves other than upon or astride a permanent and regular seat or floorboard attached thereto.

B. No E-bike shall be used to convey more persons at one time than the number for which it is designed and equipped.

C. No E-scooter shall be used to carry more than one (1) person at one time.

D. Every person operating an E-bike or E-scooter shall keep at least one (1) hand on the handlebars at all times while the E-bike or E-scooter is in motion and shall not use the E-bike or E-scooter to transport any items or luggage other than with a backpack or other such device that allows the operator to carry something without actively holding it in the hands or arms.

9-8-5: CLINGING TO MOTOR VEHICLES. Persons operating E-bikes or E-scooters shall not hold on to, cling to, or attach themselves or such E-bikes or E-scooters to a moving motor vehicle.

9-8-6: RIDING ON ROADWAYS. No person shall operate an E-bike or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings. The operator of an E-bike or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, except where unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the E-bike or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing. When an operator is within fifty feet (50') of an intersection, they shall not be required to move to the right or left until they have moved through the intersection.

9-8-7: OPERATING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS.

A. An E-bike or E-scooter may be operated upon a sidewalk and upon and within a crosswalk, except where prohibited by official traffic control devices, or when the number of pedestrians using the sidewalk or crosswalk renders operating the E-bike or E-scooter unsafe because of the risk of colliding with pedestrians, in which case the operator of an E-bike or E-scooter must dismount and walk the E-bike or E-scooter to an area where safe riding may resume.

B. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing

such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.

C. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of an E-bike or E-scooter traveling on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

9-8-8: E-BIKE AND E-SCOOTER PARKING. E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs, streetlights, benches, or other affixed public property.

9-8-9: RECKLESS OR INATTENTIVE OPERATION. It shall be unlawful for any operator using an E-bike or E-scooter recklessly, inattentively, carelessly, heedlessly or at a greater speed than reasonable or prudent, under circumstances existing, on any property open to public use including any roadway, bicycle route or bicycle path.

9-8-10: MAXIMUM POSTED SPEED LIMITS. All E-bike or E-scooter operators shall obey all posted maximum speed limits. E-bikes and E-scooters shall not travel faster than fifteen (15) miles per hour on City sidewalks.

9-8-11: REMOVAL OF IDENTIFICATION TAG. It shall be unlawful for any person to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City, other than following the lawful sale or gift of such E-bike or E-scooter to another.

9-8-12: NO E-BIKES OR E-SCOOTERS AT ZOO. It shall be unlawful for E-bikes, and E-scooters to operate in the Idaho Falls Zoo at Tautphaus Park.

9-8-13: DOCKLESS BIKESHARE PROGRAM BUSINESS LICENSE AND E-BIKE AND E-SCOOTER REGISTRATION.

A. The City, as a matter of public policy, requires all Dockless Bikeshare Programs doing business in City limits to have a City Dockless Bikeshare Program business license and to have all of their E-bikes or E-scooters registered with and tagged by the City Police Department ("IFPD") or its designated agents. The purpose of such Dockless Bikeshare Program business licensing and E-bike and E-scooter registration is to assist the City, or other public safety agencies, in recovering E-bikes or E-scooters should they be stolen or otherwise misplaced.

B. Every Dockless Bikeshare Program wishing to do business in the City shall obtain and retain a Dockless Bikeshare Program business license prior to such Program's operation in the City. Such license shall be issued annually. Failure to hold a current Dockless Bikeshare Program

business license, or to renew an expired license within ten (10) days after its expiration, shall result in the immediate impounding of all Dockless Bikeshare Program's E-bikes and E-scooters until such license deficiency is remedied. The Dockless Bikeshare Program shall be liable for the daily expense of impounding the E-bikes and E-scooters until Dockless Bikeshare Program license annual renewal or the sale of the impounded E-bikes or E-scooters by the City.

C. Every Dockless Bikeshare Program shall register every E-bike and E-scooter by filing with the City the name and address of the owner, together with a complete description of the E-bike or E-scooter on forms provided by or made available through the City. The fee for said registration shall be established from time to time by Resolution of the Council. The registration fee applies for the entire period the licensed registrant owns the licensed device. Registration shall be serially numbered and kept on file by the City. Upon such registration, the City or its designee shall cause an identification tag to be affixed to each registered E-bike or E-scooter which shall be serially numbered to correspond with the registration number. Such identification tag shall remain affixed to the E-bike or E-scooter unless removed by IFPD for re-tagging upon re-registration.

D. It shall be unlawful for a Dockless Bikeshare Program to fail to register or to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City.

9-8-14: DOCKLESS BIKESHARE PROGRAM REGULATIONS.

A. Each Dockless Bikeshare Program doing business in the City shall, under the direction and with the permission of the Parks and Recreation Department and Public Works Department, establish allowed use areas and designate locations within allowed use areas for E-bikes and E-scooters to be returned after daily collection and recharging.

B. Dockless Bikeshare Programs shall ensure any E-bikes and E-scooters belonging to the Program found beyond the allowed use areas are collected and relocated within one (1) hour of being found beyond an allowed use area during business hours (8 a.m. to 5 p.m. local time), and within two (2) hours at all other times.

C. An E-bike or E-scooter belonging to a Dockless Bikeshare Program shall prominently display the 24/7 contact phone number of the Dockless Bikeshare Program to which it belongs in a conspicuous and permanent location on the frame of the E-bike or E-scooter. Anyone shall be able to call the number, whether or not the caller is a current customer of the Dockless Bikeshare Program.

D. All E-bikes and E-scooters operating in the City pursuant to a Dockless Bikeshare Program license shall operate with built-in computer programming that prevents the E-bike or E-scooter from reaching speeds above thirty (30) miles per hour.

9-8-15: NOTICE OF VIOLATION AND PROCEDURES.

Upon observing any violation of the provisions of this Chapter, the City is authorized to serve a notice of violation by personally serving the person violating the provisions of this Chapter with a citation.

9-8-16: LABELING REQUIREMENT. Owners, Dockless Bikeshare Programs, manufacturers, and distributors of E-bikes or E-scooters shall apply a label in legible type that is permanently affixed in a prominent location, to each E-bike or E-scooter or the E-bike or E-scooter shall not be permitted on public property, roadways, rights-of-way, sidewalks, bicycle paths, or bicycle routes within the City. The label shall contain the top assisted speed and motor wattage of each E-bike or E-scooter to be requested.

9-8-17: TAMPERING RESTRICTION. It shall be unlawful for any person to knowingly modify an E-bike or E-scooter so as to change its speed capability.

9-8-18: CPSC COMPLIANCE. All E-bikes and E-scooters shall comply with the relevant equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission.

9-8-19: REMOVING E-BIKES AND E-SCOOTERS, NUISANCE ABATEMENT.

A. Nuisance Declared. One (1) or more abandoned or obstructive E-bikes E-scooters, or any part thereof, in public places promotes urban blight, invites theft and vandalism, and creates a hazard to the general public's health, safety, and welfare, and thereby constitutes a public nuisance. Abandoned or obstructive E-bikes, E-scooters, or any part thereof shall be abated in accordance with this Chapter.

B. Prohibited Behavior. No person shall abandon an E-bike, E-scooter, or any part thereof in a public place. No person shall leave an obstructive E-bike, E-scooter, or any part thereof, in a public place.

C. Enforcement. In accordance with this Chapter, the City, IFPD, and designee is authorized to mark abandoned or obstructive E-bikes, E-scooters, or any part thereof, for abatement by removal and to order the removal and impoundment of such abandoned or obstructive E-bikes, E-scooters, or any part thereof, from a public place.

D. Notice Of Intention To Remove Abandoned E-Bikes, E-Scooters, Or Any Part Thereof. All notices of intention to remove shall be firmly and conspicuously affixed to the abandoned and/or obstructive E-bike, E-scooter, or any part thereof. The notice of intention to remove shall contain: the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the notice was posted; the date and time after which the E-bike, E-scooter, or any part thereof shall be removed; and the contact information and address for the location where the E-bike, E-scooter, or any part thereof, shall be impounded, and information on how to request a post-storage administrative review.

E. Notice Of Removal Of Obstructive E-Bike, E-Scooter, Or Any Part Thereof. All notices of removal of an obstructive E-bike, E-scooter, or any part thereof shall be firmly and conspicuously posted as near as possible to the location from where the obstructive E-bike, E-scooter, or part was removed. The notice of removal shall contain the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the E-bike, E-scooter, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement Of Abandoned E-Bike, E-Scooter, Or Any Part Thereof. Not less than forty-eight (48) hours after the posting of a notice of intention to abate by removal, the City may remove and impound an abandoned E-bike, E-scooter, or any part thereof.

G. Storage. All abated abandoned and obstructive E-bikes, E-scooters, or parts shall be stored and disposed of by the City in accordance with Idaho Code. Reasonable storage fees, in an amount established from time to time by Resolution of the Council, shall be charged to the owner of the abated E-bike, E-scooter, or any part thereof, to cover the costs of removal, impoundment, storage, recordkeeping, and other associated costs. Owners shall be required to pay all storage fees in full prior to the release of E-bikes, E-scooters, or any parts thereof.

H. Post-Storage Administrative Review. Whenever an abandoned or obstructive E-bike, E-scooter, or any part thereof, is abated and impounded by the City, the owner of such property shall be provided with the opportunity for a post-storage administrative review to determine the validity of the removal and storage of such property. In order for an owner to receive a post-storage administrative review, the owner shall request the review in writing from the City within fourteen (14) business days of the posting of the notice of intention to abate. The City shall conduct the post-storage review within forty eight (48) hours of the request, excluding weekends and holidays. Failure by the owner to request or to attend a review shall validate the impoundment and storage of that owner's E-bike, E-scooter, or part thereof. If it is determined at the review that there was not reasonable cause to deem the abated E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

I. Disposal. Any E-bike, E-scooter, or part thereof that is abated and impounded under this Chapter and that is not claimed and redeemed by its owner within the time limits set forth in Idaho Code shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated E-bikes, E-scooters, or parts thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property.

9-8-20: LIABILITY INSURANCE. Every Dockless Bikeshare Program operating in the City shall carry liability insurance naming the City as an insured, with a minimum one million dollars (\$1,000,000) annual coverage policy. Each Dockless Bikeshare Program operating in Idaho Falls

also indemnifies and agrees to hold harmless the City for damages in connection with the unsafe operation of any E-bike or E-scooter owned by such Dockless Bikeshare Program.

9-8-21: PENALTIES. Unless otherwise specifically provided in this Chapter, any person who violates any provision of this Chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by a civil infraction penalty, as established from time to time by Resolution of the Council.

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

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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of November, 2019.

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 CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO
PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-
SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY,
CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING
EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

FROM: Municipal Services Department

DATE: Tuesday, November 19, 2019

RE: Approve Ordinance to Adopt Changes to Titles 4 and 7, License Expiration Dates

Item Description

The Municipal Services Department recommends approval to adopt changes to license expiration dates for all business and tradesman licenses.

Purpose

The current expiration date for business and tradesman licenses is December 31. In efforts to improve the licensing process, the City is transitioning to new software that accept different dates for license expiration. The approval of this ordinance change supports the good governance result by improving the licensure process by allowing different dates for license expiration.

Fiscal Impact / Financial Review

The fiscal impact to new licenses will now get twelve months of value out of each license fee. Whereas before applicants might only see a partial year's value out of a license fee.

Legal Review

Legal has amended this ordinance pursuant to Idaho State Statute.

Interdepartmental Review

Reviews have been conducted with all necessary city departments to ensure coordination of ordinance changes.

Recommended Action

To adopt changes to titles 4 and 7 and authorize the Mayor and City Clerk to execute the necessary documents, or take other action deemed appropriate.



☐ Economic



☒ Governance



☐ Growth



☐ Learning



☐ Livable



☐ Safety



☐ Sustainability



☐ Transportation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 5, 6, 7, 8, 11, 12, 13, 14, 15, AND 16, OF TITLE 4 AND CHAPTER 9 OF TITLE 7 OF THE IDAHO FALLS CITY CODE TO PROVIDE LICENSE RENEWALS TO EXPIRE ONE CALENDAR YEAR FOR THE DATE OF ISSUANCE AND TO CLARIFY THE PROCEDURES TO OBTAIN THE CITY'S ITERANT MERCHANT'S AND MOBILE FOOD LICENSES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, many of the City licenses expire December 31 of the calendar year the license is issued, regardless of when the license was issued; and

WHEREAS, the City desires to give full value to its residents and business owners who are required to receive City licenses; and

WHEREAS, that requiring City licenses to be renewed annually on the date that they are issued will improve the City's effectiveness.

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

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

4-5-4: TERM OF LICENSE: Each license issued under this Chapter shall expire ~~on December 31 of the year for which it is issued~~ one (1) year from the date the license is issued.

SECTION 2. Title 4, Chapter 6, Section 12, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-6-12: LICENSE EXPIRATION: All licenses issued under this Chapter shall expire ~~at 12 midnight, December 31 of the year for which the license is issued~~ one (1) year from the date that the license is issued.

SECTION 3. Title 4, Chapter 7, Section 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-7-9: RENEWAL OR REINSTATEMENT OF LICENSE:

(A) Every contractor license shall be issued on a calendar year basis to expire one (1) year from the date that the license is issued. ~~on December 31st of each year. The first year's fee shall~~

~~be pro-rata, based upon when the license is granted. A contractor shall be entitled to renew such contractor's license upon satisfaction of the requirements of this Chapter. A license renewal application may be submitted to the City beginning on December 1st through and including the last day of January without a late fee. Thereafter, a late fee in an amount set from time to time by Resolution of the Council, shall be collected to offset administrative costs incurred as a result of such late renewal. Unless an expired license is renewed within one (1) year of its expiration, the contractor shall be required to make a new application and satisfy all of the then-existing contractor licensing requirements. License renewal applications shall be mailed by the Director no later than November first of each year to every licensed contractor at the address provided by the contractor. The failure to receive a renewal application shall not excuse untimely license renewal.~~

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

4-8-7: TERM OF PERMIT: Every permit issued under this Chapter shall expire ~~on~~two (2) years from the date that the license is issued on December 31 of the year after the permit is issued, which expiration date shall be endorsed on the face of the permit and the identification badge provided by the Police City Clerk. ~~The permit fee required under Section 4-8-4 hereof shall be payable in full regardless of the time of year in which the permit is issued.~~

SECTION 5. Title 4, Chapter 11, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-11-6: LICENSE EXPIRATION: A license issued under this Chapter shall expire one (1) year from the date that the license is issued at midnight local time on December 31 of the year for which it is issued.

SECTION 6. Title 4, Chapter 12, Section 13, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-12-8: LICENSE FEE: At the time of making application, applicants for an itinerant merchant's license shall pay to the ~~City Clerk~~ a license fee in an amount set from time to time by Resolution of the Council, plus ~~an~~ a background investigation fee as provided in this Chapter. The license fee and the background investigation fee shall be not be refunded if the license is denied.~~;~~ The investigation fee shall be nonrefundable.

...

4-12-11: INVESTIGATION OF APPLICANT AND ISSUANCE OF LICENSE:

- (A) On receipt of the application and the license and investigation fees, the ~~City Clerk~~ shall forward the itinerant merchant's license application to the Chief of Police, who shall make an investigation to verify the information in the application. The Chief of Police shall report his findings to the ~~City Clerk and City Council~~ as soon as reasonably possible, but no later than thirty (30) days after the application is filed with the ~~City Clerk~~.

(B) On receipt of the report of the Chief of Police, the Clerk shall approve or deny the application. ~~forward the application and the Chief's report to the City Council for its approval or denial.~~

(C) The ~~City Council~~ Clerk shall approve issuance of a license unless the applicant or any officer, agent or employee of an applicant has:

(1) Been convicted of any felony or crime of moral turpitude, in any jurisdiction, within five (5) years prior to the date of the application;

(2) Made a false statement on the application;

(3) Had any business-related permit or license revoked by any jurisdiction within five (5) years prior to the date of the application.

(D) If the Clerk denies the application, the applicant may appeal the decision to the Council.

(E) Licenses issued under this Chapter shall show the name and address of the licensee and the dates of issuance and expiration of the license.

...

4-12-13: TERM OF ITINERANT MERCHANT'S LICENSE: The term of an itinerant merchant's license shall expire one (1) year from the date that the license is issued. ~~commence on the date of issuance and shall end not later than 12:00 o'clock midnight on December 31 of the year in which the license is issued.~~

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4-12-19: LICENSE APPLICATIONS: Applications for mobile food vendor licenses shall be made at the office of the ~~City~~ Clerk on a form furnished by the City. The application shall state the applicant's full name and residential address, the business name under which the applicant will be operating and the address of the applicant's principal place of business, a brief description of the food to be sold, the applicant's social security number or taxpayer identification number and a description and the license or registration numbers of each vehicle from which sales will be made. The application shall be accompanied by the mobile food vendor license fee ~~required by this Chapter~~ in an amount set from time to time by Resolution of the Council.

4-12-20: TERM OF MOBILE FOOD VENDOR LICENSE: The term of a mobile food vendor's license shall expire one (1) year from the date that the license is issued.

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4-12-21~~20~~: ISSUANCE OF LICENSE: On receipt of a completed application for a mobile vendor license and payment of the license fee, the ~~City~~ Clerk shall forward the application to the Chief of Police for review and recommendation for approval or denial. Within thirty (30) days from the date the application is filed with the ~~City~~ Clerk, the Chief of Police shall forward the

recommendation to the Clerk. The Clerk shall ~~forward the application and the Chief's recommendation to the City Council for its then approval or deny the application. ial.~~ If the Clerk denies the application, the applicant may appeal the decision to the Council ~~approves the application, the Clerk shall issue the license. If the Council denies the application is denied,~~ the license fee shall not be refunded to the applicant.

4-12-~~2221~~: LICENSE FEE: The fee for a mobile food vendor license shall be in an amount set from time to time by Resolution of the Council.

4-12-~~2322~~: LOCATION RESTRICTIONS: Mobile vendors and itinerant merchants making sales from vehicles operated on the City's public streets shall stop their vehicles at curbside before making any sales. Mobile vendors shall not make sales from vehicles parked, stopped or standing on public sidewalks of the City. Sales shall not be made to persons who are on public streets, but may be made to persons on public sidewalks.

4-12-~~2423~~: MOBILE FOOD VENDING IN PUBLIC PLACES:

- (A) Issuance of a mobile food vendor or itinerant merchant's license shall not entitle the licensee to conduct business on any street, sidewalk or other location within any park owned or maintained by the City.
- (B) No person shall conduct the business of a mobile food vendor within any park owned or maintained by the City except under a franchise contract approved by the City Council.

4-12-~~2524~~: LOCATION TIME LIMITS: No mobile vendor or itinerant merchant shall make sales from any one location on a public street for more than two (2) consecutive hours.

4-12-~~2625~~: SALES VEHICLE REGISTRATION: Any vehicle from which a mobile vendor or itinerant merchant makes sales shall be registered as required by State law.

4-12-~~2726~~: SALES VEHICLE EQUIPMENT: Mobile vendors and itinerant merchants shall not operate, move, park, stop or stand any sales vehicle on the City streets unless the vehicle is equipped as required by State law.

4-12-~~2827~~: TRAFFIC AND PARKING REGULATIONS: Mobile vendors and itinerant merchants shall comply with all State and City traffic and parking, stopping and standing laws, ordinances and regulations.

4-12-~~2928~~: LITTER CONTROL: Any sales vehicles operated by a mobile food vendor shall be equipped with suitable trash container readily accessible to the public, in which the vendor's customers may deposit any litter, trash or waste related to the vendor's sales. Prior to moving a sales vehicle from a sales location, a mobile food vendor shall pick up and remove all litter, trash and waste related to the vendor's sales within a one hundred foot (100') radius of the sales vehicle.

4-12-~~3029~~: REVOCATION OF LICENSE: The City Council may revoke a mobile food vendor license if the licensee violates any provision of this Chapter.

4-12-30: (Repealed):

SECTION 7. Title 4, Chapter 13, Section 9, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-13-9: LICENSE APPROVAL, DENIAL AND ISSUANCE: Applications for licenses required under this Chapter shall be forwarded by the ~~City~~Clerk to the ~~City~~Council for its approval or denial. Upon approval of an application, the ~~City~~Clerk shall issue the license, which shall expire one (1) year from the date that the license is issued. If a license application is denied by the ~~City~~Council, the license fee shall not be refunded to the applicant. A license may be denied upon proof that the licensee has violated any provision herein, has supplied any false or materially misleading information in his or her application, or has previously been convicted of any felony.

SECTION 8. Title 4, Chapter 14, Section 6, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-14-6: LICENSE APPROVAL AND ISSUANCE: Applications for licenses required under this Chapter shall be forwarded by the ~~City~~Clerk to the ~~City~~Council for its approval or denial. Upon approval of an application, the ~~City~~Clerk shall issue the license, which shall expire one (1) year from the date that the license is issued. If a license application is denied by the ~~City~~Council, the license fee shall not be refunded to the applicant.

SECTION 9. Title 4, Chapter 15, Section 6, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-15-6. License Fees. Any person providing Public Transportation Service shall pay an annual Public Transportation Service Operator's or Owner's license fee ~~a fee in an amount set from time to time by Resolution of the Council.~~ An issued license shall expire one (1) year from the date that the license is issued. ~~be issued for a period of three (3) months or longer and shall expire before midnight on December 31st of each year.~~

SECTION 10. Title 4, Chapter 16, Section 14, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-16-14: EXPIRATION OF PERMIT:

(A) Each permit shall expire one (1) year from the date that the permit is issued~~from the date of issuance~~ and may be renewed only by making application for a permit, as provided by in Section 4-16-11 of this Chapter. ~~(For renewals, filing of the original survey shall be sufficient.) of this Chapter.~~ Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.

(B) When the ~~City~~Council denies renewal of the permit, the applicant shall not be issued a permit under this Chapter for one (1) year from the date of denial. If, subsequent to denial, the ~~City~~Council finds that the basis for denial of the renewal of the permit has been corrected, the

applicant shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

SECTION 11. Title 7, Chapter 9 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-9-4: CITY SIGN CONTRACTOR'S LICENSE REQUIRED: It shall be unlawful for any person, partnership or corporation to erect or to engage in the business of erecting any sign as herein defined within the corporate limits of the City of Idaho Falls unless such person, partnership, or corporation shall have obtained a license from the City of Idaho Falls authorizing him or it to do sign contracting, or unless such persons are expressly exempted from the provisions hereof. Application for permits to erect signs will be accepted and permits granted only to such persons, partnership, or corporation as are licensed by the City of Idaho Falls to perform such sign contracting.

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

7-9-6: FEES AND LICENSE TERM: : Fees for sign contractor's license shall be in an amount set from time to time by Resolution of the Council. Every sign contractor license shall be issued on a calendar year basis to expire one (1) year from the date that the license is issued, -and shall not be prorated for portions of a year for renewal of license.

7-9-7: BOND REQUIRED: No sign contractor shall be issued a permit for the erection of a sign in the City until such person shall have filed with the ~~City~~ Clerk a bond in an amount set from time to time by Resolution of the Council conditioned upon compliance with this Sign Code.

SECTION 12. 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 13. 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 14. 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 15. 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 2019.

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 CHAPTERS 5, 6, 7, 8, 11, 12, 13, 14, 15, AND 16, OF TITLE 4
AND CHAPTER 9 OF TITLE 7 OF THE IDAHO FALLS CITY CODE TO
PROVIDE LICENSE RENEWALS TO EXPIRE ONE CALENDAR YEAR FOR
THE DATE OF ISSUANCE AND TO CLARIFY THE PROCEDURES TO
OBTAIN THE CITY'S ITERANT MERCHANT'S AND MOBILE FOOD
LICENSES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION
BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

FROM: Chris H Fredericksen

DATE: Tuesday, November 19, 2019

RE: Resolution allowing the Mayor to approve Sewer Service Connections within Bonneville County – Local Improvement District (LID) No. 2

Item Description

Attached for your consideration is a Resolution would allow the Mayor to execute sanitary sewer service connection agreements to properties located within the Bonneville County Local Improvement District (LID) No. 2.

Purpose

The purpose of the agreement is to create a streamlined approval process for LID No. 2 residents to initiate the process of connecting to the City sanitary sewer service. LID No. 2 was created in 1977 and the property owners within its boundaries have been paying sewer assessment fees in the interim. The agreements require the signature of the City of Idaho Falls Mayor, and, in an effort to simplify the approval process, this resolution would permit Mayor to sign the agreements without the need to consult City Council.

Fiscal Impact / Financial Review

There is no cost impact of this resolution.

Legal Review

The City Attorney prepared the resolution.

Interdepartmental Review

Reviews have been conducted with all necessary departments to ensure coordination of project activities.

Recommended Action

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



☐ Economic



☒ Governance



☐ Growth



☐ Learning



☐ Livable



☐ Safety



☐ Sustainability



☐ Transportation

RESOLUTION NO. 2019- _____

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MEMORIALIZING CITY POLICY BY GRANTING THE MAYOR SPECIAL AUTHORITY TO EXECUTE CONTRACTS TO PERMIT OUTSIDE THE CITY CONNECTIONS TO PROPERTIES WITHIN THE GEOGRAPHIC BOUNDARIES OF THE LOCAL IMPROVEMENT DISTRICT NO. 2, ESTABLISHED BY BONNEVILLE COUNTY ORDINANCE NO. 108-7; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, on October 12, 1977, Local Improvement District No. 2 was established by Bonneville County Ordinance No. 108-7; and

WHEREAS, the purpose of the Local Improvement District No. 2 was to improve and construct the Bonneville County Woodruff-North Highway Sanitation Sewer along Woodruff Avenue; and

WHEREAS, in order to complete the construction of the sewer collection system a tax was assessed upon certain properties, as illustrated in Exhibit "A" attached hereto and incorporated as a part of this Resolution; and

WHEREAS, an express purpose of the Local Improvement District No. 2 was to permit those properties within the taxing area to connect to the sewer constructed from the collected taxes; and

WHEREAS, the Bonneville County Woodruff-North Highway Sanitation Sewer has been subsumed into and is now a part of the Idaho Falls City Sewer System; and

WHEREAS, the City assumed the duties and rights associated with the Bonneville County Woodruff-North Highway Sanitation Sewer, including the requirement to connect the properties within Local Improvement District No. 2; and

WHEREAS, some of the properties that are within Local Improvement District No. 2 are also located outside of the City's geographical limits; and

WHEREAS, timely execution of out of City connection agreements for the properties within the Local Improvement District No. 2 is necessary for the efficient accomplishment of City operations and economic development; and

WHEREAS, authorizing the Mayor to enter into such contracts will promote efficiency and timeliness.

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

1. The Mayor is granted specific authority to approve out of City connection agreements for those properties within the Local Improvement District No. 2.
2. Prior to execution, out of City Connection Agreements will be reviewed by the City Attorney.

This Resolution shall be in full force and effect from and after its passage by the Council.

ADOPTED and effective this _____ day of _____, 2019.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

Exhibit A

November 19, 2019

1" = 800'

IDAHO FALLS
PUBLIC
WORKS

