

BLACKFOOT CITY COUNCIL MEETING

July 1, 2014

7:00 P.M.

**Pledge of Allegiance**

Mayor Paul Loomis welcomed those in attendance and invited everyone to join him in the Pledge of Allegiance.

**Roll Call**

Roll call was taken and those in attendance were: Councilman Brown, Councilman Jensen, and Councilwoman Simpson. Councilman Gardner was absent.

**Consent Agenda**

Mayor Loomis presented the consent agenda which includes the following: Minutes from the 6/3/2014 City Council meeting and payables. Councilman Brown moved to approve the consent agenda as presented. Councilwoman Simpson seconded. All were in favor.

**Presentation of Mayoral Scholarship Recipients**

At the June City Council meeting, Mayor Loomis recognized all but one of the Mayoral Scholarship recipients; Jarin Inskeep was out of town. Each Mayoral Scholarship winner received a scholarship from the Bingham Community Foundation and a certificate signed by Mayor Loomis. The certificate reads as follows:

BLACKFOOT COMMUNITY MAYORAL SCHOLARSHIP  
IS AWARDED TO

For EXCEPTIONAL ACCOMPLISHMENT, SERVICE and CITIZENSHIP in our Community. In awarding this scholarship, we recognize your potential for growth and success. Work hard, represent Blackfoot well and excel in you studies. Take pride in where you come from and who you are, God's Speed! Given under my hand this day, 16 May 2014.

PAUL M. LOOMIS, Mayor

Mayor Loomis asked Jarin Inskeep to come forward so he could be recognized and to share his plans for the future. Jarin appreciates the scholarship because he will be paying for his own tuition. He plans on working over the summer until leaving to serve on a Mission in the fall. When he returns from his Mission, Jarin will attend BYU Idaho. The Mayor did not give a certificate to Jarin, as he already received one during an awards assembly held at the high school.

**Discussion on the Blackfoot Community Center Proposal for a Recreation Center**

Mayor Loomis opened a discussion on the proposal of a recreation center that was introduced at the last City Council Meeting. Councilman Jensen stated that after the last meeting, he conducted research into state laws governing private and public partnerships. He could not reach the former City Attorney, Mr. Dan Acevado, or the new City Attorney, Mr. Garrett Sandow. In addition, it was during the Association of Idaho Cities (AIC) Conference so he was unable to reach anyone from there. He called the State Attorney General's office and ended up speaking directly with the State Assistant Attorney General. Idaho does not have a specific set of guidelines that govern public/private partnerships.

However, there is a section in the Constitution that is the main driving force of restrictions of such partnerships: Article XII, Section IV, which reads as follows:

#### **ARTICLE XII CORPORATIONS, MUNICIPAL**

Section 4. MUNICIPAL CORPORATIONS NOT TO LOAN CREDIT. No county, town, city, or other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in any joint stock company, corporation or association whatever, or raise money for, or make donation or loan its credit to, or in aid of, any such company or association: provided, that cities and towns may contract indebtedness for school, water, sanitary and illuminating purposes: provided, that any city or town contracting such indebtedness shall own its just proportion of the property thus created and receive from any income arising therefrom, its proportion to the whole amount so invested.

Councilman Jensen explained if a private non-profit corporation comes to the City, the City cannot donate to them, cannot extend credit to them, cannot fundraise for them, or be in aid of them in any way. There is a difference between the City and businesses so that the City does not have the power to pick which businesses have influence.

At the last City Council meeting, the Blackfoot Community Center proposed to use a piece of City property for its recreation center. Councilman Jensen looked at the property and also at the plans for the recreation center. Councilman Jensen stated he wanted to argue against the proposal in three ways.

First is the legal question of who would own the building. If a non-profit were to ask for funding to help with financing a building, the property would either have to be subordinated, sold, leased, or donated by the City so that the land could be used as collateral on the loan. Subordination of the property by the City would be extending credit to a private entity, which violates the third stipulation in the Idaho Constitution; therefore the City cannot do that. The City cannot give the property to the private entity because that violates the second stipulation of the Idaho Constitution. If the City leased the property to the private entity, there would have to be a stipulation that if payments are missed, the property reverts back to the City. However, the City cannot add debt without going through judicial confirmation or an election, which would be circumvented by the leasing process; therefore, the City cannot lease the property without violating state law. The City could sell the property to the private entity, but it would have to be at fair market value because anything less than that could be legally construed as a donation. The only legal option is for the City to sell that piece of land.

Second, Councilman Jensen raised the ethical concern of the City promoting one entity over all others. He will not support private entities as a Councilman.

Third and lastly, Councilman Jensen had physical concerns. He looked at the plans for the recreation center and believes that there are some issues with the designs. There is not enough mechanical room to house the equipment necessary for a pool, the locker rooms are too small, and there is not enough parking in place on the property.

Councilman Jensen stated he has driven past the proposed area and has noticed that it is an area that is well used by city residents. Going back to the idea of selling the property, Councilman Jensen is not comfortable selling a piece of land that is used as much as it is. There are other parks owned by the City that are hardly used that would be more suitable to sell to the Community Center. There is the park on Idaho and the one by the fairgrounds. Both of them are barely used, so he does not have a problem selling either of those two properties.

In summary, Councilman Jensen stated the only option available to the City in regards to the proposal of the Community Center is to sell the property because everything else violates the state Constitution. However, he thinks the property suggested should remain as it currently is.

In addition to the concerns stated above, Councilman Jensen also stated he has some financial concerns about the Community Center. According to their 2009-2013 tax records, the Blackfoot Community Center relies heavily on subsidization: 83% of their income comes from donations. The Blackfoot Swimming Pool only gets 50-60% subsidization, so the pool is doing better than the Community Center. A partnership with the Community Center might not be a financially sound decision.

Mayor Loomis asked Mr. Garrett Sandow for his legal opinion on the matter. Mr. Sandow stated that Idaho law is very clear in that the City cannot donate or transfer the property. It can be leased, but there is the reversionary problem Councilman Jensen discussed earlier that is associated with it. Councilman Brown clarified with Mr. Sandow that the City should put a stop on the partnership proposal, leaving room for selling a piece of property in the future. Mr. Sandow said yes, the only legal option for the City is to sell the property at fair market value based on an appraisal.

#### **Discussion on Letter from John Dixon Regarding Sewer Evaluation**

Mayor Loomis announced the next item on the agenda was discussion of a letter from John Dixon regarding the sewer evaluation. Councilman Jensen stated that he thought the Council settled the matter in a prior City Council meeting when the Council voted to leave the Ordinance as it was written and passed it. Both Councilman Brown and Councilwoman Simpson agreed. Mayor Loomis asked Mr. Sandow to read the letter aloud so that everyone knew what the discussion was about and to enter it into public record. The letter is as follows:

JOHN D. & DIXIE DIXSON  
290 Park Street Blackfoot, Idaho 83221  
(208) 782-0808 (208)782-0808  
jdidarch@aol.com

June 18, 2014

#### **CITY OF BLACKFOOT, IDAHO**

**Mayor Paul Loomis**

157 North Broadway  
Blackfoot, Idaho 83221-1754

Dear **Mayor Loomis**,

Thank you for your time and courtesy during my impromptu visit to you office on Monday, June 16, 2014.

As I expressed to you during our meeting I do not believe that the current policy regarding the method of determining the sanitary sewer charges for a specific user is appropriate, fair or equitable to the users of the sanitary sewer system in the City of Blackfoot.

The cost to the City of Blackfoot to operate and maintain the waste water treatment facility should be based on and determined by the volume of sanitary waste effluent that requires treatment. In that regard I am requesting and would appreciate receiving a response and answer to the following issues and question.

In the City of Blackfoot the volume of water that is consumed in a building is metered and that volume of water is identified and known based on the monthly meter reading and is, assumedly, the same amount of sanitary waste effluent that is deposited into the sanitary sewer system that requires treatment. Why is that information not utilized by the City to determine what the sanitary sewer use fee for a specific user should be?

The City does in fact meter the water service that is provided to the users in Blackfoot. The City currently charges the user a basic fee for up to 15,000 gallons of water per month. If, based on the meter reading, the volume of consumed water exceeds the 15,000 gallons then the City charges and additional \$1.46 for each additional 1,000 gallons consumed.

That same formula could, and should, be utilized in determining the charges for the sanitary sewer service. The City could simply apply the necessary and correct sanitary sewer rate to the volume of water consumed in determining the correct and appropriate charges for the sanitary sewer use.

That method is far more accurate, fair and equitable than basing the sanitary sewer fee on square footage, number of fixture in a building or separate units in a building. It would require less policing and monitoring of the various types of buildings involved, occupancies in a specific building, square footage of specific buildings and number of separate units that may be in a building whether it be residential or commercial.

If the basic sanitary sewer service fee needs to be increased based on a 15,000 gallon contribution of sanitary waste effluent that is contributed to the system by a specific user to cover the costs incidental to the operation and maintenance of the waste water treatment facility then the sanitary sewer fees should be raised across the board to all users to cover that cost and based on the amount of sanitary waste effluent that is deposited into the sanitary sewer system by a specific user.

If the volume of consumed water, as metered, exceeds the allowed 15,000 gallons that is covered by the basic monthly fee for the water service then the sanitary sewer fee that is charged would be increased in direct proportion to the additional volume of water consumed at an appropriate rate and based on the additional volume of metered water that is consumed and assumedly deposited into the sanitary sewer system. The City does in fact currently have the ability to monitor and determine the volume of sanitary waste effluent contributed to the sanitary sewer system by the users of the sewer system and apply a correct, fair and justifiable basic rate and overage rate to that volume of usage.

I would request that this issue be revisited by the City Council and a more reasonable and appropriate policy be established based on the volume of sanitary waste effluent that is contributed to the system. That is the fair, equitable and correct method to determine the charges for the sanitary sewer service.

I trust that this issue will be reviewed and evaluated appropriately, fairly and equitably.

I will anticipate and appreciate a response to this issue and the questions outlined.

Thank you,  
**John Dixon**

Councilman Jensen reiterated that a decision was already reached regarding sewer evaluations. It is not the amount of water that counts, but the solids, chemicals, and waste in the water that do. Mr. Dixon's method would mean that if a person left their hose on overnight, they would pay more for sewage, which doesn't make sense. Water use does not equate to sewer use. The way it is set up currently is uniform with other plumbing codes, and is based on the sewer system configuration.

Councilwoman Simpson asked if Mr. Dixon was present, which he was. She then asked him if he went to the Council Meeting where his previous letters were addressed. Mr. Dixon stated that he was in Arizona at that time and could not attend the meeting. Councilman Brown agreed with Councilman Jensen that the sewer rates are based on the waste in the water and not the water itself. Councilwoman Simpson acknowledged that Rex Moffat did a thorough job in the research he conducted to justify the changes.

Mayor Loomis opened the floor for public comment. Kipp Marwaring stated that the concerns of Mr. Dixon are only being partially addressed. He pointed out a concern he felt many homeowners in Blackfoot had: the language of "per point" in Resolution #318 is not defined. If "per point" is connection point, then the multipliers used are off. There is a disparity among locations, businesses, etc., which leads to arbitrary fees. Mr. Manwaring wants to see the City address the language within the City Ordinances. Mayor Loomis asked Mr. Manwaring the date of the code he was reading. Mr. Manwaring said it was from October 2013. Mayor Loomis said the language was addressed in a newer code and suggested that both Mr. Manwaring and Mr. Dixon look at the most current language of how the sewer rates are charged. Mr. Rex Moffat stated that his department is reassessing businesses as fast as it can, but that they are still in the process and are not completed. Mr. Moffat also stated that the "per point" refers to equivalent dwelling unit, not connection point, as it is defined in the new ordinance, Ordinance No. 2122.

Mayor Loomis asked Mr. Moffat to respond to Mr. Dixon's letter and then to send it to Mr. Sandow for review. After Mr. Sandow reviews the letter, he will send it to the Mayor, who will sign it and send it to Mr. Dixon.

Mr. Dixon asked to speak, and Mayor Loomis gave him the floor. Mr. Dixon stated that the issue he is concerned about is one that has been around for the past 3 years. He believes the bottom line is that users should only have to pay for what they use in regards to water. He only uses 3500 gallons but is allotted up to 15,000 gallons, with no discount for not using the entire amount. He pays \$20.60 for water and \$130 for the effluent, which he believes is excessive and disproportionate. He believes charges should be the same across the board for all users. Mayor Loomis stated that the way fees are assessed has been updated and that square footage and type of effluence has been taken into account. Mr. Dixon does not believe it is fair and equitable and Mayor Loomis disagreed.

#### **Thank You Card**

Mayor Loomis gave Councilman Jensen a card from Mr. J.T. Watts and asked that it be read into the record:

Thank you so much for constructing, maintaining, and sweeping gravel off the pathway that runs around Jensen's Grove Lake, Airport Park, and to the Snake River Bridge. This pathway has been a wonderful gift to me. I'm a 78 year old man who took up inline skating 12 years ago. Last week I hit 7,600 miles on my skates at Jensen's Grove. Most of the miles were skated at Jensen's Grove. I'm trying to hit 8,000 miles this year. That would be 1/3 of the way around the Earth. I skated 50 miles in 5 hours of actual skating time about 5 years ago at the Jensen Loop and the County's Rose Pond Pathway. My goal is 12,000 miles – halfway around the world. But the pathway is aging and the miles are harder to roll up. Jensen's Grove has been marvelous. The man in black – J.T. Watts. Thank you for saving my life.

Mayor Loomis thanked Councilman Jensen for reading the card. The City should take pride in Jensen's Grove, because it is a crown jewel of Blackfoot.

### **Ordinance Proposing Cemetery Amendment**

Mr. Garrett Sandow read Ordinance No. 2123, the proposed Ordinance change to Title 8, Chapter 9 aloud:

#### **ORDINANCE NO. 2123**

AN ORDINANCE OF THE CITY OF BLACKFOOT, IDAHO, AMENDING CHAPTER 9 OF TITLE 8 REGARDING RESTRICTIONS ON USE OF THE CEMETERY, AND PROVIDING FOR THE EFFECTIVE DATE OF SAID CHANGE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO AS FOLLOWS:

SECTION 1: That Chapter 9 of Title 8 be amended as follows:

#### **8-9-4: RESTRICTIONS ON USE OF CEMETERY:**

- A. Fences; Land Disturbance: No person shall erect any fence, corner post or other boundary mark upon any lot in said cemetery, nor grade the ground or land thereof, except under the direction of the sexton.
- B. Certificate ~~Of~~ Title Required: No person shall be permitted to inter the body of a deceased person without first obtaining a certificate of title to the lot or plot, or furnishing written permission from the owner thereof, which permission shall be filed with the city clerk, and no person shall disinter any body except under direction.
- C. Prohibited Items: The following items shall not be allowed to be placed on, near or around any burial lot in the cemetery:
  - 1. Bottles, vases and similar containers made of glass.
  - 2. Any and all pets. No pets shall be allowed in the cemetery at any time.
  - 3. Solar lights or lights of any kind at ground level.
  - 4. Toys and similar objects that cannot be secured, including items of clothing.
  - 5. Benches, unless they are made of concrete and incorporated into and become part of the headstone and are set in concrete to generally accepted construction standards, and approved by the Sexton prior to installation. (~~Ord. 2093, 4-20-2010, eff. 4-20-2010~~).

6. Food and drinks, alcoholic beverages, cigarettes, and similar materials.

7. Rocks, gravel, and other landscaping material.

D. Smoking tobacco products in the cemetery is prohibited except in specifically designated areas, if any.

E. Possession of or use of alcoholic beverages in the cemetery is prohibited.

SECTION 2: That the effective date of this Ordinance shall be the 1st day of July, 2014.

PASSED AND APPROVED by the Mayor and City Council this 1st day of July, 2014.

CITY OF BLACKFOOT, IDAHO

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

Paul Loomis, Mayor

ATTEST: \_\_\_\_\_

City Clerk

Councilman Jensen stated the only issue he had with the ordinance change dealt with the prohibition of pets. He knows people bring their pets with them when they go visit graves. Councilman Jensen would like to allow pets, as long as they are on a leash. Mayor Loomis asked the Cemetery Sexton, Phillip Meline to come forward and explain the prohibition. Mr. Meline stated that he would be fine with animals on leashes, but he was not the driving force behind the prohibition of pets; the Cemetery Committee wrote the restrictions based on the concern of pet waste.

Councilwoman Simpson said that she knows her daughter uses the cemetery for walking and likes to bring her dogs with her on the walks. She thinks that dogs should be allowed on leashes and that pet owners should be responsible for picking up after their pets.

Mayor Loomis asked Mr. Meline if pets have disrupted any ceremonies. Mr. Meline said they have not. The issues have mostly come from the animals that come from the stockyards, particularly on Fridays.

Councilman Jensen also stated one of the reasons why the issue of dogs came up before the Cemetery Committee was because Mr. Meline had dogs. Mr. Meline's dogs have been penned up and he is allowed to keep them because they would not be allowed to run through the cemetery.

Mayor Loomis opened the floor for public comment.

Lorna Moffat came forward to speak. She was a member of the Cemetery Committee when the original ordinance passed. She stated that people do not clean up after their pets. She feels that it is disgusting to go out and discover some pet has defecated on her father's grave. She has firsthand witnessed that pet owners do not clean up after their pets during the Veteran's Memorial. Pets should not be allowed in the cemetery, with or without leashes.

Vickie Clough shared some of the same concerns as Mrs. Moffat. She has witnessed people on the Greenbelt and in the Cemetery just sprinkle rocks over excrement, instead of picking it up. She feels that Mr. Meline gets to have pets as a perk for cleaning up after his pets and others that do come

through the cemetery. She recommends that the no pets prohibition remain as it is and that no animals are allowed in the cemetery, save for the Sexton's.

Councilman Jensen motioned to accept the amendment as written and waive any further readings. Councilman Brown seconded the motion. Councilwoman Simpson did not agree because she feels that people can walk through the cemetery with pets on a leash, and there is not going to be 100% compliance of picking up after the pets in any scenario, so leashed pets should be allowed. Councilman Brown stated that he believes the cemetery is a sacred space. If pets were allowed on a leash, then there would have to be a requirement that owners pick up after their pets and a fine needs to be associated with those in violation of the prohibition.

Ashlee Howell came forward to speak. She believes that the City does a wonderful job with having designated walking paths. She thinks that more enforcement needs to be done throughout the City on picking up after pets. However, the cemetery is not a designated walking path. People may have been using that way, but that is not its purpose. It is a sacred space for a lot of people and the ordinance should not be changed because it would be allowing a use that is not intended.

Councilman Brown asked what the ordinance specifically states. Mr. Sandow responded that it does not allow any pets of any kind. He also pointed out that the ordinance in place does not allow pets; the amendment to the ordinance does not change that particular provision.

Kathy Behrend wanted to know how no pets rule will be enforced and how will the public know that no pets are allowed. Mayor Loomis responded that enforcement will be conducted by Animal Control. There are currently signs in the cemetery that states that there are no pets allowed at both entrances. Ms. Behrend stated that she has never noticed the signs before. Councilman Brown wondered if the signs can be more prominent to advertise the fact that no pets are allowed.

Councilwoman Simpson asked for clarification on which portions of the cemetery ordinance were being changed. Mr. Sandow stated Paragraphs 5, 6, and 7 of Section C and Section D and E contain the changes. Section C, Paragraph 2 is the section on pets and is not a proposed change.

Mayor Loomis asked if there was any more discussion on the proposed cemetery ordinance change. As there were none, he reminded the Council that a motion and a second are in place to approve the ordinance as written and to waive further readings. Mayor Loomis asked for a roll call vote:

Councilman Brown	-	Yes
Councilman Jensen	-	Yes
Councilwoman Simpson	-	Yes

All in favor. Ordinance passes.

### **Resolution Stating Internal Controls Policy**

Mayor Loomis invited the City Treasurer, Heather Schild, to come forward and introduce the resolution. Mrs. Schild stated that two policies, the Internal Controls Policy and the Customer Service Policy, were written so that the City could apply for the DEQ loan for the Waste Water Treatment Plant. These policies are part of a new requirement and had to be created. Mrs. Schild had the City Intern, Julie Kline, find similar policies from other cities in order to mirror them for Blackfoot. The policies are basic and not too stringent. Councilwoman Simpson asked if this is the first time the City has had these policies.

Mayor Loomis responded that the policies are written for the first time, but they are policies that have been in place. The City Clerk, Suzanne McNeel, stated that some of the policies were also taken from documents that are handed out to citizens. This is only the first time they are all together in a written formal policy.

Proposed Resolution #331, Internal Controls Policy is as follows:

## **RESOLUTION NO. 331**

### **INTERNAL CONTROL POLICIES**

The City of Blackfoot (the "City") will maintain an organized system of internal controls to safeguard its assets against loss, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.

#### **Definitions**

Internal controls can be divided into two components; accounting and administrative, as follows:

1. Accounting controls comprise the plan of organization and all the methods and procedures that are concerned mainly with, and relate directly to, the safeguarding of assets and the reliability of the financial records.
2. Administrative controls comprise the plan of organization and all the methods and procedures that are concerned mainly with operational efficiency and adherence to managerial policies and usually relate only indirectly to the financial records.

#### **Responsibilities**

The Treasurer is responsible for designing appropriate controls for the personnel responsible for implementation. Inherent in these responsibilities is the recognition that the cost of internal control should not exceed the benefits expected to be derived. Also, internal controls may become inadequate as conditions change, thus requiring review and modification.

#### **Objectives**

To provide the City of Blackfoot with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

#### **Basic Elements of Internal Control**

A system of internal controls should be able to provide reasonable assurance that these objectives have been met:

1. Authorization: All transactions are properly authorized by the City of Blackfoot.

2. Access to Assets: Access, both direct and indirect, that authorizes the use or disposition of assets is limited to authorized personnel.
3. Personnel: Objectives are dependent on competence and integrity of personnel, independence of assigned functions, and their understanding of prescribed procedures.
4. Computer Data Processing: These include: control over development, modification, and maintenance of computer programs; and control over use and changes to data maintained on computer files.
5. Segregation of Duties: The organizational plan should separate functional responsibilities. In general, when the work of one employee is checked by another, and when the responsibility for custody of assets is separate from the responsibility for maintaining the records relating to those assets, then there is appropriate segregation of duties.
6. Recording Transactions: Transactions are recorded as necessary to permit preparation of financial statements in conformance to statutory requirements and accounting principles and to maintain accountability of assets.
7. Periodic Independent Verification: The records should be checked against the assets by someone other than the persons responsible for the records or the assets.

#### **Audit**

The City of Blackfoot shall have an annual financial audit conducted by an independent public accounting firm. This audit shall be conducted according to standards established by the Auditor of State.

Councilwoman Simpson was curious about the section on segregation of duties. This is the checks and balances section to make sure that not one person has control over finances. One example of an internal policy is that the person who cuts the checks cannot sign them. Money spent is based on the budget and the budget is approved by the City Council. Councilwoman Simpson also noticed a typographical error in the same section: "one employee" is repeated twice, when it should only occur once.

Councilman Brown motioned to accept Resolution No. 331, Internal Control Policy as presented with the exception of the one typographical error and to waive any further readings. Councilwoman Simpson seconded. All were in favor. Motion carries.

#### **Resolution Stating Customer Service Policy**

Proposed Resolution #332, Customer Service Policy is as follows:

### **RESOLUTION NO. 332**

#### **CUSTOMER SERVICE POLICY**

The City of Blackfoot (the "City") serves as provider of water, sewer, and garbage utilities within the incorporated City limits and certain service areas outside of the incorporated area.

The City's goal is to provide excellent service to its customers. This document describes the customer service policy that is necessary to effectively manage the utilities and their operations as well as follow regulations established by governing authorities.

1. Every property owner who connects to the City of Blackfoot wastewater collection system or water distribution system is required to pay the applicable sewer or water charges.
2. All service lines from the water meter to the customer's building or place of consumption shall be approved by the City of Blackfoot as to size, type of pipe, location of meter, and installation and shall be installed and kept in good repair at customer's expense.
3. Water service shall only be turned on by an agent of the City of Blackfoot Water Department.
4. The authorized agents of the City of Blackfoot shall have the right of access, at all reasonable hours, to the premises supplied with water for the purpose of reading meters, examining pipes and fixtures using water, backflow protection devices, and for any other purpose which is proper and necessary in the conduct of the City of Blackfoot business. Such agents shall carry proper credentials evidencing their employment by the City of Blackfoot and State Licensing.
5. In case of a pipe break, emergency, or other similar cause, the City of Blackfoot shall have the right to temporarily cut off the water supply in order to make necessary repairs, connections, etc. The City of Blackfoot shall use all reasonable and practicable measures to notify the customer, in advance, of such discontinuance of service. The City of Blackfoot shall not be liable for any damage or inconvenience suffered by the customer or for any claim for interruption in service, lessening of supply, inadequate pressure, poor quality of water, or any other cause.
6. No customer shall open or close any of the City of Blackfoot's curb stops or valves on any public or private water line.
7. All water pipes, service lines, water meters, meter boxes, garbage containers, and other accessories remain the property of the City of Blackfoot.
8. Wastewater sewer mains are the property of the City of Blackfoot. Wastewater service lines and tap connections are customer owned.
9. Every customer is responsible for all damage to the City of Blackfoot property, water and wastewater pipes, service lines, water meters, meter boxes, garbage containers, and other accessories caused by the customer or individuals performing work for or on behalf of the customer. The repair or replacement costs of all such damage shall be paid by the customer.
10. All water service, except water for firefighting purposes, will be rendered only through water meters.

### **Setting Up A Utility Account**

Applicants for water, sewer, and garbage services shall apply at the City's Utility Billing Office, located in City Hall at 157 N. Broadway.

1. Applicants for service shall provide a form of photo identification.
2. Applicants that have previous outstanding account debt will be denied services until the outstanding account(s) are paid in full.
3. All applicants are required to pay a \$75.00 deposit prior to receiving residential service. The deposit will be refunded after one year of non-delinquency. If the customer moves within the City, the deposit will be applied to the new residence. If the customer moves out of the city, the deposit will be applied to the final bill. If the final bill is less than \$75.00, the customer will receive a check for the remaining credit balance. If there is not a balance due on the final bill, the full amount of the deposit will be refunded. No interest shall be paid on utility deposits.

### **Utility Bill**

The utility bill includes water (WA), sewer (SW), and garbage (GB). Bills are sent the first business day of the month and reflect the previous month's charges.

If a utility bill falls two months past due it will be subject to shut off. Please refer to the "Delinquent Policy" below.

Current utility bill rates and fees can be found inside City Hall, located at 157 N. Broadway and on the City of Blackfoot's website at <http://www.cityofblackfoot.org>.

### **Paperless Billing**

Customers who sign up for paperless billing will receive a one-time credit of \$5.00 to their account. The account must be paperless for one year. If the paperless option is removed before the year date, \$5.00 will be added back to the bill. Signing up for paperless billing can be done by:

1. Visiting <http://www.xpressbillpay.com> on the internet.
2. Click the "Go" button to register a new account.
3. Enter personal information and agree to the terms & conditions.
4. Click "Login Now".
5. Enter eBill information.
  - a. Enter account number.
  - b. Enter the last name as it appears on the utility bill.
  - c. Check the box for paperless.
  - d. Click "Locate Account".
6. Click "Yes" after account is located.

### **Late Fee**

A late fee will be charged on accounts that are not paid by the last business day of the month. The late fee is \$5.00 each month.

### **Delinquent Policy**

All customers who are two months past due on their accounts will receive a delinquent notice. Seven days after the delinquent notice is printed, services will be disconnected unless the past due amount is paid in full or written payment arrangements have been made. There is a \$50.00 delinquent fee charged on accounts that have not been paid or made written payment arrangements by the specified time and date on the delinquent notice. If the service is still connected after the specified time and date, the customer is still responsible for payment of the delinquent fee. This is not a charge for disconnecting services.

All payment arrangements must be written and will not be accepted over the phone. They can be emailed, faxed, or made in the Utility Billing Office inside City Hall, located at 157 N. Broadway. The Utility Billing Clerk's contact information can be obtained off the City of Blackfoot's website at <http://www.cityofblackfoot.org> or by calling City Hall at (208) 785-8600. City of Blackfoot will not be responsible for US Postal Service deliveries once they have left City offices. Payment arrangements cannot exceed the last day of the month. They may not be changed or extended; arrangements are binding. If arrangements are missed, services will be disconnected and the \$50.00 delinquent fee will be added to the account.

### **Returned Check Fee**

A service charge of \$20.00 will be made to a customer's account for each returned bank draft.

### **Collection of Past Due Monies**

Any cost for collection of past due monies owed to the City of Blackfoot including: attorney fees, collection fees, or court costs can and will be charged directly to the customer or added to the amount the customer is already owing to the City.

### **Payment Hours**

The City of Blackfoot accepts payments with the following times for each method of payment:

1. In Person: Payments may be made in City Hall during normal business hours at 157 N. Broadway. Normal business hours are: Monday through Thursday 7:30 am to 5:00 pm and Fridays 8:00 am to 1:00 pm. City Hall accepts cash, checks, money orders, and credit card payments. Credit card payments are also accepted by the City of Blackfoot over the phone. City Hall accepts Visa, MasterCard and Discover, but does not accept American Express.
2. Drop Box: Payments may be made at the drop box, located at 157 N. Broadway, 24 hours a day, 7 days a week. However, payments are picked up by 10:00 am every business day. Payments dropped off after 10:00 am will be processed with the next business day's transactions.
3. Web Payments: Payments may be made online 24 hours a day, 7 days a week through Xpress Bill Pay by visiting <http://www.xpressbillpay.com>. Payments made before midnight will be processed the next business day. Payments after midnight will require an additional day to process.

4. By Mail: The City of Blackfoot accepts checks and money orders via U.S. Post Office. Payments should be mailed to: City of Blackfoot, 157 N. Broadway, Blackfoot, ID 83221. Payments received by mail will be processed the day they are received. City of Blackfoot will not be responsible for US Postal Service deliveries.

### **Fee Schedule**

A current schedule of all fees and charges can be found online on the City's website at <http://www.cityofblackfoot.org>.

### **Garbage**

Garbage containers must be ready for pickup before 6:30 am for residential and 5:00 am for commercial. Construction materials are not allowed in the garbage containers. In addition, heavy materials, such as carpet, concrete, and rock, are not allowed in garbage containers as the lifts on the sanitation trucks will not be able to lift them. If the sanitation truck is unable to lift a garbage container, it will not be picked up. Containers that have vehicles parked by them will not be picked up as there must be adequate room for the sanitation truck to reach each container. Containers that have debris protruding out the lid will not be picked up as it may cause damage to the sanitation truck. The sanitation drivers cannot get out of the trucks, therefore trash placed outside of the cans will not be picked up.

If a garbage container is missed, the customer should call City Hall and a sanitation truck will come to pick up the garbage container. However, customers will be charged for extra pickups. Temporary garbage containers can be requested at an additional cost, depending on size of the container plus a delivery charge of \$10.00.

Normal wear and tear damage to the garbage containers will be repaired by the City at no cost. However, damage that is not normal wear and tear or total destruction of the garbage container will result in the customer paying for replacement costs.

### **Metered Water**

Each customer is allowed 15,000 gallons for the base minimum and will be charged \$1.54 per thousand thereafter. Base minimum charges are based on meter size line. The usage column on the utility bill will reflect water usage for the month; the number will reflect the correct gallons used by adding two 0's (e.g. 23 = 2,300 gallons).

### **Winter Months**

During the winter, meters can freeze. The meter readers will cover the meter lids with snow to keep them from freezing. Meters are not read again until spring except for those that are high water users (over 20,000 gallons each month). During the winter, customers will be billed the minimum amount for water. When meters are read again in the spring, any usage over 15,000 gallons each month will be charged on the first spring bill at \$1.54 per thousand gallons.

**Level Pay**

If a customer has a one-year history with the City with no delinquents or shut-offs, the customer can request to be placed on level pay.

**Circuit Breaker**

If a customer qualifies for a circuit breaker on their property taxes at the County Courthouse, they will need to bring their Application for Property Tax Reduction to City Hall. A copy of the application will be kept on file at City Hall and a reduction of 30% will be applied to the customer's utilities account. Circuit breaker applications need to be renewed each year and updated copies will need to be brought to City Hall in order to continue circuit breaker reduction for the following year.

**Meter Tests**

The City, at its own expense, makes spot tests and inspections of its meters in order to maintain a high standard of accuracy. Additional tests or inspections will be made at the customer's request.

**Water Leak Check Policy**

The City of Blackfoot will investigate a customer's high usage by conducting a meter read. If the meter read is correct, a leak check will be performed. Customers can also request a leak check. If there is not a leak, the customer will be charged a \$10.00 leak check fee. If a leak is found, the leak check fee will be waived. The customer is responsible for all repairs from the meter to their residence.

**Information to Customers**

Information is available for the purpose of conservation, fairness, and communication between the City and its customers.

1. The City will make available to all customers upon application for service and anytime upon request information related to current rates applicable and/or oral explanation of the rate schedule.
2. Upon request, a customer will receive a statement of monthly and/or gallon consumption for the prior 12-month period.
3. Requests for information of questions regarding this policy may be made in person at City Hall, by phone, by mail, or on the City's website at <http://www.cityofblackfoot.org>.
4. Customers shall be notified of the availability of rate schedules, governing policy, and consumption information by the most practical combinations of:
  - a. A message printed on utility bills.
  - b. Advertisements in local newspapers periodically.
  - c. On the City's website.
5. Customers shall be notified of any proposed significant changes in rates and/or policy at least 30 days prior to implementation of such change by the most practical combinations of:

- a. Newspaper advertisement.
- b. On the City's website.

Councilwoman Simpson motioned to accept Resolution No. 332, Customer Service Policy as is and to waive any further readings. Councilman Jensen seconded. All were in favor. Motion carries.

**Resolution Stating Investment Policy**

Heather Schild explained that in order for the City to invest with certain companies, an investment policy is required. The City has not had one before as most of its money lies within the State Pool or in LGPI. The return on investment is currently .8% and it can increase with different investments, such as bonds and CDs. This new policy would not create stakeholders; it is merely an investment strategy.

Mr. Sandow recommends one change: In Paragraph C, add another section that includes responsibilities of the Mayor instead of only having the investment manager listed. He suggests adding: "Periodically review with the Investment Manager the overall management and performance of the assets and provide general oversight as deemed necessary by the Mayor to ensure compliance with this Policy." Resolution No. 333, Investment Policy, with the change suggested by Mr. Sandow is as follows:

**RESOLUTION NO. 333**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BLACKFOOT, IDAHO, ADOPTING AN INVESTMENT POLICY FOR THE CITY'S CASH MANAGEMENT ACCOUNT.

THIS RESOLUTION, is made on the date hereinafter set forth by the City Council of the City of Blackfoot, Idaho.

**RECITALS**

- 1. WHEREAS, the City of Blackfoot has from time to time, excess cash in its Cash Management Account that could and should be earning interest while it is not needed to cover immediate expenditures; and
- 2. WHEREAS, the City wishes to have a policy in place to guide any investment of such funds into safe and secure investments consistent with Idaho Law;

NOW THEREFORE BE IT RESOLVED THAT:

The following shall constitute the investment policy of the City of Blackfoot:

**A. GENERAL**

Funds covered by this Investment Policy include:

The City of Blackfoot Cash Management account

**B. PURPOSE OF STATEMENT**

This Policy Statement outlines the goals and investment objectives of the City of Blackfoot. Since this policy statement is intended to provide guidelines for the City Council responsible for

managing the City of Blackfoot's assets, this document outlines certain specific investment policies that will govern how those goals are to be achieved.

The Policy will be reviewed at least annually and amended as necessary.

## C. RESPONSIBILITIES OF PARTIES ASSOCIATED WITH THE FUNDS

### 1. Investment Manager

- a. Manage the assets in accordance with the Policy, State Statutes and in a fashion consistent with the Prudent Investor Rule.
- b. Provide custody and safekeeping of assets, collection of income, deposit and withdrawal services, and provide periodic accounting statements.
- c. Meet annually or semi-annually with the City Council.
- d. Performance will be monitored in accordance with the appropriate performance measurements (Section F).

### 2. Mayor

- a. Periodically review with the Investment Manager the overall management and performance of the assets and provide general oversight as deemed necessary by the Mayor to ensure compliance with this Policy.

## D. GENERAL INVESTMENT OBJECTIVES

The general investment objective and goal of the City of Blackfoot's cash management account is preservation of principal and production of current income. The City of Blackfoot recognizes that there is a relationship between the level of risk taken in an investment program and the expected return that should be earned over long periods of time. The level of risk of the investment program should be consistent with the financial stability of City of Blackfoot and its guidelines as a municipality in the State of Idaho. These factors suggest a low risk tolerance in its investment program.

The portfolio shall be managed in accordance with all applicable legal and regulatory requirements, including the legal and regulatory requirements imposed by the State of Idaho, including, but not limited to I.C. 50-1013.

## E. ASSET ALLOCATION AND PORTFOLIO CONSTRUCTION

The target asset allocation for the City of Blackfoot's cash management account is 100% fixed income securities, including sufficient cash equivalent reserves to satisfy liquidity requirements.

### 1. Cash and Equivalents

- a) Money market securities
  - i) Money market funds may consist of investments allowed by I.C. 50- 1013, such as U.S. Government and Corporate securities with maturities of 12 months or less.
- b) The cash portfolio shall be specifically managed to safeguard principal by minimizing both credit risk and potential price volatility due to changes in interest rates.

c) Cash and equivalents minimum balance of \$250,000 will be maintained at all times.

## 2. Fixed Income

a) Allowable fixed income securities include:

i) U.S. Government securities (U.S. Treasury and Federal Agency bonds, notes, and bills).

ii) Certificates of deposit with an FDIC depository institution. The aggregate exposure to a single institution may not exceed the applicable FDIC insurance limit.

iii) Bonds, debentures or notes of any corporation organized, controlled and operating within the United States, which have, at the time of their purchase, an A rating or higher by a commonly known rating service. Corporate bond exposure should not exceed 50% of the market value of the investment account.

iv) Mutual funds or any other similar fund whose portfolios consist of any allowed investment as specified in this Section E2a.

b) The maximum maturity of any single fixed income instrument is limited to five (5) years. Single fixed income instruments with maturities beyond five (5) years may be purchased only with prior approval from a Council Member.

## F. PERFORMANCE MEASUREMENT

The performance of the Investment Manager will be measured against the passive index of the Barclays Capital Intermediate Government Bond Index. Performance date parameters will be year-to-date, prior 12 months, 24 months, 60 months and since inception of the cash management account.

## G. APPOINTMENT OF INVESTMENT MANAGER

The Mayor, with the consent of a majority of the City Council, shall appoint an Investment Manager.

## H. INVESTMENT DECISIONS

The transfer of funds into any investment shall require the signatures of the Mayor and the City Treasurer.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 1st day of July, 2014

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Mayor Paul Loomis

ATTEST:

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City Clerk

Councilman Jensen moved to accept Resolution No. 333, Investment Policy with the change suggested by City Attorney, Mr. Garrett Sandow. Councilman Brown seconded. All were in favor. Motion carries.

## **Financial Report**

Heather Schild informed the Council that before the meeting started, she received an email that a grant had been approved towards the purchase of AEDs (Automated External Defibrillator). These AEDs will go to the various City office locations that do not currently have one.

Mrs. Schild also wanted to update the City Council on the status of the DEQ loan. She met with the engineer and found out that the Davis-Bacon wages are going to be cheaper than anticipated because they only have to be paid out on construction. Other avenues are available to reduce the cost even more: if the City goes for a bond then savings on Davis-Bacon wages would occur as well as savings on being able to get steel other than American Steel. The City wants to use money in the best possible manner and bonding would save approximately \$300,000. Zions Bank has offered a bond around 3%, and more information will be presented to the Council as it is gathered.

Heather Schild presented the end of month budget for May. The fiscal year is 67% completed, so revenues and expenditures should be around 67%. The general fund is on target. The department heads are doing a good job keeping budgets on target. Some revenues and expenditures are down, but are expected to go up with summer. There isn't anything in the budget report that worries Mrs. Schild.

Mrs. Schild is working on the budget for next fiscal year in preparation for the budget hearing on July 15<sup>th</sup>. Both she and the Mayor are working with the departments on their individual budgets. Medical is expected to go up by 16-22%, and Mrs. Schild has budgeted for the worst case scenario. The City is looking for options to decrease medical, but a large increase is expected. More information will be given at the budget hearing.

## **Public Comment**

Ashlee Howell asked if she could take a few moments to speak before the Council meeting ended. Mayor Loomis invited her to come forward and speak. Ms. Howell wanted a chance to comment on the discussion on the Blackfoot Community Center's Proposal for a Recreation Center that occurred earlier in the evening. Ms. Howell wanted to state that the Community Center never had the intention of shutting down the Blackfoot Swimming Pool. The designs for a recreation center did not originally have plans for a pool, as it was merely a consolidation of all their current locations into one main center. When she came to the City Council last month, she was not sure what they wanted to do, so it was her intention to start a discussion and now she feels like it has been shut down without anyone actually speaking to her about it. When the pool was added to the design, it was with the purpose to help reduce the burden of the City through a partnership, not to shut down the existing pool. The pool is only a small part of the recreation center proposal.

## **Adjourn**

Councilman Jensen moved to adjourn. Councilman Brown seconded. All were in favor. The meeting adjourned at 8:27 P.M.