

City of Emmett Council Meeting

May 14, 2019

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.
Mayor Gordon Petrie called the meeting to order at 7:00 p.m.
Mayor Gordon Petrie led the **Pledge of Allegiance**
Hugh Orr offered the **Community Invocation**

Council Present: Council President Michelle Welch, Councilman Shawn Alder, Councilman Gary Resinkin, Councilman Steve Nebeker, Councilman Mike Stout, Councilman Tona Henderson

Staff Present: William Babcock, Clint Seamons, Mike Knittel, Lyleen Jerome, Curt Christensen, Bruce Evans, Brian Sullivan, Alyce Kelley.

Public Present: Jim Miller- 1402 East Main St, Amy Manning, Lisa Fritz, Carl Wheeler – 1461 American, Patty Wheeler – 1461 American Ave., Beverly Ikenberry – 1331 American Ave, David Crouch – 1331 American Ave., Andrew Boespflug, Hugh Orr – 1110 Royalty Ave, Pam Orr – 1110 Royalty Ave., Diana Baird – Messenger Index, Denise Sorenson – 1272 E. Park St., Cindy Brock – 810 Independence, Karen Schwinn – 1460 American, Henry Martinez – 1460 American Ave., Martin Fry – 2315 Brogan Rd, Jen Frieboes – 719 W Navajo St, John Byrne – 719 W Navajo St., Johannes Ladman – 607 Lynn Dr., Carla Porath – 403 E 2nd St., Curt Aman 1450 American Ln., Gayle & Larry Schander – 1390 American Ln., Julie Rose-Silva – Freedom St., Andrew Wade – 861 Freedom St., Laura Foster – 1302 Constitution Ln.

Amendments to the Agenda: None

Councilman Nebeker **MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

Declaration of Conflicts of Interest: None

Declaration of Council Members' Discussion Outside an Open Meeting: None

CONSENT AGENDA:

- A. Approval of Minutes – None
- B. Approval of Accounts Payable

Councilman Nebeker made a **MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

ELECTED OFFICIALS:

A. Mayor

1. Nomination of Jen Frieboes to Joint Planning Commission. Councilman Henderson made a **MOTION TO CONFIRM THE NOMINATION OF JENNIFER FRIEBOES, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

2. Library Board Confirmation of Lauren Weslowski to the remainder of a five (5) year term. Councilman Stout made a **MOTION TO CONFIRM THE NOMINATION OF LAUREN WESLOWSKI TO THE LIBRARY BOARD, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

B. Announcements

C. City Council

1. Approval of Public Hearing for Airport Hangar Fees. Councilman Resinkin **MADE A MOTION TO HAVE A PUBLIC HEARING TO APPROVE AN INCREASE IN AIRPORT HANGAR FEES ON JUNE 25TH. SECONDED, 0 AYES, 6 NOES. Motion Denied.**

2. Discussion of City Ordinances – A Discussion was had on a variety of ordinances no decisions were made.

NON-CONSENT AGENDA

BUSINESS:

- A. Approval of Water Waiver - \$751.17 1402 E. Main St. Councilman Nebeker made a **MOTION TO APPROVE THE WATER WAIVER IN THE AMOUNT OF \$751.17 FOR THE RESIDENTS OF 1402 E. MAIN ST., SECONDED, 5 AYES, 1 NO. Motion Carried.**
- B. Approval to Sign Contract with IIIA Insurance – Amy Manning. Councilman Nebeker made a **MOTION TO APPROVE THE SIGNING OF THE CONTRACT FOR JOINT POWERS AND THE PARTICIPATION AGREEMENT WITH IIIA INSURANCE. SECONDED. ROLL CALL VOTE - COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED.**
- C. Approval of 2020 Budget Hearing Adoption. August 13, 2019. Councilman Henderson made a **MOTION TO APPROVE THE 2020 BUDGET HEARING FOR AUGUST 13, 2019. SECONDED. 6- AYES, 0 - NOES. Motion Carried.**
- D. Approval to sign Roofing Agreement with Pro Tech Roofing, Inc. Councilman Stout made a **MOTION TO APPROVE TO SIGN ROOFING AGREEMENT WITH PROTECK ROOFING, INC. IN THE AMOUNT OF \$4,684. SECONDED. ROLL CALL VOTE - COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. Motion Carried.**
- E. Approval of use of road for Fun Run/Walk Event on 6/15/19. Councilman Nebeker made a **MOTION TO APPROVE THE ROAD ASSISTANCE FOR FUN RUN/ WALK EVENT. SECONDED. 6 -AYES. 0 - NOES. Motion Carried.**
- F. Approval of Hangar Lease Agreement. Councilman Nebeker made a **MOTION TO APPROVE THE TEMPLATE HANGAR LEASE AGREEMENT. SECONDED. 6 - AYES, 0 - NOES. MOTION APPROVED.**

City of Emmett Council Meeting

May 14, 2019

- G. Update on Area of Impact for Sewer, Water & Transportation. Clint Seamon, Superintendent of Public Works and Brian Sullivan, Building Administrator entertained discussion. No decisions were made.
- H. Information on Heritage Place Park. Brian Sullivan, Building Administrator entertained discussion. No decisions were made.

REPORTS:

Building Official/City Planner – Brian Sullivan nothing to report.

City Clerk – Lyleen Jerome – nothing to report.

Fire – Fire Chief – Curt Christensen – nothing to report.

Library – Librarian Alyce Kelley – nothing to report.

Police – Deputy Chief Babcock – nothing to report.

Public Works – Clint Seamons – nothing to report

System Administrator – Mike Knittel – nothing to report

Economic Development – Krista Cole - absent

Engineer – None

EXECUTIVE SESSION:

74-206 (1) (b) To consider the evaluation, dismissal or disciplining of or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent or public-school student. Councilman Stout made a **MOTION IN REGARDS TO 74-206 (1) (b) TO GO INTO EXECUTIVE SESSION. SECONDED.**

ROLL CALL VOTE - COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED. COUNCIL WENT INTO EXECUTIVE SESSION AT 8:54 PM. RETURNED AT 9:06 PM

Councilman Alder **MADE A MOTION TO ADJOURN, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

Meeting Adjourned at 9:07 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk

City of Emmett Council Meeting

May 28, 2019

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.
Mayor Gordon Petrie called the meeting to order at 7:00 p.m.
Mayor Gordon Petrie led the **Pledge of Allegiance**
Hugh Orr offered the **Community Invocation**

Council Present: Council President Michelle Welch, Councilman Shawn Alder, Councilman Gary Resinkin, Councilman Steve Nebeker, Councilman Mike Stout, Councilman Tona Henderson

Staff Present: William Babcock, Clint Seamons, Bruce Evans, Mike Knittel, Lyleen Jerome, Curt Christensen, Alyce Kelley, Krista Cole.

Public Present: Rick Dorey – 5445 W Hwy 52, Martin W. Fry 2325 Brogan Rd

Amendments to the Agenda: None

Councilman Nebeker **MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

Declaration of Conflicts of Interest: None

Declaration of Council Members' Discussion Outside an Open Meeting: None

CONSENT AGENDA:

- A. Approval of Minutes – None
- B. Approval of Accounts Payable

Councilman Nebeker made a **MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

ELECTED OFFICIALS:

- A. Mayor
 - 1. Resignation Letter Acceptance & Announcement of New Appointment – Bruce Evans resigned as Superintendent of Public Works – Mayor Petrie accepted resignation and announced Clint Seamons as the successor
- B. Announcements
- C. City Council

NON-CONSENT AGENDA

BUSINESS:

- A. Surplus of Fire Department Equipment. Councilman Nebeker made a **MOTION TO DISPENSE OF THE SURPLUS OF THE FIRE DEPARTMENT EQUIPMENT AS DESIGNATED ON SPREADSHEET. SECONDED. 6 – AYES. 0 – NOES. Motion carried.**
- B. Approval of Hincklease Lease Agreement. Councilman Resinkin made a **MOTION TO POSTPONE THE APPROVAL OF HINCKLEASE LEASE AGREEMENT UNTIL THE 1ST MEETING IN JUNE. SECONDED. 6 – AYES, 0 – NOES. Motion Carried.**
- C. Approval of Idaho Department of Lands Mobilization Agreement. Councilman Nebeker made a **MOTION TO APPROVE FIRE CHIEF CHRISTIANSEN TO SIGN THE IDAHO DEPARTMENT OF LANDS MOBILIZATION AGREEMENT. SECONDED. ROLL CALL VOTE. COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED**
- D. Approval of SUNROC Asphalt Paving Contract - \$38,600. Councilman Nebeker made a **MOTION TO APPROVE THE SUNROC ASPHALT PAVING CONTRACT FOR THE TOTAL OF \$38,600. SECONDED. ROLL CALL VOTE. COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED.**
- E. Approve Notice of award to Asphalt Driveways and Patching for 12th Street Pathway Project - \$182,514.50. Councilman Stout made a **MOTION TO APPROVE THE NOTICE OF AWARD TO ASPHALT DRIVEWAYS & PATCHING 12TH STREET PATHWAY PROJECT FOR THE TOTAL AMOUNT OF \$182,514.50 FOR THE MAYOR TO SIGN. ROLL CALL VOTE. COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED.**
- F. Approval to hold a Public Hearing on Increasing Airport Fees. Councilman Nebeker made a **MOTION FOR APPROVAL TO HOLD A PUBLIC HEARING ON INCREASING AIRPORT FEES TO BE HELD ON AUGUST 13TH, 2019 CITY COUNCIL MEETING. SECONDED. 6 – AYES. 0- NOES. MOTION CARRIED.**
- G. Approval of Contract Services with Zwygart John CPA. Councilman Henderson made a **MOTION TO APPROVE THE CONTRACT SERVICES WITH ZWYGART JOHN, CPA IN THE AMOUNT OF \$8950. SECONDED. ROLL CALL VOTE. COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED.**
- H. Proposed Ordinance Revisions. Councilman Nebeker made a **MOTION TO TAKE THE PROPOSED CITY ORDINANCE REVISIONS TO THE CITY ATTORNEY TO BE PUT INTO ORDINANCE FORM AND BE BROUGHT BACK TO COUNCIL FOR ACTION. SECONDED. 6 – AYES, 0- NOES. Motion Carried.**

City of Emmett Council Meeting

May 28, 2019

REPORTS:

Building Official/City Planner – Brian Sullivan – Absent.

City Clerk – Lyleen Jerome – Presented monthly report.

Fire – Fire Chief – Curt Christensen – Presented monthly report.

Library – Librarian Alyce Kelley – Presented monthly report.

Police – Deputy Chief Babcock – Presented monthly report.

Public Works – Bruce Evans – Presented monthly report.

System Administrator – Mike Knittel – Presented monthly report.

Economic Development – Krista Cole – Presented monthly report.

Engineer – None

EXECUTIVE SESSION:

74-206 (1) (b) To consider the evaluation, dismissal or disciplining of or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent or public-school student. Councilman Nebeker made a **MOTION IN REGARDS TO 74-206 (1) (b) TO GO INTO EXECUTIVE SESSION. SECONDED.**

ROLL CALL VOTE - COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED. COUNCIL WENT INTO EXECUTIVE SESSION AT 8:18 PM. RETURNED AT 8:48 PM

Councilman Alder **MADE A MOTION TO ADJOURN, SECONDED, 6 AYES, 0 NOES. Motion Carried.**

Meeting Adjourned at 8:48 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk

City of Emmett Council Meeting

June 25, 2019

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.

Mayor Gordon Petrie called the meeting to order at 7:00 p.m.

Mayor Gordon Petrie led the **Pledge of Allegiance**

Tim Beatty offered the **Community Invocation**

Council Present: Councilman Shawn Alder, Councilman Gary Resinkin, Councilman Steve Nebeker, Councilman Mike Stout, Councilman Tona Henderson

Staff Present: Brian Sullivan, Lyleen Jerome, Curt Christensen, Alyce Kelley, Steve Kunka, Clint Seamons, Mike Knittel, Krista Cole, Stephanie Johnson

Public Present:

Amendments to the Agenda: None

Councilman Nebeker **MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED, SECONDED, 5 AYES, 0 NOES. Motion Carried.**

Declaration of Conflicts of Interest: Councilman Alder will abstain from voting of the Preliminary Plat Application for Harvest Valley Subdivision as that is in the area he resides.

Declaration of Council Members' Discussion Outside an Open Meeting: None

CONSENT AGENDA:

- A. Approval of Minutes – None
- B. Approval of Accounts Payable

Councilman Henderson made a **MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED, SECONDED, 5 AYES, 0 - NOES. Motion Carried.**

ELECTED OFFICIALS:

- A. Mayor
- B. Announcements
- C. City Council

NON-CONSENT AGENDA

BUSINESS:

- A. Approval of Preliminary Application for Harvest Valley Subdivision. Phase 5 & 6 pp19-001. Councilman Henderson made a **MOTION TO APPROVE THE PRELIMINARY PLAT FOR HARVEST VALLEY PHASE 5 & 6 WITH SITE SPECIFIC CONDITION OF APPROVAL FROM THE STAFF REPORT IN SECTION 7 BEING PART OF THE MOTION. SECONDED. 4 – AYES 0-NOES 1- ABSTENTION. Motion Carried.**
- B. Approval of Coastline Equipment Invoice for \$20,789.09. Councilman Nebeker made a **MOTION TO APPROVE COASTLINE EQUIPMENT INVOICES IN THE AMOUNT OF \$20,789.09. SECONDED. 5 – Ayes, 0 – Noes. Motion carried.**
- C. Approval to sign Vector Truck Lease Agreement with Mountain West Bank. Councilman Nebeker made a **MOTION TO HAVE MAYOR SIGN VACTOR TRUCK LEASE AGREEMENT WITH MOUNTAIN WEST BANK. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.**
- D. Approval of Ordinance: Councilman Henderson made a **MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-01 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE TITLE 1, CHAPTER 6D, SECTION 1: OFFICE ESTABLISHED; APPOINTMENT; TERM: MAKING THE APPOINTMENT OF THE SUPERINTENDENT OF PUBLIC WORKS SUBJECT TO THE CONSENT OF THE CITY COUNCIL AND REMOVING THE TWO (2) YEAR TERM. Councilman Henderson made a **MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-01, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.****
- E. Approval of Ordinance: Councilman Henderson made a **MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-02 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE TITLE 4, CHAPTER 1, SECTION 2: FIRE CHIEF; POWERS AND DUTIES: REMOVING DEPARTMENT MEMBER POWER TO ARREST. Councilman Stout made a **MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-02, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.****
- F. Approval of Ordinance #O2019-03. Councilman Nebeker made a **MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE**

City of Emmett Council Meeting

June 25, 2019

- IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-03 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, REPEALING CITY CODE TITLE 4, CHAPTER 1 SECTION 9: FIRE TRUCK CAPITAL IMPROVEMENT FUND. Councilman Nebeker made a MOTION TO SEND THIS BACK TO THE CITY ATTORNEY FOR MORE CHANGES. SECONDED. 5 – AYES. 0- NOES. Motion carried.**
- G. Approval of Ordinance. Councilman Henderson made a MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-04 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE TITLE 5, CHAPTER 1, SECTION 1: DEPARTMENT CREATED; QUALIFICATIONS; APPOINTMENTS: MAKING THE REMOVAL OF THE CHIEF OF POLICE SUBJECT TO THE CONSENT OF THE CITY COUNCIL. Councilman Stout made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-04, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.**
- H. Approval of Ordinance. Councilman Nebeker made a MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-05 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE TITLE 5, CHAPTER 1 SECTION 2: CHIEF OF POLICE: REPORTS REQUIRED: REMOVING THE REQUIREMENT TO REPORT THE NAMES OF PERSONS ARRESTED. Councilman Nebeker made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-05, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.**
- I. Approval of Ordinance. Councilman Alder made a MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-06 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE TITLE 6, CHAPTER 1, SECTION 4: U-TURNS PROHIBITED: REMOVING THE TERM HORSEDRAWN VEHICLES. Councilman Nebeker made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-06, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.**
- J. Approval of Ordinance. Councilman made a MOTION TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE ONLY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried. #O2019-07 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, REPEALING CITY CODE TITLE 6, CHAPTER 1, SECTION 5: DRIVING RESTRICTIONS DURING FIRE ALARMS. Councilman Nebeker made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF THE ORDINANCE #O2019-07, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. SECONDED. ROLL CALL VOTE. COUNCILMAN STOUT – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN NEBEKER – AYE, COUNCILMAN ALDER – AYE, COUNCILMAN RESINKIN – AYE. Motion Carried.**

REPORTS:

Building Official/City Planner – Brian Sullivan – Gave report.
City Clerk – Lyleen Jerome – Gave report along with Monthly Financial Report.
Fire – Fire Chief – Curt Christensen – Gave report.
Library – Librarian Alyce Kelley – Gave report.
Police – Chief Kunka – Gave report.
Public Works – Clint Seamons – Gave report.
System Administrator – Mike Knittel – No report.
Economic Development – Krista Cole – Gave report.
Engineer – Justin Walker – Gave report regarding South Johns Avenue LHTAC Project

Councilman Alder **MADE A MOTION TO ADJOURN, SECONDED, 5 AYES, 0 NOES. Motion Carried.**

Meeting Adjourned at 8:53 p.m.

City of Emmett Council Meeting

June 25, 2019

Mayor Gordon Petrie

Lyleen Jerome, City Clerk



CITY OF EMMETT
PUBLIC WORKS DEPARTMENT

601 East 3rd Street
Emmett, Idaho 83617

Gordon Petrie, Mayor
Lyleen Jerome City Clerk
Jake Sweeten, Attorney
Michelle Welch – City Council President

Councilman: Mike Stout
Eltona Henderson
Shawn Alder
Steve Nebeker
Gary Resinkin

City of Emmett
Mayor Gordon Petrie
Emmett City Council

Tuesday, July 02, 2019

RE: “Approval of Asphalt Patching & Driveways Change Order in the amount of \$12,260.00.”

Mayor, City Council:

[X] Concur with approving Asphalt Patching & Driveways Change Order in the amount of \$12,260.00

Attached is the Change Order as Exhibit A.

I recommend the following motion: **“Motion to approve Asphalt Patching & Driveways Change Order in the amount of \$12,260.00.”**

Sincerely,

Clint Seamons
Superintendent of Public Works



Change Order

Owner:	City of Emmett	Change Order No.:	001
Project Name:	12 th Street Pathway	Project No.:	210022-046
Contractor:	Asphalt Driveways & Patching	Issued By:	J. Walker
Attention:	Clint Seamons	Date Issued:	6/27/2019

Reason for Change: Item 1: Additional sidewalk – Contractor request to add 5 SY of concrete sidewalk as need to construction the project.

Item 2: Additional Solar Rectangular Rapid Flashing Beacon (RRFB) – Owner request to add an additional RRFB to the project.

The Contract Documents are modified as follows upon execution of this Change Order: 5 SY of additional sidewalk are added to item 0706.4.1.E.1 – Concrete Sidewalk, thickness 5".

1 additional RRFB is added to the bid schedule.

Attachments: Contractor request for Change order.

The Contract is changed as follows:

PR, RFI and / or WCD # (if applicable)	Description of Change	Change in Contract Amount
N/A	Additional Sidewalk – 5 SY	\$ 260.00
N/A	Additional Solar RRFB	\$ 12,000.00
	Original Contract Amount	\$ 182,514.00
	Net Change by Previous Change Order(s)	\$ 0.00
	Total Contract Amount Prior to this Change Order	\$ 182,514.00
	Net (increase in Contract Amount this Change Order	\$ 12,260.00
	Revised Contract Amount	\$ 194,774.00

The time provided for completion in the contract is unchanged. The revised date of Substantial Completion, therefore, is unchanged. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

Keller Associates, Inc.

Engineer

131 SW 5th Ave

Meridian, Idaho, 83642

(Address)

By (Authorized Signature)

Justin Walker

(Printed Name)

Date

City of Emmett

Owner

601 E. 3rd Street

Emmett, ID 83617

(Address)

By (Authorized Signature)

(Printed Name)

Date

Asphalt Driveways and Patching

Contractor

~~1323 Madison Ave~~ Po Box 702

Nampa, ID ~~83687~~ 83653

(Address)

Brandon Miller
By (Authorized Signature)

Brandon Miller
(Printed Name)

06/28/2019
Date

ASPHALT DRIVEWAYS & PATCHING
PO BOX 702
NAMPA, ID 83653
(208) 467-5368 FAX (208) 467-3699
EMAIL: asphaltdriveway@cableone.net

IDAHO PUBLIC WORKS# 024626-C-4 (02785, 02740, 02310)
RCE-46513

City of Emmett
601 E 3rd St
Emmett, Id 83617

06/25/2019

RE: Project #210022-046
Emmett-12th Street Pathway

Clint,

We need a change order #1 put in for some additional concrete work that was required at the start on West end of 12th, Per Max Poulton, there was a 5.5 x 8 section that had to be removed & replaced.

Additional total of 5 SY @ \$52.00 a SY = \$260.00 for this Change Order

We also need a change order #2 for a second Additive 1 (SP108 Solar Rectangular Rapid Flashing Beacon) per your request to Max Poulton.

Additional total of \$12,000.00 Lump Sum for this Change Order.

If you have any questions, please call me at the office number listed above or Max Poulton at (208)573-3207.

Thank You,

Denise L Henderson
Bookkeeper



Pay Estimate Period	
Project Commencement - 06/29/2019	
Asphalt Patching & Driveways Pay Request #1	\$25,332.70

Date: July 1, 2019
 To: Clint Seamons
 601 E 3rd Street
 Emmett, ID 83617
 Subject: 12th Street Pathway Pay Application 1

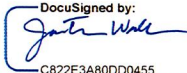
Pay Request #1
Pay to Order of:
 Asphalt Patching & Driveways
 PO Box 702
 Nampa, ID 83653

For City review and approval, we have enclosed the following items:

Pay Request No.	Pay Estimate Period	Project No.	Description
1	Project Beginning- 6/29/2019	210022-046	Pay Request #1 includes Concrete Sidewalk, Pedestrian Ramps, ¾- Aggregate, and Mobilization.

Item	Contract Amount ¹	Amount Requested this Period	Total Recommended for Payment to Date	Percent Complete
Asphalt P&D, Contract	\$182,514.00	\$25,332.70	\$25,332.70	13.9%

We have reviewed the attached Asphalt Patching & Driveways Pay Request and recommend the City pay the requested amount. If the attached pay request is found acceptable, please sign.

Engineer Signature  Date 7/2/2019
 City Signature _____ Date _____

Enclosure(s): Asphalt Patching and Driveways Pay Request (June 29, 2019)

Asphalt Driveways And Patching
P.O. Box 702
Nampa, Idaho 83653
Phone (208) 467-5368
Fax (208) 467-3699
asphaltdrivewaysandpatching.com

STATEMENT

DATE	6/28/2019
NUMBER	210022-046

9163

City of Emmett
101 E 3rd Street
Emmett, ID 83617
(208) 265-9569

PERIOD: email: cseamons@cityofemmett.org
PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

DATE	CHARGES AND CREDITS	BALANCE
	Payment Job site: BALANCE FORWARD	
	Request Emmett 12th Street Pathway	
	#1 Original Contract Sum	182514.00
	Total Completed to date	26666.00
	Less 5% Retainage	(1333.30)
	1.5% Interest after 30 days	25332.70

Asphalt Driveways And Patching
Thank You

PAY LAST AMOUNT
IN THIS COLUMN

INVOICE

SUBMITTED BY: Asphalt Driveways & Patching
ADDRESS: PO Box 702
CITY:ampa, Id 83653

TO: City of Emmett
601 E 35th Street
Emmett, Id. 83617

Invoice No. 9163

Invoice Date 06/28/2019

Work Completed thru 06/28/2019

CONTRACTOR'S PAYMENT REQUEST

CONTRACT: 210022-046
12th Street Pathway

ORIGINAL CONTRACT SUM	\$ 182,514.00
PLUS: CHANGE ORDERS	\$ 0
CONTRACT SUM TO DATE	\$ 182,514.00
TOTAL COMPLETED & STORED TO DATE	\$ 24,646.00
LESS: RETAINAGE	\$ 1,333.30
EARNED TO DATE LESS RETAINAGE	\$ 25,332.70
LESS PREVIOUS BILLINGS	\$ 0
CURRENT PAYMENT DUE	\$ 25,332.70

Denise L. Henderson 06/28/2019
(Signature) (Date)
Denise L. Henderson, Bookkeeper
(Name) (Title)

Progress Estimate - Unit Price Work

Contractor's Application

A		B				C		D		E		F	
Bid Item No.	Item Description	Contract Information				Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)		
		Item Quantity	Units	Unit Price	Total Value of Item (\$)								
0706.4.1.E.1	CONCRETE SIDEWALK, THICKNESS 5" TYPE 120	235	SY	\$52.00	\$12,220.00	188	\$9,776.00		\$9,776.00	80.0%	\$2,444.00		
0706.4.1.H.1	PEDESTRIAN RAMP W/ DETECTABLE WARNING DOME, TYPE 120	5	EA	\$2,400.00	\$12,000.00	2.5	\$6,000.00		\$6,000.00	50.0%	\$6,000.00		
0802.4.1.B.1	CRUSHED AGGREGATE FOR BASE, TYPE I	480	TON	\$42.00	\$20,160.00	95	\$3,990.00		\$3,990.00	19.8%	\$16,170.00		
0810.4.1.A.1	PLANT MIX PAVEMENT, TYPE SF3 PG 38-28	260	TON	\$125.00	\$32,500.00						\$32,500.00		
1001.4.1.A.1	SEDIMENT CONTROL	1	LS	\$5,200.00	\$5,200.00						\$5,200.00		
1109.4.1.A.1	CONSTRUCTION TRAFFIC CONTROL	1	LS	\$900.00	\$900.00						\$900.00		
1104.4.1.A.1	PAINTED PAVEMENT MARKINGS	108	SF	\$9.00	\$972.00						\$972.00		
2010.4.1.A.1	MOBILIZATION, BONDS AND INSURANCE	1	LS	\$9,200.00	\$9,200.00	0.75	\$6,900.00		\$6,900.00	75.0%	\$2,300.00		
2030.4.1.A.1	MANHOLE, TYPE SEWER, ADJUST TO GRADE	1	EA	\$650.00	\$650.00						\$650.00		
2030.4.1.D.1	JUNCTION BOX, ADJUST TO GRADE	6	EA	\$550.00	\$3,300.00						\$3,300.00		
2040.4.1.A.1	FENCE, TYPE # CHAIN LINK	1300	LF	\$23.00	\$29,900.00						\$29,900.00		
SP 101	CONCRETE CURB W/ FLEXIBLE POST DELINEATORS	2685	LF	\$12.50	\$33,562.00						\$33,562.00		
SP 102	MAILBOX EXTENSION	4	EA	\$250.00	\$1,000.00						\$1,000.00		
SP 103	DETECTABLE WARNING DOME	1	EA	\$950.00	\$950.00						\$950.00		
SP 104	REMOVE EXISTING AND INSTALL NEW MAILBOX	5	EA	\$400.00	\$2,000.00						\$2,000.00		
SP 105	REMOVE AND RELOCATE SPRINKLER SYSTEM	1	LS	\$3,200.00	\$3,200.00						\$3,200.00		
SP 106	REMOVE AND RESET STREET SIGN	4	EA	\$300.00	\$1,200.00						\$1,200.00		
SP 107	LANDSCAPE REPAIR	1	LS	\$1,600.00	\$1,600.00						\$1,600.00		
SP 108	SOLAR RECTANGULAR RAPID FLASHING BEACON	1	LS	\$12,000.00	\$12,000.00						\$12,000.00		
Totals							\$266,666.00		\$266,666.00	14.6%	\$155,848.00		

For (Contract): 12TH STREET PATHWAY Application Number: 1 Application Period: 6/1/19-6/30-19 Application Date: 6/28/2019



CITY OF EMMETT
PUBLIC WORKS DEPARTMENT

601 East 3rd Street
Emmett, Idaho 83617

Gordon Petrie, Mayor

Lyleen Jerome City Clerk
Jake Sweeten, Attorney
Michelle Welch – City Council President

Councilman: Mike Stout
Eltona Henderson
Shawn Alder
Steve Nebeker
Gary Resinkin

City of Emmett
Mayor Gordon Petrie
Emmett City Council

Wednesday, July 03, 2019

RE: “Approval of Local Public Agency's Certificate of Completion of Right-Of-Way Activities with Mayor to sign.”

Mayor, City Council:

[X] Concur with approving Local Public Agency's Certificate Of Completion Of Right-Of-Way Activities with Mayor to sign.

Attached is the Certificate of Completion for S. Johns Ave, 12th St to 4th St. Rehab Project as Exhibit A.

I recommend the following motion: **"Motion to approve Local Public Agency's Certificate of Completion of Right-Of-Way Activities with Mayor to sign."**

Sincerely,

Clint Seamons
Superintendent of Public Works

Local Public Agency's Certificate Of Completion Of Right-Of-Way Activities

Idaho Transportation Department



Key Number 13493	Project Number A013(493)	Project Name S. Johns Ave, 12 th St to 4 th St. Emmett
Local Public Agency City of Emmett		

Complete the applicable section below and the Certification section.

Right of Way is Not Required

- All work will be done within the existing right of way
- No utilities are involved in this project
- Utilities are impacted and agreements are in place. Number of Utilities _____

Right of Way is is Required

- Number of ownerships acquired 28 Total amount paid \$ \$61,141.51
- Number of parcels in condemnation or pending final settlement _____
- Number of Relocations _____
- No utilities are involved in this project
 - Utilities are impacted and agreements are in place. Number of Utilities _____

Certification

I hereby certify that all acquisitions and relocations, if any, were performed in accordance with our assurances to comply with state and federal laws and regulations related to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments thereto.

It is further certified that in all cases where the real property rights were obtained through donation, that the property owner(s) was fully informed of the right to receive just compensation and the owner has released our agency from its obligation to appraise the property in the event that the estimated value may exceed \$5,000.00.

Agency Contact's Name (Printed)	Phone Number	E-Mail Address	
Attester's Signature (Clerk or Secretary)	Date	Chairman, President, or Mayor's Signature	Date



CITY OF EMMETT
PUBLIC WORKS DEPARTMENT

601 East 3rd Street
Emmett, Idaho 83617

Gordon Petrie, Mayor
Lyleen Jerome City Clerk
Jake Sweeten, Attorney
Michelle Welch – City Council President

Councilman: Mike Stout
Eltona Henderson
Shawn Alder
Steve Nebeker
Gary Resinkin

City of Emmett
Mayor Gordon Petrie
Emmett City Council

Wednesday, July 03, 2019

RE: “Approval of new HVAC System for Emmett Police Department in the amount of 12,867.00 to HVAC Specialties.”

Mayor, City Council:

[X] Concur with approving new HVAC System for Emmett Police Department in the amount of 12,867.00 to HVAC Specialties.

Attached is the lowest bid as Exhibit A and BID Results as Exhibit B.

I recommend the following motion: **“Motion to approve new HVAC System for Emmett Police Department in the amount of 12,867.00 to HVAC Specialties.”**

Sincerely,

Clint Seamons
Superintendent of Public Works

HVAC Specialties

HVAC Specialties
1469 Fernlee Circle
Emmett, ID 83617 US
(208)703-9613
hvac_specialties@yahoo.com

City of Emmett
501 E. Main St.
Emmett, ID 83617

06/14/2019

DATE

DESCRIPTION

AMOUNT

Sales

12,867.00

RTU-1

Bryant 5ton 14 SEER 3 phase 110k gas pack
Crane fees

Warranty: 1 year parts, 5 years compressor and heat
exchanger

RTU-2

Bryant 5ton 14 SEER 3 phase 110k gas pack
Crane fees

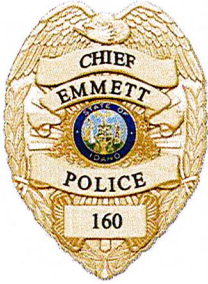
Warranty: 1 year parts, 5 years compressor and heat
exchanger

\$12,867.00

We appreciate your business, please feel free to contact Jamie with any questions

Emmett Police Department HVAC BID Results

Company	Total BID	
HVAC Specialties	\$ 12,867.00	Lowest BID
High Mark Mechanical, Inc	\$ 14,185.00	
Johns Plumbing and Heating Services, Inc	\$ 18,972.00	



EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617

Fax 365-6062 Phone 365-6055

Steve Kunka, Chief of Police

July 2, 2019

Emmett City Mayor
Emmett City Council

This letter is written to show the Emmett Police Department's approval of the attached road closures for the Gem County Fairgrounds Parade during the 2019 Gem County Fair.

As Inez listed in her request, the parade would enter Main St. at S. Hayes Avenue and then run to Johns, turn left and end back behind the park. Inez stated she has spoken with Idaho Traffic Control who will be closing down the roads. Attached is the traffic plan, request letter and google photo of parade route.

I believe that if any concerns or issues come up they will be resolved between Inez Trujillo and me.

Steve Kunka,

A handwritten signature in black ink, appearing to read "Steve Kunka", written over a horizontal line.

Chief of Police

Steve Kunka

From: Inez Trujillo <ITrujillo@mwianimalhealth.com>
Sent: Monday, July 01, 2019 12:55 PM
To: Steve Kunka
Cc: Inez Trujillo; Becky Hanover
Subject: FAIR PARADE

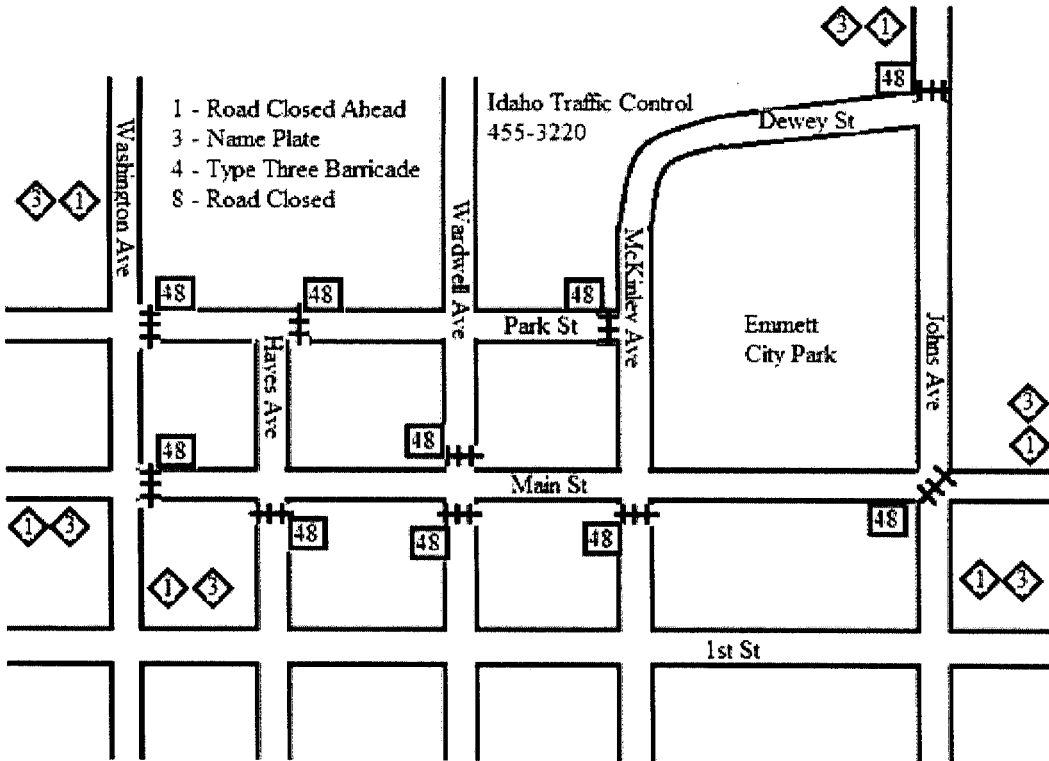
Chief Kunka,

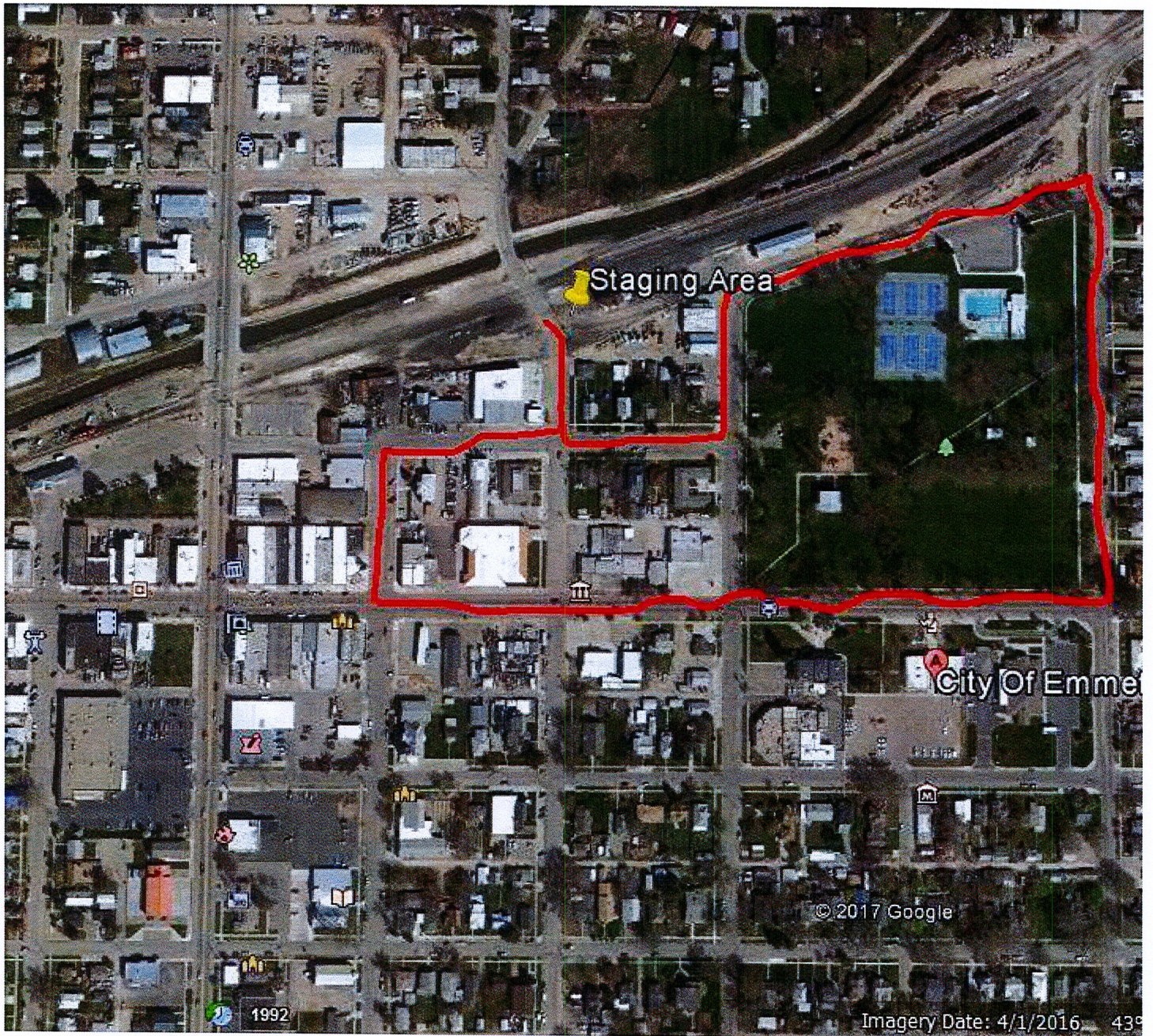
The Gem County Fairgrounds would like to put on a parade like last year around the Emmett City Park. Our parade would be July 27th at 6:30pm. We anticipate having 40 floats consisting of mainly 4-H clubs. I have attached a photo of the parade route. The parade would enter Main St at S Hayes Avenue and then run to Johns, turn left and end back behind the park.

We have spoken with Idaho Traffic control to have them close down the roads. I have attached their control plan. Please let me know if you think we need to change anything or if you have any questions.

Thank you,
Gem Boise Fair Board

Inez





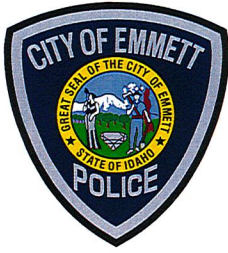
Inez Trujillo

AmerisourceBergen
Equine Sales Coordinator
MWI Animal Health

3041 West Pasadena
Boise Idaho 83705

Work: 888.250.5782
Fax: 866.351.8809
Mobile: 208.559.1392
mwiah.com

*We are united in our responsibility
to create healthier futures.*



EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617

Fax: 208-365-6062 Phone: 208-365-6055

Chief Steve Kunka

June 28, 2019

Pursuant to the city's purchasing policy, IIX. Surplus Property, the Police Department seeks a motion from the Council that authorizes the police department to declare several vehicles surplus. The surplus vehicles, listed below, are over 10 years old, have higher mileage, and have increasing maintenance needs where it is not fiscally responsible to maintain these vehicles.

2006 Dodge Durango VIN: 1D4HB48N46F180208

2005 Ford Crown Vic VIN: 2FAHP71W65X127196

2005 Ford Crown Vic VIN: 2FAHP71W35X132940

2007 Dodge Durango VIN: 1D8HB48P67F536014

Upon arrival of the 2 new units we also wish to surplus these two cars:

2007 Ford Crown Vic VIN: 2FAHP71W27X143561

2010 Ford Crown Vic VIN: 2FKBP7BV2AX125659

The police department also has other surplus items, under \$1,000 in value, which we also would like to place into public auction. These items are no longer used and at best have a nominal value. The list includes the following:

2 coffee makers

Assorted Ford key parts

1 old computer mouse

Assorted old Scales

Assorted USB cords

2 older GPS units

4 nylon camera cases

2 AC battery chargers for digital cameras

5 camera batteries

5 old Digital audio recorders

2 Sony digital cameras (old)

2 old gray C cell flashlights

1 cell antenna booster

4 Power inventors for car DC / AC

2 packages Audio Cassette tapes - brand new

1 Bulk Tape Eraser (cassette/video)

1 Streamlight Stinger XT Flashlight - halogen bulb w/ charger & battery

5 sets of hubcaps - lightly used from 2017 Ford Explorers

SERVICE LEVEL AGREEMENT
FOR
ELECTRONIC TRANSACTION & ACCESS
TO
CITY OF EMMETT

THIS SERVICE LEVEL AGREEMENT (“SLA”) is made and entered into this _____ of _____, 2019, by and between City of Emmett (hereinafter “City”) and Idaho Information Consortium, Inc., doing business as “Access Idaho” (hereinafter “Portal Manager”) and addresses that initiative of the State of Idaho Department of Administration, Office of the Chief Information Officer, known as “Access Idaho” or the “Portal” to provide online electronic access and transactions. This SLA is entered pursuant to, and is subordinate to, the Access Idaho Service Agreement dated June 30, 2008, by and between the State of Idaho and Idaho Information Consortium, Inc., incorporated herein by reference as if fully set forth herein. The parties agree as follows:

Purpose.

The purpose of this SLA is to identify the scope of the City’s implementation of the Portal and to define the responsibilities under which the City and Portal Manager shall implement the Portal of the City. Without limiting any of the foregoing, all requirements of the Access Idaho Service Level Agreement are binding upon and must be met by the parties to this SLA.

Definition of Terms.

- a. ACH Transaction - Automated Clearing House, a system of the U.S. Federal Reserve Bank that provides electronic funds transfer (EFT) between banks.
- b. Application – the development of a database of Records on the Portal or the Software Bridge to a database of Records stored elsewhere for information lookup, or an electronic transaction for gathering data or processing requests from the public (such as filings or permit applications) and the user interface to allow online public access and/or interaction with the same.
- c. Confidential Record – any writing created, received, retained, maintained, used or filed by or with the City that is in electronic form and that cannot be disclosed under Idaho or federal law or regulation or is otherwise designated confidential as defined in the Access Idaho Service Level Agreement.
- d. Public Record – any writing containing information relating to the conduct or administration of the public’s business prepared, owned, used or retained by City that is in electronic form and that is subject to disclosure to the public pursuant to the Idaho Public Records Act.

- e. Record - a writing in electronic form that may include a Public Record and/or a Confidential Record.
- f. Software Bridge - refers to any interface Portal Manager builds between the Portal and any City system to ensure an Application runs effectively. A Software Bridge shall address any and all applicable privacy and security issues.
- g. Project Plan/Schedule - priority schedule of e-commerce applications established by the City and approved by the Portal Manager.

Term.

This SLA shall commence on the date it is signed by the City and Portal Manager; and it shall be coterminous with the Access Idaho Service Level Agreement.

Portal Manager Responsibilities.

Portal Manager agrees to develop and/or administer the Applications contained in all subsequent addenda. Project plans/schedules shall also be set forth in the addenda. The City and Portal Manager may modify any addendum to add or delete services only by mutual agreement in accordance with this SLA.

Portal Manager shall work diligently to deliver each Application according to the agreed upon project plan/schedule. Regular meetings will be held to discuss and update the project plan/schedule as necessary throughout the term of this SLA. Portal Manager will make every effort to keep the City informed of problems that may cause a delay in the delivery of any Application.

In accordance with the Access Idaho Service Level Agreement, Portal Manager shall be responsible for the collection of fees and payments, as set forth in the Access Idaho Service Level Agreement, if applicable. All payments owing to the City, regardless of whether Portal Manager has collected the fee due from the applicable user or subscriber, shall be made by Portal Manager to the City via ACH transaction directly to a numbered account or accounts furnished by the City as provided in the Access Idaho Service Level Agreement.

Portal Manager shall also provide the City a statement or report monthly and at the end of each fiscal year, in a form authorized by the City, showing the following information: the quantity of City Records accessed for the previous month; the types of Record accessed; and within each type, the quantity of Records accessed by each user or subscriber.

City Responsibilities.

The City will be responsive to Portal Manager by providing information and assistance as needed and agreed upon to promote the purpose of this SLA and to meet the delivery dates on the project plan/schedule. The City understands and acknowledges that the schedule and assignment of priorities may need to be adjusted to accommodate reasonable delay due to policy or technical issues outside the control of Portal Manager.

Portal Manager Representations.

Portal Manager represents and warrants that it has no ownership or possession rights to any data or Record by reason of this SLA; it will take all responsible precautions against unauthorized access to City Records; access to Confidential Records shall be given only in accordance with applicable law and any other restrictions imposed by the City in writing; and it will not sell, lease or otherwise transfer any data or Record, including user information, except as specifically authorized by the City.

City Representations.

The City represents to Portal Manager that to the best of its information and belief the content materials furnished to Portal Manager by the City for electronic access of the Portal do not violate any third party's copyright under state or federal law. Further, the City asserts that to the best of its information and belief all issues particular to the City, including but not limited to, any privacy/confidential issues and any statutory or regulatory issues affecting the City's use of the Portal are in compliance with applicable laws and policies affecting the City, and any required approvals have been obtained. The City acknowledges that Portal Manager exercises no control over the links the City may request to other non-Access Idaho sites that may be made available on the Portal. Additionally, the City acknowledges that the Portal Manager exercises no control over the content of the City's Records.

Portal Access to Records.

The City authorizes Portal Manager to access electronic Records maintained by the City for the purposes of e-commerce application only, in accordance with this SLA. Access by Portal Manager will be on an inquiry-only, as needed basis to agreed-upon Records and data for the purpose of providing access, facilitating transactions, or offering other services to users of and subscribers to the Portal as authorized by the City.

User Messages, User Agreements and Screening.

If required by the City, Portal Manager shall require each interactive user to agree, on-line, that the user will comply with any restriction on the use or confidentiality of the City Records as imposed by applicable law. Such user agreement will be in the form of a use message displayed online with a required positive response and will be captured in a log file prior to the user being permitted to further search, view or access the City's Records.

If required by the City, Portal Manager shall obtain initial written agreements from each subscriber, batch and bulk service user that the user will comply with any restrictions on the use or confidentiality of the City Records required by applicable law. These subscriber agreements will be maintained by Portal Manager and may be inspected by the City.

As necessary for the applications contemplated by this SLA, Portal Manager will screen the City Records to prevent the release of any information to unauthorized users.

Miscellaneous.

This SLA (including all documents incorporated by reference) constitutes the complete and exclusive statement of the agreement between the parties hereto. This SLA and all subsequent addenda may be amended only by the written agreement of the parties. Any oral agreement or representation shall bind neither the City nor Portal Manager. If any provision of this SLA be declared illegal, void or unenforceable by a court of competent jurisdiction, the other provisions shall not be affected but shall remain in full force and effect. All notices provided under this SLA shall be directed as shown and may be sent electronically if mutually agreed upon by the parties.

To City: City of Emmett
 501 E. Main St
 Emmett, Idaho 83617
 (208) 365-6050

To Portal Manager: Jeff T. Walker
 General Manager
 Access Idaho
 999 W. Main Street, Ste. 910
 Boise, Idaho 83702-9010
 (208) 332-0102
 jeff@accessidaho.org

IN WITNESS WHEREOF, the parties have executed this SLA the day and year first written above.

City of Emmett City Council Members

By: _____ Date: _____
Gordon Petrie, Mayor

By: _____ Date: _____
Steve Nebeker

By: _____ Date: _____
Tona Henderson

By: _____ Date: _____
Michelle Welch

By: _____ Date: _____
Mike Stout

By: _____ Date: _____
Gary Resinkin

ATTEST:

_____ Date: _____
Lyleen Jerome, City Clerk/Treasurer/HR

Idaho Information Consortium LLC (d.b.a. Access Idaho)

By _____ Date _____
Jeff T. Walker, President

Access Idaho Privacy Statement

The following represents the practices and procedures of the Portal Manager. The following is not intended and should not be interpreted as a contract of any nature, either stated or implied.

Individuals who visit Access Idaho are important to us. Therefore, we do not capture personal information about them without their permission. We endeavor to ensure that we collect only the minimum amount of information needed to meet the purpose for which Access Idaho was created.

Although the gathering of personal information may be required by law or necessary in order for us to provide a requested service, in doing so we are subject to all applicable legal requirements for administering information systems.

We do collect personal information directly from individuals who volunteer to subscribe to one or more of Access Idaho's premium services. Collecting personal information is necessary in order for us to deliver the services requested. Fostering and maintaining the public's trust is a cornerstone of the Portal Manager.

Use, collection, and retention of customer information at Access Idaho

For each visitor, we do collect information about the Inter Protocol (IP) address, type of browser used, the date and time of the visit, and the IP address of the location to which the visitor linked during his or her visit to the site. This information is strictly used for statistical reporting purposes.

We collect, retain and use personal information about our customers only when they volunteer to subscribe to an Access Idaho premium service. We only collect, retain and use personal information where we believe it is essential (and allowed by law) to administer our business and to provide products, services and other opportunities requested by our customers. We reserve the right to retain all electronic correspondence (e-mail) and any information contained therein.

Restrictions on the disclosure of customer information

We do not sell or rent our subscribers' information to any outside company or organization. We do not reveal specific information about subscribers or other personally identifiable data.

Protection of information via established security procedures and maintenance of accurate information

We maintain security standards and procedures regarding unauthorized access to customer information to prevent unauthorized removal or alteration of data. We have established procedures to ensure that information is as accurate and current as practical to enable us to conduct business with you. We will respond to requests to correct inaccurate information in a timely manner.

Limiting employee access to information

Our Portal Manager is instructed to limit employee access to personally identifiable information to only those employees who need access in order to perform their assigned duties. The Portal Manager is instructed to enforce with its staff their responsibilities in protecting subscribers' information.

ADDENDUM A
TO THE
SERVICE LEVEL AGREEMENT
FOR
ELECTRONIC TRANSACTION AND ACCESS
FOR
PAYPORT™ ELECTRONIC PAYMENTS
TO
CITY OF EMMETT

AGREEMENTS

1. Overview

City of Emmett (City) authorizes Access Idaho (Portal Manager) to create a service for the City, in accordance with this Agreement. Description of Service is as follows:

Access by the Portal Manager will be on an inquiry-only, as needed basis for the purposes of processing funds through the Portal's **PayPort Over-the-Counter (OTC) and/or PayPort Online Service** for the City. The City authorizes Portal Manager to be the exclusive agent for electronic transactions by private Users.

2. Definitions

“ACH Transaction” - Automated Clearing House, a system of the U.S. Federal Reserve Bank that provides electronic funds transfer (EFT) between banks.

“Card” –the credit cards branded as Visa, MasterCard, Discover, and American Express, as well as debit cards that display either the Visa or MasterCard logos.

“Devices” –the credit card swipe devices contemplated in this Agreement.

“E-check” (a.k.a. “electronic check” or “virtual check”)–the online payment option where Users enter their bank account and routing numbers.

“EMV” – a global standard for credit and debit payment cards based on chip card technology," taking its name from the original card schemes that developed it (Europay, MasterCard, and Visa).

“Payment System” –the Internet-based POS payment system hosted by Portal Manager.

“Portal Administration Fee” –fee charged for use of the Payment System to pay Statutory Fees.

"Portal Manager's Network" –the network systems of the Portal Manager that host the Payment System.

"Services" –the services provided by Portal Manager pursuant to this Agreement, as expressly set out in Section 4.

"Statutory Fees" –without limitation, the taxes, penalties, interest, fines, child support fees, licensing fees, or other fees assessed by statute, rule, court order or other governmental act and collected by the City from the User.

"Transaction" –the successful payment using a Card via the Payment System by a User, without regard to whether such Transaction is voided or charged-back by the Card issuer, or refunded by the City.

"User" –the person or entity that pays the Statutory Fees via the Payment System.

3. Over-the-Counter Equipment

For PayPort OTC, Portal Manager will provide one (1) Device (as shown and described in Exhibit [a], attached) free of charge to the City office covered in this agreement. The Portal can provide additional Devices at no charge per City's request and Portal's consent.

The procurement by City of any Device is subject to, and must be done in accordance with, any applicable purchasing laws or rules. Devices provided to City by Portal Manager shall be subject to all the terms and conditions of this Agreement, unless the parties otherwise agree in writing. Devices will be shipped within 15 business days from receipt of a written notice from City. City may purchase Devices independently of the Portal Manager. In such case, any such devices must meet the hardware requirements of the Portal Manager.

4. Services

- a. During the term of this Agreement, Portal Manager will provide City with access to the following Portal Manager Internet-based applications:
 - i) Administrative Module. Portal Manager will provide City with access to administrative tools hosted on Portal Manager's server that can be used by City to define credit card services, set up cashiers, view transaction reports and initiate refunds.

- ii) Cashier's Module. Portal Manager will provide City access to the tools that will permit City to enter Transaction and Card information manually. Card information may be automatically entered by "swiping" a Card through an installed Device, or manually entered using the cashier's module.
- b. Portal Manager will provide City technical support for Service inquiries through a toll-free number for the City. The Portal Manager's technical support services are provided via telephone support.

5. Collection, Fees, and Payment

- a. Collection. The cost for each item posted to the application is set by the City. **The City will not receive a bill from the Portal Manager for this service or any fees.** The Portal Manager shall be entirely responsible for the assessment and collection of payments from Users. Any changes or amendments to the terms of this Addendum must be documented and agreed to in writing by the parties to this Addendum.
- b. Portal Administration Fee. For every credit/debit card transaction in which the Payment System is used, User shall pay, in addition to User's payment to the City, a non-refundable Portal Administration Fee equal to 3.00% of the amount of User's payment to the City plus \$1.00, due at the time the transaction is performed. This Portal Administration Fee will be retained by Portal Manager as compensation for its services under this agreement. Example: For a \$100 payment to City, User will be charged a Portal Administration Fee of \$4.00, for a total of \$104.00.

For every E-check transaction—should the City choose to offer this online payment option for its Users—in which the Payment System is used, User shall pay, in addition to User's payment to the City, a non-refundable Portal Administration Fee of \$1.50, due at the time the transaction is performed. This Portal Administration Fee will be retained by Portal Manager as compensation for its services under this agreement. The City understands that, unlike credit/debit card payments, E-check payments are not guaranteed funds; therefore, the City shall be responsible for collecting such funds on unsuccessful payments due to, but not limited to, non-sufficient funds in a User's account, incorrect account and/or routing number entry by User, closed bank accounts, and stopped payments.

Portal Manager reserves the right to charge City for the Portal Administration Fee and any additional fees associated with a voided or charged back Transaction, when charged against Portal Manager by the Merchant Bank. It is the intent of this provision that such right may be exercised by Portal Manager only when City exhibits a pattern of excessive voided or charged back Transactions. In addition, if City has already received the voided or charged back Statutory Fee from Portal Manager, City shall refund the full amount of such Statutory Fee to Portal Manager upon receipt of evidence that such Transaction was charged back or voided by User.

- c. Payment of Statutory Fees. Payments of the Statutory Fees (regardless of whether the Portal Manager has collected the amount from the applicable User) shall be made from the Portal via ACH Transaction directly to a numbered account furnished by City. In addition, a payment/deposit report shall be available online to City.
 - d. Statutory Fee Payment Due Date. The Portal Manager shall remit the portion of revenues constituting Statutory Fees to the appropriate City account, within 24 hours of when funds are received into Portal Manager's account.
 - e. Records and Finances. All Portal documents and records maintained by the Portal Manager relating to City records shall be available for inspection; auditing and copying by the City or other authorized representatives.
 - f. In the event of a disputed charge, a charge-back, voiding of a Transaction or a refund by City, Portal Manager will work with the City to resolve the dispute.
6. City Responsibilities.
- a. City is responsible for providing a PC with Internet connection and an attached printer. Such PC must have an IE 5.0 or Netscape 7.1 browser or higher and an available USB port interface.
 - b. City is responsible for providing information about, and a complete explanation of, the Portal Administration Fees to potential users.
 - c. City is responsible for securing any required authorizations (including, without limitation, those required for compliance with any required statutes, rules or executive order) that are necessary to permit the adoption of the Services, the payment of Portal Administration Fees, and the other payments required for the Services, as set out in Section 4. Any such required authorizations shall be obtained prior to any Transactions being processed pursuant to this Agreement.
 - d. Devices provided pursuant to this Agreement will be preprogrammed and ready for installation. City is responsible for installation of the Devices and any required accessory equipment and all required utilities.
 - e. City shall provide to the Portal Manager written notification as to what City account is to be used for the Statutory Fees.
 - f. City will use due care in determining whether the User is authorized to use the Card to pay Statutory Fees.
 - g. Security Measures. City shall take all necessary measures to protect the access codes provided to it by Portal Manager from unauthorized use or disclosure.

7. Warranty.

- a. Portal Manager represents that the Devices identified in Exhibit [a] are compatible with and will function with the Portal Manager's Network and Payment System to process the POS transactions contemplated by this Agreement. Portal Manager does not guarantee mechanical operation of the Devices. Portal Manager will assign and transfer to City, in a form acceptable to City, all manufacturer warranties for the Devices.
- b. Portal Manager is not responsible for Service downtime due to interruptions in Internet connectivity, state network interruptions, interruptions caused by Card companies or issuing banks, or due to routine system maintenance.
- c. City understands that Portal Manager's Services do not constitute and that Portal Manager is not providing credit availability, history or authorization for use of the Card, but rather Portal Manager provides the Services with respect to accessing such credit services via the Internet.

8. Term and Termination. Either party may terminate this Agreement at any time, without cause, upon thirty (30) days advance notice. In the event of such termination, Portal Manager shall transmit to City all Statutory Fees collected by Portal Manager which are due City, and City shall pay for Services up to the date of termination. City understands that upon termination, Portal Manager shall disconnect City's access to the Services, and Users will no longer be permitted to use the Payment System to make payment of Statutory Fees.

9. General.

- a. Portal Manager does not require electronic access to information contained in a City computer database maintained by the City or its agent to create an electronic transaction service, in accordance with this Agreement.
 - i) Portal Manager shall not sell, lease or otherwise transfer transaction records to any other entity than City or authorized representative.
 - ii) Portal Manager shall create and maintain documents and records relating to City transactions and such records shall be available for inspection; auditing and copying by City or other authorized representatives.
- b. Portal Manager shall be responsible for costs and expenses in maintaining the records created by City in its administrative interface and shall provide a record of transactions to City, including without limitation, the cost for purchasing or

developing and maintaining all programs used to access the administrative interface. Computer programs used by the Portal Manager shall:

- i) Protect information from unauthorized access;
 - ii) Supply Transaction records to City on a timely basis in an accurate, understandable and logical format acceptable to City;
 - iii) Be tested by the Portal Manager, and prototype shall be provided for City review and approval before it is offered to City.
- c. If required by City, Portal Manager shall cause Portal to require City employees to signify online prior to being allowed access to records that they will comply with any restriction required by law on use of the records. City access agreement will be in the form of a use message displayed online, with a required positive response, to be captured in a log file, prior to City employee being permitted to further search or view the record.
- d. Portal Manager shall defend, indemnify, and hold the County, its officers, agents, and employees harmless for all claims, losses, actions, damages, judgments, costs, expenses, and/or chargeback liabilities associated with County's use of hardware/software to process counterfeit and stolen EMV credit and debit cards using non-EMV swipe card readers.

IN WITNESS WHEREOF, the parties have executed this Addendum the day and year listed below on the City signature lines.

City of Emmett Council Members

By: _____ Date: _____

Gordon Petrie, Mayor

By: _____ Date: _____

Steve Nebeker

By: _____ Date: _____

Tona Henderson

By: _____ Date: _____

Michelle Welch

By: _____ Date: _____

Mike Stout

By: _____ Date: _____

Gary Resinkin

ATTEST:

Lyleen Jerome, City Clerk/Treasurer/HR

Date: _____

Idaho Information Consortium, LLC (d.b.a. Access Idaho)

By: _____ Date: _____
Jeff T. Walker, President

Exhibit [a]: Optional

**MAGTEK DYNAPAD
SECURE CARD READER
AUTHENTICATOR
(SCRA) WITH
ENCRYPTING KEY PAD**

- Meets PCI DSS requirements
- Windows “plug-and-play”
- Unique, non-changeable device serial number, time-bound session IDs
- Triple DES encryption, DUKPT key management, tokenization, authentication, dynamic data
- Card authentication, counterfeit card detection
- USB Type A powered (No external power supply required)
- Includes USB interface
- Large two-line x 16-digit liquid crystal display
- Red/green/amber status LED
- Tamper resistant & evident
- Keyboard emulation
- Part #21087008
- www.magtek.com
- Questions? Call Access Idaho at 208-332-0102.



MagTek DynaPAD

DIMENSIONS

Length: 5.90 in (150 mm)
Width: 4.00 in (102 mm)
Height: 1.51 in (38 mm)

DISBURSEMENT BANK SETUP FORM

Attach online with Partner bank letter/voided check at
<https://docs.nicusa.com/imagenowforms/fs?form=ACHSetupForm>

Request Type - Filled in by NIC

New Request Request for Change

Portal Name: Access Idaho

CDB/TPE Service Name TPE 2

Partner Information

City of Emmett

Partner Name

PayPort

Application Name/Service Code (Standard Comment)

CITYOFEMMETTPP

Addendum (the bank reference Partner sees on deposit)

Lyleen Jerome

Contact Name

Fax Number

ljerome@cityofemmett.org

Contact Email Address

Partner Banking Information

NEW Account Number (include leading zeros)

Old Account Number (if request for change)

NEW ABA/Routing Number (9 digit number including leading zeros)

Old ABA/Routing Number (if request for change)

Bank Name

Account Name

Partner Authorized Signature

The undersigned hereby authorizes NIC Inc. or subsidiaries to directly deposit Automated Clearing House Credits ("ACH Credits") or wire transfers into the Financial Institution account number listed below for the payment of settlements due to the undersigned entity.

This arrangement is effective after the signature date below and will remain in force until notice of change or cancellation from the undersigned is received in writing. Changes will take a minimum of 2 business days to be processed after receipt of signed form and documentation.

This document must be executed by an individual who has been authorized to do so by the Partner in connection with the opening or maintenance of the Partner's bank account(s).

Name (Printed)

Title (Printed)

Authorized Signature

Date