

**SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
May 22, 2019**

SPECIAL MEETING

AMENDED AGENDA

SPECIAL SESSION AT 7:00 P.M.

CONSENT CALENDAR

- 1. ACTION ITEM 1.a through c.** Items on the Consent Calendar are considered to be routine and enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a member of the Council. Any request shall be made after the Consent Calendar is read and before action is taken.
 - a. APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b. BILLS PAYABLE \$267,258.03.**
 - c. PAYROLL ENDING ON 5/10/19 FOR \$343,017.52.**

- 2. ACTION ITEM** Idaho Regatta Update Louis Schindler
- 3. ACTION ITEM** Mental Illness Awareness Scott Rasmussen
- 4. ACTION ITEM** Alcohol Ordinance No. 1360 Ellen Maier
- 5. ACTION ITEM** 2019 Asphalt Bid Dave Shirley
- 6. ACTION ITEM** Declaration of Intent to Convey
759 Elba & 611 Oakley Dave Shirley

- 7. ACTION ITEM** Golf Course RFP Mark Mitton
- 8. ACTION ITEM** Electric Rates & Additional Street Lighting Brent Wallin
- 9. ACTION ITEM** 500 MCM 15K Cable Bid/Award Brent Wallin
- 10. ACTION ITEM** Purchase Authority Policy and Resolution Dave Shirley
- 11. ACTION ITEM** Approval of Fuel Supply Contract Documents Dave Shirley

Information Items

BUILDING PERMITS:

Quinn Jackson	1002 Beechwood St	Finish Basement	\$ 10,000.00
All Pro Sales	502 E 13 th St	Alteration	\$ 4,000.00
Kevin Allred	630 E 19 th St	Single Family	\$124,000.00

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**SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
May 22, 2019**

COMMENCE MEETING

Council met in special session at 7:00 p.m. with Mayor Ormond presiding. Council members present were Randy Hawkins, John Craner, Casey Andersen, Jon Anderson, Russell Mallory and Bryce Morgan.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Economic Development Specialist Doug Manning, Electrical Supervisor Brent Wallin, Golf Pro Scott Draper, arrived at 8:30) Human Resource Carol Anderson, Engineer David Waldron, and Lt. Jason Rogers was also in attendance.

INVOCATION

The Invocation was offered by Council member Craner followed by the Pledge to the Flag.

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Kevin Allred	630 E 19 th St	Single Family	\$124,000.00

A motion was made by Council member Craner and seconded by Council member Hawkins to accept the Consent Calendar as written.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

IDAHO REGATTA UPDATE

Chairman of the Burley Boat Regatta Louis Schindler stated that Smith's is not sponsoring the Regatta this year so they need to find a new parking lot to start the parade from. He stated that Kodiak America gave them permission to use the parking lot in front of their building and suggested that they get the Cities permission because the property is owned by the city. He said that this would alter the parade route and he has already gotten it approved by the Sheriff. The Regatta will be held June 28th through the 30th this year.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Anderson to allow the parking lot be used with the permission of Kodiak America.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

MENTAL ILLNESS AWARENESS

Scott M Rasmussen, MSW, LCSW spoke to the Council about mental illness. He provided Council with data about mental illness in the State of Idaho in the past year. He stated 20 to 25% of the population will be diagnosed with a mental illness with only 16 to 17% of them receiving mental health services. Suicide thoughts and attempts among teens in Idaho is 2% above the national average at 22% with the highest being in Cassia County, Minidoka County and Twin Falls County. The research shows that most of these do not receive mental health services. There are two websites that provide information on mental health. (yes.idaho.gov and mentalhealth.idaho.gov) Oats Family Health sponsored a Walk for Wellness on May 17 and on May 29th there will be a Mental Health Awareness Banquet.

A discussion followed with questions being answered.

Mayor Ormond read the Mental Health Awareness Proclamation and City Administrator Mark Mitton presented Judge Mick Hodges and Scott M. Rasmussen the proclamation declaring May as Mental Health Month.

ALCOHOL ORDINANCE NO. 1360

City Clerk Ellen Maier asked Council to approve Ordinance No. 1360. This would allow the City Clerk to approve alcohol licenses as an administrative duty. She stated that it first must be approved by the State of Idaho and then by either Minidoka County or Cassia County. City Attorney Dave Shirley said that several cities are changing to this pattern and it gives the City Clerk the authority to grant or deny an application for a license, renewal or a change. If denied they have the ability to appeal it to the Council. The City Clerk would not have the ability to

revoke or suspend a license if a violation has been made, that would still be brought before the Council.

A short discussion followed. It was stated that we have not denied a license in the past and that the City Clerk is comfortable with approving licenses as an administrative duty.

A motion was made by Council member Morgan and seconded by Council member Mallory to dispense with the rule requiring three separate readings and read Ordinance No. 1360 once by title only.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

City Attorney Dave Shirley then read Ordinance No. 1360 once by title only.

A motion was made by Council member Morgan and seconded by Council member Jon Anderson to approve Ordinance No. 1360.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

ORDINANCE NO. 1360

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING SECTIONS 3-3-6, 3-3-8, 3-3-10, 3-5-3, and 3-5-5 OF THE BURLEY CITY CODE; DELEGATING AUTHORITY TO THE CITY CLERK FOR FINAL APPROVAL OF ALCOHOL LICENSES, SUBJECT TO APPEAL TO THE CITY COUNCIL; PROVIDING AN APPEAL PROCESS; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING PROVISIONS OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BURLEY:

SECTION 1. Section 3-3-6 of the Burley City Code shall be, and is hereby amended as follows:

3-3-6: ISSUANCE OF LICENSE:

The authority for final approval of the application is delegated to the City Clerk, subject to appeal of the clerk's decision to the City Council. The application shall be presented to the City Council by the Clerk at the council's next succeeding meeting and after consideration by the City Clerk council shall be granted or refused. In the event that the license is granted, the clerk shall issue to the applicant the license applied for. In the event that the application is denied, the money deposited by the applicant with the City Clerk shall be returned to the applicant. An applicant wishing to appeal the City Clerk's decision to deny a license, transfer, or renewal of a license to the City Council must submit the appeal in writing to the City Clerk within ten (10) business days of the denial. The appeal must set forth the factual basis on which the applicant asserts that the denial was in error. The appeal will be scheduled for the City Council within thirty (30) days of the receipt of the written appeal.

SECTION 2. Section 3-3-8 of the Burley City Code shall be, and is hereby amended as follows:

3-3-8: TRANSFER OF LICENSE; POSTING REQUIRED; CHANGE OF LOCATION:

- (A) Nothing in this Chapter shall be construed to create any vested right in any person to assignment, renewal or reissuance or continuance of any license or the right to assign any license, or the right to issue a power of attorney over a license.
- (B) No license shall be assigned or transferred nor power of attorney issued over a license without the written consent and approval of the ~~City Clerk~~ Mayor and Council. The Chief of Police or any police officer or any officer of the United States Treasury Department or

officer of the State of Idaho charged with the enforcement of any of the provisions of the regulations for the retail sale of beer or intoxicating liquor, or the Mayor, shall have the right at any time to make an examination of any licensed premises to ascertain if the licensee of such premises is conforming to the provisions of this Chapter or the laws of the United States applicable thereto.

(C) All licenses shall be posted in a conspicuous place on the premises and kept posted during the full period of time for which the license is issued.

(D) In case of death, receivership, assignment, bankruptcy or incompetency of the licensee, the licensee's business may be carried on under the license by the duly appointed, qualified and acting receiver, assignee, trustee in bankruptcy, guardian, executor or administrator of the licensee; provided, that such receiver, assignee, trustee, guardian, executor or administrator shall file with the City Clerk a certified copy of his/her appointment and secure the written consent of the Mayor and City Clerk Council.

(E) Any licensed person desiring to change her/his place of business from one location to another shall file with the City Clerk an application therefor. The City Clerk shall make investigation of the new proposed place of business and shall thereafter grant or deny the requested change, subject to the appeal procedure set forth in Section 3-3-6 of the Burley City Code. ~~within four (4) days make report thereon to the Mayor and City Council, accompanied by the application.~~

SECTION 3. Section 3-3-10 of the Burley City Code shall be, and is hereby amended as follows:

3-3-10: PROCEDURE FOR PROCESSING APPLICATIONS FOR LICENSES, TRANSFERS, OR RENEWALS:

The City Clerk Council shall grant or deny any application within thirty (30) days of the time it is filed with the City Clerk. Prior to any revocation or suspension of the license, the licensee shall be afforded a hearing according to section 23-1016, Idaho Code. Whenever the Mayor and City Council ~~denies~~ denies an application on appeal, or revokes or suspends a license, ~~it~~ they shall specify in writing:

(A) Statutes, ordinances, standards used in evaluating the application;

(B) The reason for the denial; and

(C) The actions, if any, that the applicant could take to obtain the license, transfer, or renewal thereof.

In all cases where the City Council is considering revocations, suspensions, or applications for licenses, transfers, or renewals thereof, a transcribable verbatim record of the proceedings shall be made. If the applicant for a license, transfer, or renewal is denied, a transcribable verbatim record of the proceedings shall be kept for a period of not less than six (6) months after the final decision on the matter. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at the expense of the applicant. The City Council shall also provide for the keeping of the minutes of the proceedings. Minutes shall be retained indefinitely as otherwise provided by law.

SECTION 4. Section 3-5-3 of the Burley City Code shall be, and is hereby amended as follows:

3-5-3: APPLICATION FOR LICENSE:

Application for license shall be in writing, signed and sworn to by the applicant upon application forms furnished by the clerk. Such application shall be filed ~~withby the City eClerk and after consideration by the City Clerk will be approved or denied, presented to the mayor and council at the next meeting of the council for their approval, rejection or further consideration.~~

SECTION 5. Section 3-5-5 of the Burley City Code shall be, and is hereby amended as follows:

3-5-5: ISSUANCE OF LICENSE:

The authority for final approval of the application is delegated to the City Clerk, subject to appeal of the Clerk's decision to the City Council. Upon filing the application for a license and production of evidence as required by section 3-5-4 of this chapter as to the qualifications of the applicant and by the payment of the required license fee, the clerk shall, upon approval of the City Clerk council, issue to the applicant a license to sell wine at retail within the city located in Minidoka County, Idaho, for such calendar year or the remainder thereof. An applicant wishing to appeal the City Clerk's decision to deny a license, transfer, or renewal of a license to the City Council must submit the appeal in writing to the City Clerk within ten (10) business days of the denial. The appeal must set forth the factual basis on which the applicant asserts that the denial was in error. The appeal will be scheduled for hearing before the City Council within thirty (30) days of the receipt of the written appeal.

SECTION 6. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION 7. Repeal of Conflicting Provisions. All provisions of the current Burley City Code or ordinances of the City of Burley which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. Effective Date. This ordinance shall be effective upon passage by the Burley City Council, approval by the Mayor and publication.

PASSED May 22 2019

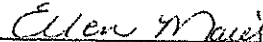
APPROVED May 22 2019

CITY OF BURLEY



Steve Ormond - Mayor

ATTEST:



Ellen Maier - City Clerk

2019 ASPHALT BID

City Attorney Dave Shirley presented Council with a purchase agreement for general asphalt for 2019 with Idaho Asphalt Supply, Inc. Mr. Shirley stated that it is a contract piggy backed off of the Burley and Oakley Highway District along with several Counties.

A motion was made by Council member Craner and seconded by Council member Morgan to accept the general purchase agreement for asphalt 2019 as presented.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

DECLARATION OF INTENT TO CONVEY 759 ELBA & 611 OAKLEY

City Attorney Dave Shirley stated he has drafted a notice of hearing and a declaration of intent to transfer 759 Elba Avenue and 611 Oakley Avenue. He said the Council has already declared these properties as surplus property of the City. The City now needs to declare their intent to sell, and they can also set floors on the amount. A public hearing will be scheduled for June 18th at 7:00 P.M. on the intent to convey these properties. City Administrator Mark Mitton said that the City could hold an auction or accept sealed bids. It was mentioned that the assessed value from the assessor’s office is \$9,983.00

A discussion followed with a floor set of \$12,000.00 on 759 Elba and \$15,000.00 on 611 Oakley Avenue.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the declaration of intent and to convey or transfer real property and set the floor at 759 Elba Avenue at \$12,000.00 and 611Oakley Avenue at \$15,000.00.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

GOLF COURSE RFP

City Administrator Mark Mitton presented Council with a draft copy of a request for proposal for the River’s Edge Golf Club and Course. He stated that it has been reviewed by the recreation committee, the attorney and himself. He said it allows two options, a lease would allow the lessor to run it or a management agreement that would allow someone to manage it. Because it is

a proposal it is negotiable, and each criteria would be scored and brought back to Council for their approval. Mr. Mitton briefly reviewed the proposal and a discussion followed. It was mentioned that one of the items the recreation committee could not decide on is the deposit requirement of \$300,000.00. After many opinions and concerns were discussed it was suggested that this be tabled until the next meeting.

A motion was made by Council member Craner and seconded by Council member Morgan to table this discussion until the next meeting and see Mr. Shirley's rewording of paragraph 2.11 and allow Council time to review it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Nay
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

ELECTRIC RATES & ADDITIONAL STREET LIGHTING

Electrical Supervisor Brent Wallin presented Council with statistics on adding alley lighting. He stated that about 50 residents pay \$4.00 a month to have a light in their alley. He stated that there are about 140 alleys in the city and they could put 5 lights up in each alley for a total of 700 lights and a cost of around \$103,500.00 which would equate to .14 cents per month per customer. This would be recouped over a period of fifteen years. A discussion followed with the consensus that people might not want the light shining in the back of their house. A discussion followed suggesting that the street lighting should be added to instead of alley lighting.

No action was taken.

500 MCM 15K CABLE BID/AWARD

Electrical Supervisor Brent Wallin asked Council to accept the bid with Western United Electric Supply for \$46,200.00. He said fifteen homes are going in behind Standard Plumbing and Commercial Tire. The developer has paid for the underground wiring that goes along the street that he is developing so we need to find a better route that would feed Cal Ranch and the businesses north of them. The best route would be underground wiring from Hampton Inn up to those businesses. Mr. Wallin stated that this was for seen and conduit has already been installed during the construction of the hotel. He is now asking Council to approve the purchase of the wire to complete the job.

A motion was made by Council member Morgan and seconded by Council member Mallory to approve the purchase of the underground wire from Western United Electric Supply.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

PURCHASE AUTHORITY POLICY AND RESOLUTION

City Attorney Dave Shirley asked Council to approve Resolution No. 5-19 and the purchasing authorization policy. He stated that Idaho Code requires contracts for the city be signed by the Mayor or be delegated to someone else. Mr. Shirley said that he has had questions from department heads on when they can sign a contract and when it needs to go before Council. This draft allows department heads to make a purchase up to \$20,000.00 as long as it is in their budget. Contracts between \$20,000.00 and \$40,000.00 must be approved by the City Administrator and then can be signed by the department head. Above \$40,000.00 would require Council approval. Change orders and payments that go on beyond the current year would follow the above pattern. Mr. Shirley said all purchases need to be in compliance with attachment A.

A discussion followed.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to make a motion to accept the policy with the inclusion of budgeted funds available.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Resolution No. 5-19 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

CITY OF BURLEY

RESOLUTION NO. 5-19

A RESOLUTION ADOPTING A
PURCHASING AUTHORIZATION POLICY
FOR THE CITY OF BURLEY; AND
PROVIDING AN EFFECTIVE DATE

WHEREAS, the Mayor and City Council have authority over the operations, policies and procedures of the City of Burley;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BURLEY, IDAHO:

Section 1: That the City of Burley Purchasing Authorization Policy be, and is hereby, adopted, a copy of which is attached to this Resolution and incorporated herein by this reference.

Section 2: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Burley, Idaho, this 22nd day of May, 2019.

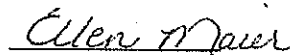
APPROVED by the Mayor of the City of Burley, Idaho, this 22nd day of May, 2019.

APPROVED:



STEVE ORMOND
Mayor

ATTEST:



ELLEN MEIER
City Clerk

RESOLUTION NO. 5-19

BURLEY
IDAHO
PURCHASING
AUTHORIZATION
POLICY

MAY 22, 2019

PURCHASING AUTHORITY

By adoption of this Policy, the City Council has set the following signatory thresholds for purchases by City employees. Through adoption of this Policy the Mayor has delegated signing authority for purchases made per this policy:

A. PURCHASES UP TO \$20,000

Purchase Orders and Contracts in this range may be signed by any Department Director or Authorized City Personnel. All City Department Directors are required to insure all employees have read the Purchasing Policy prior to delegating signing authority for purchases in this range. The employee is responsible for verifying that there are budgeted funds available for the purchase and for obtaining all required documentation, i.e. insurance, licenses etc., for the applicable purchasing category. The employee may obtain the City Attorney's opinion of any contact the employee is signing.

B. PURCHASES FROM \$20,000 TO \$40,000

Purchase Orders and contracts above \$20,000 must be signed by either the City Administrator, the Mayor or their respective designees, prior to the purchase.

C. PURCHASE ORDERS AND CONTRACTS ABOVE \$40,000

All purchase orders and contracts in this range require legal review and City Council approval.

D. CHANGE ORDERS

Employees may create change orders. All change orders that would result in a change of contract terms valued at more than \$20,000.00 must be approved and signed by the City Administrator. The City Administrator shall determine if specific change orders require Council approval. However, any change order that would result in an additional expense of \$40,000 or more must be reviewed and approved by the City Council.

E. PURCHASING REQUIREMENTS

All purchases by the City must comply with laws and regulations of the State of Idaho. Each authorized employee shall make sure that each purchase authorized by her or him is in compliance with the laws, statutes and regulations set forth on Attachment "A" attached hereto. If an employee has any questions or desires assistance concerning these

purchasing requirements, she or he may seek the assistance of the City Administrator or the City Attorney.

F. PURCHASES REQUIRING PAYMENT BEYOND CURRENT YEAR BUDGETED FUNDS

All proposed contracts that might create required payments or liability obligations from future budget years must be reviewed and approved by the City Administrator and/ or City Attorney before the contracts are agreed upon or signed. The contracts must comply with Article 8 section 3 of the Idaho constitution which states in part that no city "shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provisions shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within thirty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void: Provided, that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state and provided further that . . ."

PURCHASING ETHICS AND VENDOR RELATIONSHIPS

Every City employee has a personal responsibility to conduct government business in an ethical manner and assure the integrity of the City purchasing and purchasing processes. *All City employees and elected officials are responsible for adherence to City and State purchasing rules and regulations.*

A. CODE OF ETHICS

All City of Burley employees responsible for procuring goods and services shall:

- i. Follow laws of the State of Idaho.
- ii. Avoid activities that would compromise or give the perception of compromising the best interests of the City.
- iii. Reduce the potential for any charges of preferential treatment by actively promoting the concept of competition.
- iv. Act as good custodians of public money by obtaining maximum benefit for funds spent.
- v. Employees in a position to make or recommend an award of a City purchase shall not solicit or accept gifts, money, prejudicial discounts or

entertainment material which might influence or appear to influence purchasing decisions.

B. VENDOR RELATIONSHIPS

Developing and maintaining good relationships with our suppliers is important. City personnel should maintain and practice, to the highest degree possible, business ethics, professional courtesy, and competence in all transactions. Adhere to and protect the supplier's business and legal rights to confidentiality for trade secrets, and other proprietary information.

C. LOYALTY AWARDS (GIFT CARDS) AND GIFTS

Employees are prohibited from personally accepting loyalty/gift cards and/or gifts from vendors for making purchases on behalf of or in any capacity for the City. The City, and not the employee, is being rewarded for its faithful business. Therefore, employees are to ask for discounts on the purchase being made in lieu of gift cards. However, if there is no substantial risk of undermining official impartiality, trivial benefits not to exceed fifty (\$50.00) dollars incidental to personal, professional or business contacts (baseball cap, pen, notepad) may be accepted.

D. PROHIBITIONS

The City has adopted the following state statutes in regard to purchasing prohibitions:

- i. I.C. §67-5726 – Conflict of interest regarding the holding of contracts or selling to the City property or supplies by City employees unless award is made after competitive bids.
- ii. I.C. §67-5726 – Prohibition regarding the influencing or conspiring to influence public purchasing decisions and contract awards. Attempts at influence may include kickbacks and bribes, peddling or payment of a fee, back door selling, hard-sell tactics, fraternization, or offering gifts to avoid following published procedures or gain advantages.
- iii. I.C. §67-5726 – Circumventing Purchasing Authorization – Prohibits efforts by employees to obtain products or services by avoiding the competitive process by splitting purchases or creating false emergency situations.

- iv. I.C. §67-5726 – No vendor or related party, or subsidiary, or affiliate of a vendor may submit a bid to obtain a contract to provide property to the City, if the vendor or related party, or affiliate or subsidiary was paid for services utilized in preparing the bid specifications or if the services influenced the procurement process.

E. APPEALS

The City of Burley strives for a fair, legal and transparent solicitation process. Any bidder, proposer or vendor who believes they were aggrieved in connection with a solicitation or award may appeal to the City Administrator. The solicitation appeals are as follows:

- i. Specification Appeal
 - a. Informal Solicitation - A bidder/proposer must submit an appeal to the City Clerk at least one (1) day prior to the due date and time of the solicitation.
 - b. Formal Solicitation – A bidder/proposer must submit an appeal to the City Clerk no later than three (3) days prior to the due date and time of the solicitation.
- ii. Appeal of Award
 - a. Formal Solicitation – A bidder/proposer must submit an appeal to the City Clerk within seven (7) calendar days of the transmittal of the Notice of Intent to Award, stating the express reason(s) the bidder feels that the award decision is in error.

ATTACHMENT "A"

Idaho Statutes Regarding Purchasing, Contracting and Purchasing

Public Works Contractor Licensure Requirements

I.C. §54-1903 (i)

Exemptions to Public Works Contractor Licensure

I.C. §54-1903 (i) & (k)

Filing of Notices and Income Tax Returns -- Payment of Income Taxes by Contractors

I.C. §54-1904A

Public Works Construction Bidding

I.C. §67-2803 (2) & (3)

Public Purchasing of Goods and Services Bidding

I.C. §67-2803 (2)

I.C. §67-2805 (2) & (3)

Purchasing By Political Subdivisions

I.C. Title 67, Chapter 28

Exemptions to Public Purchasing of Goods and Services Bidding

I.C. §67-2803 (1) through (7)

I.C. §67-2806

I.C. §67-2808 (1)

Joint Purchasing Program

I.C. §67-2807 (1)

Penalties – Political Subdivisions/Public Officials

I.C. §54-1914 (2)

I.C. §54-1920 (2)

I.C. §59-1026

Penalties – Contractors

I.C. §54-1914 (1)

I.C. §54-1920 (1) & (3)

Prohibitions

I.C. §67-5726

Professional Service Contracts with Design Professionals, Construction Managers and
Professional Land Surveyors
I.C. §67-2320

Disposal of Surplus
I.C. Title 50, Chapter 14

Abandoned or Unclaimed Property in Possession of Sheriff or City Police Department -- Sale at
Public Auction.
I.C. §55-403

Written Plans and Specifications for Work To Be Made by Officials – Availability
I.C. §67-2309

Leases
I.C. §50-1409

Related Statutes and Rules

Public Works Contractors
I.C. Title 54, Chapter 19

IDAHO ADMINISTRATION RULES
Idaho Sales and Use Tax Administrative Rules – Contractors
35.01.02.12

STATE OF IDAHO BOARD OF EXAMINERS
State Personal Surplus Property Policy and Procedures
Policy No. 442-40

APPROVAL OF FUEL SUPPLY CONTRACT DOCUMENTS

City Attorney Dave Shirley stated Pilot Thomas was the lowest bidder for the fuel supply contract but when it came time to sign the contract they also submitted to us a document called Terms and Conditions for Cardlock System. Mr. Shirley stated that there were some concerns with the document, like wanting a minimum guarantee of purchases that was not included in the bid process. There was also a clause that said the City cannot dispute anything after 60 days. Mr. Mitton said that would be fine but it would need to apply to them also. Also Pilot Thomas agreed to strike out the words, or partly. These concerns have been resolved and Mr. Shirley asked Council to approve the changes.

A motion was made by Council member Morgan and seconded by Council member Jon Anderson to approve the changes in the contract.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

Council member Casey Andersen wanted to let everyone know that the library levy passed 70.66 for and 29.34 against and that 409 people voted.

A motion was made by council member Casey Andersen and seconded by Council member Mallory to adjourn the meeting at 9:40 P.M.

All "Aye."

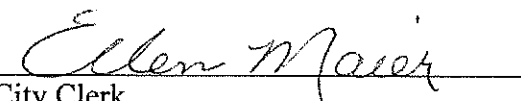
Motion carried.

City of Burley



Mayor Ormond

ATTEST:



City Clerk