IDAHO FALLS
City Clerk's Office

NOTICE OF PUBLIC MEETING
Monday, May 4, 2026
City Council Chambers
680 Park Avenue, Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend in-person or watch via the livestream at https://www.idahofallsidaho.gov/429/Live-Stream. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or other physical accommodation to attend or access this meeting, please contact Emily Geisler, City Clerk, at (208) 612-8414 or Lisa Farris, ADA Coordinator, at (208) 612-8323 prior to the meeting.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call	
City Council, Mayor Pro Tem	**Discussion:** Citywide updates, concerns, questions, reports (10) *Action: Council Direction to Staff (or take other appropriate action)*
Municipal Services, Parks & Recreation	**Review & Approval:** Purchase and Sale Agreement Extension Request Received for the Bel Aire Division No. 3 Property (20) *Action: Review purchase and sale agreement extension request from Clearstone, LLC, approve or reject extension request, and authorize the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate)*
Parks & Recreation	**Discussion:** Proposed Tree Ordinance Changes (60) *Action: Council Direction to Staff (or take other appropriate action)*
Community Development Services	**Discussion:** Certificate of Occupancy & Stop Work Ordinance (30) *Action: Council Direction to Staff (or take other appropriate action)*
	Report: 2025 HUD Consolidated Annual Performance & Evaluation Report (10) *Action: Council Direction to Staff (or take other appropriate action)*
Public Works	**Discussion:** Joint Powers Agreement for Bonneville Metropolitan Planning Organization (10) *Action: Council Direction to Staff (or take other appropriate action)*
Legal, Police	**Discussion:** Draft Ordinance Prohibiting the Sale of Kratom (20) *Action: Council Direction to Staff (or take other appropriate action)*
Mayor Pro Tem	Announcements, Events, Calendaring, Proclamations, Notes and/or Minutes from Boards and Commissions (10)
Executive Session	Called pursuant to Idaho Code 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. *Council **will** reconvene after this Executive Session.*
Legal	**Discussion:** Potential Settlement Terms with Oloff Revocable Trust in Cutler v. City of Idaho Falls, CV10-23-4845 (5) *Action: Set terms of offer for settlement agreement with the Oloff Revocable Trust and authorize the City Attorney to negotiate such settlement, provide direction to Staff, or take other action deemed appropriate.*

Dated the 30th day of April 2026

Emily Geisler, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 7 TO ADD A NEW CHAPTER 14 TO REQUIRE A CERTIFICATE OF OCCUPANCY BEFORE A STRUCTURE IS OCCUPIED, PROHIBIT CONSTRUCTING OR ALTERING STRUCTURES WITHOUT A REQUIRED PERMIT, AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City of Idaho Falls has adopted building, zoning, and safety regulations to protect the health, safety, and welfare of its residents; and

WHEREAS, the issuance and enforcement of Certificates of Occupancy and building permits are essential to ensuring that buildings are constructed, altered, and used in compliance with applicable building codes; and

WHEREAS, the unauthorized occupancy of buildings without a Certificate of Occupancy poses risks to occupants and the public; and

WHEREAS, the construction or alteration of structures or buildings without a building permit can create a hazard to the life and property of City residents; and

WHEREAS, the City Council desires to encourage compliance with the applicable building codes.

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

SECTION 1: Title 7 the City Code of the City of Idaho Falls, Idaho, is hereby amended to add a new Chapter 14 as follows:

CHAPTER 14
ENFORCEMENT

SECTION:

7-14-1: Definitions
7-14-2: Certificate of Occupancy Required
7-14-3: Construction Without a Required Permit

7-14-1: DEFINITIONS: The words and terms used in this Chapter shall have the meanings indicated below:

BUILDING OFFICAL: The Building Official or the Building Official's designee.

CERTIFICATE OF OCCUPANCY: Written authorization issued by the Building Division certifying that a building, structure, or portion thereof has been constructed, altered, or renovated in compliance with all applicable building codes, zoning ordinances, and other relevant laws and regulations.

OCCUPY: The use by a person of a building, structure, or portion thereof for its permitted use or, if no building permit has been issued for the building, structure, or portion thereof, for its intended use. Occupy shall not include use of the building, structure, or portion thereof to perform construction, alterations, repairs, or inspections.

7-14-2: CERTIFICATE OF OCCUPANCY REQUIRED

(A) No person shall occupy or permit the occupancy of any building, structure, or portion thereof within the City of Idaho Falls unless a valid Certificate of Occupancy has been issued by the Building Division for the specific use and occupancy of such premises.

(B) Violations:

1. Any property owner, property owner's agent, or other person occupying or permitting the occupancy of a building, structure, or portion thereof without first obtaining a Certificate of Occupancy as required by this Ordinance shall be guilty of an infraction. Each day that the violation continues shall constitute a separate and distinct offense.

2. If, without having obtained a Certificate of Occupancy, any property owner, property owner's agent, or other person continues to occupy or continues to permit others to occupy a building, structure, or portion thereof seven (7) days or more after having received written notice by the Building Division that the building, structure, or portion thereof cannot be occupied due to not having a Certificate of Occupancy, that property owner, property owner's agent, or other person shall be guilty of a misdemeanor.

3. The Building Official is authorized to seek injunctive relief from a court to order a property owner, property owner's agent, or other person to cease occupying a building, structure, or portion thereof for which there is no Certificate of Occupancy and to authorize law enforcement to remove the person.

7-14-3: CONSTRUCTION WITHOUT A REQUIRED PERMIT

(A) A person shall be guilty of an infraction if the person constructs, alters, or repairs a building or structure without the required permit(s) and, in doing so, violates any of the following codes as adopted by the City or State of Idaho:

1. Idaho Plumbing Code.
2. International Building Code (IBC).

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3. International Energy Conservation Code (IECC).
4. International Existing Building Code (IEBC).
5. International Fuel Gas Code (IFGC).
6. International Mechanical Code (IMC).
7. International Property Maintenance Code (IPMC).
8. International Residential Code (IRC).
9. National Electrical Code (NFPA 70).
10. Any other code adopted by the City or State of Idaho that pertains to buildings or structures.

(B) Upon discovering a violation of any of the codes listed in Section 7-14-3(A)(1)–(10), the Building Official may issue a stop work notice or a "Do Not Occupy" order. Upon the issuance of a stop work notice or a "Do Not Occupy" order:

1. All work shall immediately cease.

2. Within seven (7) days of receiving the stop work notice or the "Do Not Occupy" order, the property owner or the property owner's authorized agent shall either apply for all required permits necessary to come into compliance or apply for a demolition permit to remove the construction, alteration, or repair that formed the basis for the violation.

3. All required permits shall be assessed at double the standard permit fee or one-thousand dollars ($1,000), whichever is less.

4. The Building Official may require testing, inspections, or removal of materials to verify compliance with any applicable code listed in Section 7-14-3(A)(1)–(10) if:

   (a) There is insufficient evidence of compliance with any applicable code listed in Section 7-14-3(A)(1)–(10); or

   (b) The materials or methods do not appear to conform to any applicable code listed in Section 7-14-3(A)(1)–(10); or

   (c) Alternative materials or methods are proposed.

   Any such verification shall be conducted by an agency approved by the Building Official at no cost to the City and shall be documented with reports attached to the applicable permits. Any verification is subject to approval by the Building Official. The City shall not be liable for any costs associated with any testing, inspections, or removal of materials required by the Building Official.

5. Work may recommence only after all required permits have been issued.

6. A "Do Not Occupy" order shall be in effect until all required permits have been obtained and the Building Official deems the building, structure, or portion thereof in compliance with all applicable codes listed in Section 7-14-3(A)(1)–(10).

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(C) Penalties:

1. Any property owner who fails to apply either for all required permits or for a demolition permit:

   (a) Within seven (7) days of receiving a stop work notice or a "Do Not Occupy" order shall be guilty of an infraction.

   (b) Within twenty-one (21) days of receiving a stop work notice or a "Do Not Occupy" order shall be guilty of an infraction and shall be guilty of an additional infraction for each and every subsequent period of fourteen (14) days in which the property owner fails to apply as required.

2. No person shall construct, alter, or repair a building or structure after a stop work notice without first obtaining all required permits.

3. No person shall occupy or permit others to occupy a building, structure, or portion thereof for which a "Do Not Occupy" order is in effect.

4. Violations of Section 7-14-3(c)(2) and (c)(3) shall be punished as follows:

   (a) A first violation shall be punishable as an infraction.

   (b) A second violation occurring fourteen (14) days or more after the first violation shall be punishable as an infraction.

   (c) A third violation occurring fourteen days (14) days or more after the second violation shall be punishable as a misdemeanor.

   (d) If the Building Official deems the violation that forms the basis for the stop work notice or "Do Not Occupy" order to constitute an immediate hazard, fire risk, or life safety violation, then the first violation shall be a misdemeanor instead of the infraction provided in Section 7-14-3(C)(4)(a).

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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, _____.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

EMILY GEISLER, CITY CLERK LISA M. BURTENSHAW, MAYOR

(SEAL)

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STATE OF IDAHO)

) ss:

COUNTY OF BONNEVILLE)

I, EMILY GEISLER, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 7 TO ADD A NEW CHAPTER 14 TO REQUIRE A CERTIFICATE OF OCCUPANCY BEFORE A STRUCTURE IS OCCUPIED, PROHIBIT CONSTRUCTING OR ALTERING STRUCTURES WITHOUT A REQUIRED PERMIT, AND PROVIDE PENALTIES FOR VIOLATIONS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE."

A copy of the full text of the ordinance is available at City Hall.

_____

EMILY GEISLER, CITY CLERK

(SEAL)

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RESOLUTION TO AMEND JOINT POWERS AGREEMENT

Bonneville Metropolitan Planning Organization (BMPO)

WHEREAS, pursuant to 23U.S.C. 105(d)and 134(a)and pursuant to UMT Act 49 U.S.C. 5303(a) and 23 C.F.R. 450, Subpart C, the Parties hereto are required to engage in an urban transportation planning process as a prerequisite for eligibility for federal funding of transportation services within the urbanized area surrounding and enjoining the territorial boundaries of the parties hereto; and

WHEREAS, for the purpose of fulfilling their obligations and responsibilities under said statute and regulations, the Parties desired to identify and establish a Metropolitan Planning Organization for the purpose of coordinating urban planning activities and carrying out required planning and programming pursuant to such statutory and regulatory mandates; and

WHEREAS, the Idaho Transportation Department, Bonneville County, City of Ammon, City of Idaho Falls, City of Iona, and City of Ucon (collectively, the "Parties") entered into a Joint Powers Agreement dated November 20, 2019 to create a joint agency known as the BMPO; and

WHEREAS, the Parties desire to amend the Joint Powers Agreement to allow additional *ex officio* members who are representatives of the Parties.

NOW THEREFORE, it is agreed as follows:

1. That Section 3 of Article V, Membership, of the Joint Powers Agreement be amended as follows:

Section 3. The members of the BMPO may, by joint resolution of the governing boards of the members allow an additional representative of any member or a representative of any other political subdivision, special purpose district or governmental agency of the State of Idaho to join the BMPO as an *ex officio* member of the BMPO. Such *ex officio* member shall be entitled to receive notice of and participate in all meetings of the BMPO but shall have no right to vote any matter coming before the Policy Board of the BMPO. *Ex officio* members shall become members of the BMPO only upon unanimous approval by each member of the BMPO.

The amended version of the Joint Powers Agreement is attached hereto as Exhibit "A."

IN WITNESS WHEREOF, the parties have caused these presents to be executed.

Attest: Micah Austin, City Administrator City of Ammon	Brian Powell, MAYOR CITY OF AMMON
Attest, Emily Geisler, City Clerk City of Idaho Falls	Lisa Burtenshaw, MAYOR CITY OF IDAHO FALLS
Attest, Alisah Homer, City Clerk City of Iona	Michael Thompson, MAYOR CITY OF IONA
Attest, Rhonda Deason, City Clerk City of Ucon	Johnalee McDonald, MAYOR CITY OF UCON
Attest, Chris Poulter, County Clerk Bonneville County	Karl Casperson, Bonneville County Commissioner BONNEVILLE COUNTY
Attest, Idaho Department of Transportation	Jason Minzghor, DISTRICT 6 ENGINEER IDAHO TRANSPORTATION DEPARTMENT

JOINT POWERS AGREEMENT

BONNEVILLE METROPOLITAN PLANNING ORGANIZATION

WHEREAS, pursuant to 23 U.S.C. 105(d)and 134(a)and pursuant to UMT Act (49 U.S.C. 5303(a) and 23 C.F.R. 450, Subpart C, the parties hereto are required to engage in an urban transportation planning process as a prerequisite for eligibility for federal funding of transportation services within the urbanized area surrounding and enjoining the territorial boundaries of the parties hereto; and

WHEREAS, for the purpose of fulfilling their obligations and responsibilities under said statute and regulations, the parties desire to identify and establish a Metropolitan Planning Organization for the purpose of coordinating urban planning activities and carrying out required planning and programming pursuant to such statutory and regulatory mandates; and

WHEREAS, pursuant to the Idaho Joint Powers Act (Idaho Code § 67-2326 to § 67-2334 inclusive) the parties hereto are authorized to enter into a Joint Powers Agreement for the purpose of jointly exercising their powers, privileges and authority under the laws of the State of Idaho.

WITNESSETH:

NOW, THEREFORE, the parties agree as follows:

ARTICLE I.
CREATION AND NAME OF AGENCY

There is hereby created a joint agency to be known as the Bonneville Metropolitan Planning Organization (hereinafter referred to as "BMPO"). Such agency shall assume the execution of the powers set forth herein effective this _____ day of _____, 2026.

ARTICLE II.
NATURE OF AGENCY

The BMPO created hereby shall be considered to be a joint agency of the parties hereto and as a joint agency of such constituent members (hereinafter referred to as "Members") shall have all rights, powers and privileges as may be lawfully and expressly delegated to the BMPO and no others. Any act, undertaking, liability or obligation incurred or caused in excess of such delegated authority shall be deemed to be *ultra vires* and shall not be binding upon any of the members. Notwithstanding the foregoing, the BMPO may exercise all implied powers that may be implied from any express delegation of powers and as may be necessary to fully effectuate and accomplish the express powers so delegated herein.

ARTICLE III.
PURPOSE

The purpose of BMPO is to provide a forum for cooperative decision-making by the members according to the Federal legislative and regulatory requirements specified in 23 U.S.C. 134, and Section 3(a)(2), 4(a), 5(g)(1), and 5(1) of the Urban Mass Transportation Act of 1964, as amended 49 U.S.C. 1602(a)(2), 1603(a), and 1604(g)(1) and (1) and 23 CFR 450. The purpose of the Agreement is also to establish a forum for discussion and study of transportation planning problems of mutual interest and concern, and to facilitate the development of policy, action, and recommendations for the solution of such problems.

ARTICLE IV.
PLANNING AREA DEFINED

The metropolitan planning area shall consist of a twenty-year growth boundary as defined and depicted in Exhibit "A" attached hereto. The boundary shall include all the area within the legal boundaries of the cities of Ammon, Idaho Falls, Iona and Ucon and the unincorporated area of Bonneville County located within the twenty-year growth boundary, as shown on Exhibit "A" attached hereto. Such metropolitan area may be adjusted and modified from time to time by joint resolution or agreement of all the parties hereto.

ARTICLE V.
MEMBERSHIP

Section 1. Membership of the BMPO are the following public agencies:

City of Ammon
City of Idaho Falls
City of Iona
City of Ucon
Bonneville County
Idaho Transportation Department

Section 2. Voting membership in the BMPO shall be limited to a "Public Agency" as defined in Idaho Code § 67-2327. Additional "Public Agencies" may become members of the BMPO by:

i) adoption of a resolution by the governing board of the "Public Agency", agreeing to become bound by and subject to the terms and conditions of this Joint Powers Agreement, and

ii) adoption of a joint resolution signed by all members of the BMPO accepting such "Public Agency" as a new member.

Section 3. The members of the BMPO may, by joint resolution of the governing boards of the members allow an additional representative of any member or a representative of any other political subdivision, special purpose district or governmental agency of the State of Idaho to join the BMPO as an *ex officio* member of the BMPO. Such *ex officio* member shall be entitled to receive notice of and participate in all meetings of the BMPO but shall have no right to vote any matter coming before the Policy Board of the BMPO. *Ex officio* members shall become members of the BMPO only upon unanimous approval by each member of the BMPO.

Section 4. Any member may withdraw from membership in the BMPO by giving written notice thereof to the clerk of every member, and such withdrawing member's membership shall thereafter terminate at the expiration of the current fiscal year of the BMPO, provided however in the event such notice is not given or completed more than three (3) months prior to the end of such fiscal year, then such withdrawing member's membership shall terminate at the expiration of the succeeding fiscal year.

Section 5. Upon withdrawal of any member which does not cause automatic dissolution of the BMPO, such member shall forfeit all rights, interest, claim or entitlement in and to any of the funds, assets, payables or other property of any kind of the BMPO. In the event any withdrawal causes automatic dissolution of the BMPO, then and in such event, all of such assets, tangible or intangible, shall then be forthwith distributed to each of the members in accordance with the percentages set forth in Section 1, Article IX. Any *ex officio* member of the BMPO may be expelled or removed from membership of the BMPO by unanimous resolution by all of the members of the BMPO.

ARTICLE VI.
DURATION

The duration of the BMPO shall be perpetual so long as membership in the BMPO is comprised of one (1) or more members.

ARTICLE VII.
POWERS

Section 1. The BMPO shall have the following powers, duties and responsibilities:

A. Make application for grants, financial aid or enter into agreements with the United States of America, acting by and through the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) or with the Idaho State Department of Transportation for the purpose of obtaining financial aid, grants or other program assistance necessary to facilitate or otherwise carry out the BMPO's planning programs and prerogatives.

B. Recommend to the members appropriate policies for dealing with State and Federal governments in matters of concern to the members and to advise or provide input regarding legislation that may be deemed detrimental or beneficial to the members.

C. Provide a forum for discussion of policy input from member agencies and to consider and coordinate public policies relating to the metropolitan transportation planning process.

D. Formulate and recommend transportation policies, plans, and programs for formal adoption by the implementing agencies.

E. Every five years, or as needed, review and adopt a multi-modal Long Range Transportation Plan that ranks transportation projects within the metropolitan area and is responsive to and in accordance with approved goals and objectives.

F. Review and adopt an annual Transportation Improvement Program (TIP) that includes a Program of Projects of three to six years.

G. Review and adopt an annual Unified Planning Work Program (UPWP) and recommend to the members a budget for the ensuing fiscal year, including the contracting and financing of any special services to be performed by the BMPO.

H. Coordinate and administer transportation studies authorized under the UPWP approved by the members.

I. Review technical and citizen input and consider recommendations from these sources.

J. Ensure the planning process adequately addresses requirements of the Joint Regulations issued by FTA and FHWA.

ARTICLE VIII.

POLICY BOARD

Section 1. The governing body of BMPO shall be the Policy Board.

Section 2. Members of BMPO shall consist of the following representatives: each of whom shall give one (1) vote in matters coming before the Policy Board:

City of Ammon - One Elected Official
City of Idaho Falls - Four Elected Officials
City of Iona - One Elected Official
City of Ucon - One Elected Official
Bonneville County - One Member of the County Commission
Idaho Transportation Department District 6 - One Member

These representatives shall be appointed by their respective governing bodies and shall remain on the Policy Board until they resign or are replaced by the governing body of the public agency.

Section 3. A quorum for purposes of transaction business shall consist of fifty percent (50%) attendance of the members of the Policy Board. All actions shall be taken by the majority of the members present at any meeting. A member may be considered present as authorized by Idaho Code Section 67-2342(5). In the case a quorum is not present at any meeting, members may be polled at a later date to determine their position. If members are polled to determine a position on any agenda item, the agenda item will be scheduled for ratification at the next regular meeting.

Section 4. Regular and special meetings of the BMPO shall be called and conducted in the manner set forth in By-Laws adopted by a majority vote of the Policy Board.

Section 5. Each representative shall serve without compensation from BMPO and at the pleasure of the governing body of the appointing agency. Representatives shall be entitled to reimbursement of expenses incurred in the performance of their duties for the BMPO.

Section 6. The Policy Board shall choose a Chair and Vice Chair and such other officers as it may determine from among its voting membership. Such officers shall have the duties and responsibilities as may be set forth in the By-Laws.

ARTICLE IX.
BUDGET AND OPERATIONAL EXPENSE

Section 1. All operational, administrative expenses, liabilities, expenses and costs of any kind, name or nature arising out of the operation and management of the BMPO shall be shared among the parties. The monies to be paid by ITD are to be set by resolution of the Policy Board. The amount to be paid by the cities of Ammon, Idaho Falls, Iona and Ucon and Bonneville County shall be determined by the following formula:

Estimated population of the local government (divided by)
Total estimated population of the BMPO planning area

Section 2. On or before May 1 of each fiscal year, the BMPO shall deliver to each of the members a proposed budget of expenses for the upcoming fiscal year. Such budget shall set forth the

projected revenues and expenses of the BMPO for the upcoming fiscal year. Such costs shall include, but not be limited to, all administrative, clerical and employee expense, benefits, equipment, insurance, travel, accounting, legal and professional, office supplies, postage, office space rental, repairs, maintenance, utilities, janitorial services, interest, and other costs and expenses of every name, kind and nature, including, but not limited to, the establishment of reasonable and prudent reserves.

A. On or before June 1 of each fiscal year, each member shall submit to the Policy Board comments, proposed modifications and/or objections to such proposed budget.

B. On or before July 1 of each fiscal year, the BMPO shall make and submit to the members any revisions or modifications based upon such comments.

C. On or before August 1 of each fiscal year, the members shall then, by concurrent resolution, adopt a proposed budget for the upcoming fiscal year, and each member's share of such budget shall thereafter be submitted to and included within the annual appropriation ordinance of each of the members hereto.

Section 3. Unless otherwise agreed in writing by all of the members, each parties' share of the budget and operational expense of the BMPO shall be due and payable in four (4) equal quarterly installments, each respectively due in October, January, April and July of each year. If desired, any member may pay their share in one payment due in October or January. All installment payments shall be deposited to the City of Idaho Falls who shall act as Fiscal Agent for the BMPO for the purpose of accepting, collecting, holding, accounting for and disbursing all revenues and monies necessary for the operation and maintenance of the BMPO.

Section 4. The members shall enter into a Cooperative Fiscal Agreement for the purpose of providing for the operation of the BMPO, including, but not limited to, provisions providing for personnel, labor, office supplies, employee benefits, overhead, office space, utilities, equipment, travel, meals, lodging, and other expenses associated with the operation of the BMPO. The Cooperative Fiscal Agreement will remain in effect until such time that it is agreed by all members to adjust and/or modify the aforementioned provisions.

ARTICLE X.
DISSOLUTION AND WITHDRAWAL

Section 1. Any member may withdraw from this Joint Powers Agreement at any time, by giving notice to each of the other members of its intent to withdraw. Such withdrawals shall become effective at the expiration of the fiscal year during which such notice was given, provided that in the event notice is given on or after July 1 of any fiscal year, then and in such event the withdrawal shall not become effective until the expiration of the succeeding fiscal year.

Section 2. This Joint Powers Agreement shall be deemed to be automatically dissolved upon the effective date the withdrawal of any member the effect of which is to reduce the number of members to less than two (2).

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this the of _____, 2026

Attest: Micah Austin, City Administrator City of Ammon	Brian Powell, MAYOR CITY OF AMMON
Attest, Emily Geisler, City Clerk City of Idaho Falls	Lisa Burtenshaw, MAYOR CITY OF IDAHO FALLS
Attest, Alisah Homer, City Clerk City of Iona	Michael Thompson, MAYOR CITY OF IONA
Attest, Rhonda Deason, City Clerk City of Ucon	Johnalee McDonald, MAYOR CITY OF UCON
Attest, Chris Poulter, County Clerk Bonneville County	Karl Casperson, Bonneville County Commissioner BONNEVILLE COUNTY
Attest, Idaho Department of Transportation	Jason Minzghor, DISTRICT 6 ENGINEER IDAHO TRANSPORTATION DEPARTMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 5, CHAPTER 4, TO ADD A NEW SECTION PROHIBITING THE SALE OF KRATOM WITHIN THE CITY OF IDAHO FALLS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Bonneville County Coroner's Office issued a public health alert on October 8, 2025, noting the "dangerous and potentially fatal consequences of using" a substance commonly referred to as "Kratom"; and

WHEREAS, according to the public health alert, there were six investigations into Kratom-related deaths in an eighteen-month period, with four of the deaths determined to be caused solely by mitragynine, a compound found in Kratom; and

WHEREAS, Kratom products are currently marketed to the residents of the City; and

WHEREAS, pursuant to Article XII, Section 2, of the Idaho Constitution and Idaho Code section 50-302, municipalities have authority to enact ordinances to promote the good government and welfare of its residents; and

WHEREAS, the City Council finds that it is in the public interest to prohibit the sale of Kratom within the City limits to protect the health and welfare of City residents and visitors.

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

SECTION 1: Title 5, Chapter 4 of the City Code of the City of Idaho Falls, Idaho, is hereby amended to add a new Section 13 as follows:

5-4-13: SALE OF KRATOM PROHIBITED WITHIN CITY LIMITS

(A) As used in this section:

(1) "Kratom" means any part of the plant Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, extract, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.

(2) "Kratom Product" means any food, food product, food ingredient, dietary ingredient, dietary supplement, beverage, or any other substance containing Kratom that is intended for human consumption.

(B) It shall be unlawful for any person to sell or offer to sell to any person located within the City any Kratom or Kratom Product.

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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, _____.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

EMILY GEISLER, CITY CLERK LISA M. BURTENSHAW, MAYOR

(SEAL)

DRAFT

STATE OF IDAHO)

) ss:

COUNTY OF BONNEVILLE)

I, EMILY GEISLER, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 5, CHAPTER 4, TO ADD A NEW SECTION PROHIBITING THE SALE OF KRATOM WITHIN THE CITY OF IDAHO FALLS; CODIFICATION; PUBLICATION BY SUMMARY; AND ESTABLISHING EFFECTIVE DATE."

_____

EMILY GEISLER, CITY CLERK

(SEAL)

DRAFT

BONNEVILLE COUNTY CORONER'S OFFICE

OFFICIAL PRESS RELEASE

Bonneville County Coroner Issues Urgent Public Warning: Dangers of Kratom Use Confirmed in Local Fatalities

IDAHO FALLS, ID – October 8, 2025 – The Bonneville County Coroner's Office is issuing a public health alert regarding the dangerous and potentially fatal consequences of using **Kratom** (also known as Thang, Krypton, Kakuam, Ketum, and Maeng Da leaf, among others). This warning comes in response to a concerning increase in deaths across our county directly linked to the herbal substance.

Kratom-Related Deaths Skyrocket in Bonneville County

In the last 18 months, the Bonneville County Coroner's Office has investigated six Kratom-related deaths. A staggering four of these fatalities were determined to be solely due to acute drug toxicity of mitragynine—the primary active compound in Kratom.

"This is a wake-up call for our community" said Bonneville County Coroner Shante Sanchez. "To put this into perspective, Kratom is now implicated in approximately 18% of the drug overdose fatalities in our county over the last year and a half. The highest concentration of mitragynine observed in one of these fatalities was 12,000 ng/mL which is the highest I have ever seen at nearly four times our national laboratory's range typically associated with overdose of this substance. In addition, all Kratom-related deaths occurred within a small age window with our youngest victim 19 years old and the oldest was only 42. These aren't isolated incidents. We are seeing a clear pattern, and my community needs to know."

What is Kratom and Why is it Dangerous?

Kratom is a herbal substance derived from the leaves of the *Mitragyna speciosa* tree, native to Southeast Asia. It is commonly consumed as a raw powder, in capsules, as a tea, or as a liquid extract.

Kratom's effects are complex and unpredictable, acting as both a stimulant at low doses (causing alertness, rapid heart rate, and increased energy) and an opioid-like depressant at higher doses (leading to confusion, relaxation, and pain relief). The substance's effect on an individual is highly variable, depending on the dose, concentration, method of ingestion, and the user's personal medical and drug-taking history.

While Kratom is often marketed as a natural alternative for pain relief or to manage opioid withdrawal, the U.S. Food and Drug Administration (FDA) has not approved it for any medical use, and its safety and effectiveness are not clinically determined.

A Plea to the Public

The Bonneville County Coroner's Office urges all residents to discontinue the use of Kratom. Individuals using Kratom who are struggling with addiction or pain management should seek professional medical help immediately.

"The public needs to understand that 'natural' does not mean 'safe.' Kratom can be deadly," the Coroner Shante Sanchez concluded. "Our priority is providing the facts and ensuring community safety. Help us prevent further tragedies by sharing this vital information".

PROCLAMATION

WHEREAS, nonprofit organizations help build and sustain healthy communities in our state and enhance the quality of life for Idahoans and for others throughout the country and the world; and

WHEREAS, over 7,000 charitable nonprofit organizations based in Idaho contribute significantly to our economy by providing services to our communities, employing over 79,000 Idahoans, and producing total revenue of over $10.3 billion in service to our communities; and

WHEREAS, Idaho's nonprofit leaders often are entrepreneurs, create new solutions to problems, and fill previously unmet needs in the areas of health, recreation, education, research, arts, social services and more; and

WHEREAS, Idaho Gives Week serves as a time for Idahoans to join together with one voice on one day to contribute to and amplify the efforts of Idaho nonprofits; and

WHEREAS, the nonprofit sector acts as a responsible steward of charitable dollars to achieve a diverse range of missions and goals; and

WHEREAS, the nonprofit sector acts as a responsible steward of charitable dollars to achieve a diverse range of missions and goals

NOW THEREFORE, I, LISA BURTENSHAW, MAYOR of the City of Idaho Falls, do hereby proclaim the week of May 4 - 7, 2026, to be

Idaho Gives Week

in the City of Idaho Falls and I encourage all residents to continue to recognize and support the many nonprofit organizations in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Idaho Falls to be affixed on this 27th day of April, Two Thousand Twenty-six.

Lisa Burtenshaw

Lisa Burtenshaw, Mayor
City of Idaho Falls

PROCLAMATION

WHEREAS, State Trailer, RV & Outdoor Supply is celebrating 100 years of continuous service, marking a rare and significant achievement in American business; and

WHEREAS, a full century ago their original location was opened in Salt Lake City, and with the addition of their Idaho Falls location in 2008, State Trailer made it even simpler for Idaho families to be supported in their outdoor recreation needs, through outdoor supply, transportation solutions, and access to dedicated customer service; and

WHEREAS, State Trailer has contributed to the economic vitality and community strength of Idaho Falls by providing jobs, supporting local initiatives, and building long-standing customer relationships; and

WHEREAS, the longevity of a 100-year business reflects resilience, trust, and a deep commitment to the community it serves.

NOW THEREFORE, I, LISA BURTENSHAW, MAYOR of the City of Idaho Falls, do hereby proclaim May 1, 2026, to be

State Trailer, RV & Outdoor Supply Day

in the City of Idaho Falls and I encourage all residents to recognize and celebrate this extraordinary milestone and the positive impact of local businesses.

CITY OF IDAHO FALLS CORPORATE SEAL BONNEVILLE COUNTY, IDAHO

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Idaho Falls to be affixed on this 27th day of April, Two Thousand Twenty-six.

Lisa Burtenshaw

Lisa Burtenshaw, Mayor
City of Idaho Falls

PROCLAMATION

WHEREAS, on December 28, 1970, President Richard Nixon signed into law the Occupational Safety and Health Act, which went into effect on April 28, 1971; and

WHEREAS, despite this and other efforts to provide American workers the right to a safe workplace, tens of thousands of American workers are killed by workplace injuries and occupational diseases every year and tens of thousands more workers are permanently disabled or made ill; and

WHEREAS, since 1989, communities have gathered on April 28th to commemorate those who have lost their lives working; and

WHEREAS, the City of Idaho Falls hopes always to engage in outreach, public awareness, and education efforts to inform employers of their responsibilities and workers of their right to a workplace where preventable injuries, illnesses and deaths are no more; and

WHEREAS, the City of Idaho Falls has a history of establishing and enforcing worker safety standards that meet and frequently exceed legal requirements to prevent occupational fatalities and serious injuries, and to provide a safe and healthy workplace for all; and

WHEREAS, April 28th is a day set aside to honor Eastern Idaho's workers by observing Workers Memorial Day and remembering those victims of workplace injuries and disease.

NOW THEREFORE, I, LISA BURTENSHAW, MAYOR of the City of Idaho Falls, do hereby proclaim April 25, 2026, as

WORKERS MEMORIAL DAY

in Idaho Falls in recognition of workers killed, injured, and disabled on the job and encourage all Eastern Idahoans to dedicate themselves to improving safety and health in every American workplace even as we remember and celebrate the precious lives that have been lost including

FRANK ROGERS

CITY OF IDAHO FALLS CORPORATE SEAL BONNEVILLE COUNTY, IDAHO

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Idaho Falls to be affixed on this 24th day of April, Two Thousand and Twenty-six.

Lisa Burtenshaw

Lisa Burtenshaw, Mayor
City of Idaho Falls