



CITY COUNCIL MEETING

Thursday, July 30, 2020

7:30 p.m.

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

Thank you for your interest in City Government. In compliance with the Idaho Rebounds Stage 4 guidelines, which discourage public gatherings, the City of Idaho Falls hereby provides reasonable means for citizens to participate in the above-noticed meeting. *Citizens are required to wear face masks for the protection of others.* The City believes strongly in public participation and has therefore identified the following ways to participate in this meeting:

General Meeting Participation.

1. Livestream on the Internet. The public may view the meeting at www.idahofallsidaho.gov. Meetings are also archived for later viewing on the City's website.
2. Email. Public comments may be shared with the Mayor and members of the City Council via email at any time. Electronic addresses for elected officials are located at <https://www.idahofallsidaho.gov/398/City-Council>.
3. In-person attendance. The public may view the meeting from the Council Chambers, or, if the Chambers are full, via livestream in a nearby room. To comply with the Centers for Disease Control and Prevention (CDC) social distancing guidelines, appropriate seating will be provided in the Council Chambers and in a nearby overflow room. Such seating is available on a first-come, first-served basis.

Please be aware that an amendment to this agenda may be made in the meeting upon passage of a motion that states the reason for the amendment and the good faith reason why the desired change was not included in the original agenda posting. All regularly scheduled City Council Meetings are live-streamed and then archived on the city website (barring electronic failure). If communication aids, services or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or the ADA Coordinator Lisa Farris at 208-612-8323 as soon as possible so they can seek to accommodate your needs.

1. **Call to Order.**
2. **Pledge of Allegiance.**
3. **Public Comment.** *Members of the public may address the City Council regarding matters that are **not** on this agenda or already noticed for a public hearing. When you address the Council, please state your name and city for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending before the Planning Commission or Board of Adjustment, which may be the subject of a pending enforcement action or which are relative to a City personnel matter, are not suitable for public comment.*
4. **Coronavirus (COVID-19) Update.**
5. **Consent Agenda.** *Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.*
 - A. **Item from Public Works:**
 - 1) Bid Award – Hawk Signals - 2020
 - B. **Item from Idaho Falls Power:**
 - 1) Minutes from the June 25, 2020 and July 21, 2020 Idaho Falls Power Board Meetings
 - C. **Items from Municipal Services:**
 - 1) Minutes from the July 6, 2020 City Council Work Session; July 9, 2020 City Council Meeting; July 13, 2020 City Council Budget Session; July 15, 2020 City Council Budget Session; July 16, 2020 City Council Budget Session; and, July 20, 2020 City Council Budget Session

2) License Applications, all carrying the required approvals

RECOMMENDED ACTION: Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

6. Regular Agenda.

A. Office of the Mayor

1) Economic Development Incentive Program: For consideration is a Resolution for an Economic Development Incentive Agreement between the City of Idaho Falls and Intermountain Packing. The Agreement, pursuant to City Code Title 1, Chapter 16, allows for expedited permit processing and waiver of fees associated with the establishment of a business at the discretion of the City Council. Waiver of fees include those pertaining to road and bridge fees, storm drainage fees, land use application and plan review fees, and building permit fees. City Code Title 1, Chapter 16 sets forth eligibility requirements and criteria, and requires that application procedures, evaluation, and agreement documentation be met. Staff review finds each of these conditions have been met, and respectfully requests approval of the Resolution.

RECOMMENDED ACTION: Approve the Resolution of the Economic Development Incentive Agreement between the City and Intermountain Packing, and to grant the incentives contained therein, and give authorization for the Mayor and City Clerk to execute the necessary documents and the duty to ensure that the obligations of both parties to the Agreement are complied with (or take other action deemed appropriate).

B. Municipal Services

1) Purchase Backup Storage System: As the City continues to grow, it is essential the City have adequate and reliable technology storage. This purchase request is for hardware and professional services to install a backup storage system to provide scalable storage solutions to ensure the reliability of storing city-wide data. City IT was able to receive a very favorable pricing from the vendor through the State of Idaho contract PADD18200544.

RECOMMENDED ACTION: Approve the quote received from Transource Services Corporation to purchase a Cohesity backup storage system for a total of \$164,047.78 (or take other action deemed appropriate).

2) Approval to Participate in Governor Little's Public Safety Program: Governor Little's Office announced a public safety proposal to use a portion of the state's Coronavirus Relief Funds (from the CARES Act) to cover a portion of the city's payroll costs for public health and public safety employees. This will result in passing the resulting budget savings to residents and business owners in the form of one-time property tax relief.

RECOMMENDED ACTION: Approve the City's participation in Governor Little's Public Safety Program citing Coronavirus Relief Funds for the 2020/21 fiscal year budget (or take other action deemed appropriate).

3) Tentative Approval of 2020/21 Fiscal Year Budget: Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2020/21 fiscal year budget

with publication dates set for August 2, 2020 and August 9, 2020. The Public Hearing is scheduled for 7:30 pm, Thursday, August 13, 2020 in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

RECOMMENDED ACTION: Tentative approval of the 2020/21 fiscal year budget for a not to exceed amount and give authorization to publish the Notice of Public Hearing (or take other action deemed appropriate).

C. Public Works

1) Change Orders 1 & 2 – Idaho Falls Microsurfacing: For consideration are change orders 1 & 2 for the Idaho Falls Microsurfacing project. The proposed changes allow additional microsurfacing and pavement markings to be constructed and provide better utilization of Federal funds established for this project.

RECOMMENDED ACTION: Approval of change orders 1 and 2 and authorization for Mayor to sign the necessary documents (or take other action deemed appropriate).

D. Fire Department

1) Service Agreements, Bonneville County Fire Protection District #1: These Service Agreements allow the two agencies to continue to work together to provide efficient and cost-effective methods of firefighting to both the City and County residents as well as deploy resources as necessary during Wildland emergencies. These Service Agreements represent a one-year agreement for the FY 2020/2021 between our two agencies and builds upon the stability of a nearly three-decade relationship that has provided safety and security to our community.

RECOMMENDED ACTION: Approve the Fire Protection Joint Services Agreement and Wildland Deployment Agreement by and between the City and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate).

E. Human Resources

1) Approval of Resolution for a Self-Insurance Trust: In September of 2018, Council directed Municipal Services, Human Resources and Legal Departments to begin the process of creating a medical self-insurance trust. The necessary preparations for the creation of the trust have now been completed. By transferring reserved funds (of approximately \$4.2 million dollars) into the trust, the funds will be segregated from other City funds for the purposes of funding employee health insurance.

RECOMMENDED ACTION: Approve a resolution to create a medical self-insurance trust and transfer designated funds to the trust, and give authorization for the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate).

F. Legal

1) City Bus Stop Bench Program: By City Ordinance (IFCC8-8-11 through 8-8-35), the City currently licenses locations within City right-of-way for the placement of bus stop benches. Staff recommends

rescission of the program because current locations of bus stop benches do not comply with the Code; currently suspended bus routes are being re-evaluated as part of a reorganization of Targhee Regional Public Transportation Authority (TRPTA); and there are concerns regarding regulation of advertising on City right-of-way.

RECOMMENDED ACTION: Approve the Ordinance rescinding the bus stop bench program in the City Code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2) Door to Door Licensing: The First Amendment of the United States Constitution and Article I, Section 9 of the Idaho Constitution guarantee the public's right to free speech. The amendments proposed to the City's door-to-door licensing regulations are designed to balance an individual's right to engage in free speech and to pursue an honest living while protecting the safety and privacy of the City's residents in their homes. The amendments would prohibit individuals convicted of heinous felonies from obtaining a door-to-door license. Serious felonies involving dishonesty or moral turpitude would prohibit an individual from obtaining a license for ten (10) years. Other serious and violent crimes would prohibit an individual from obtaining a license for five (5) years. It would permit some individuals who have been convicted of crimes that did not involve violence or dishonesty to obtain door-to-door licenses, as required by the United States and Idaho constitutions.

RECOMMENDED ACTION: Approve the Ordinance amending the door-to-door licensing regulations to the City Code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

G. Community Development Services

1) CV Community Development Block Grant (CDBG) Allocations and Substantial Amendments to CDBG Plan: As part of the 2020 CARES Act, Idaho Falls was allocated additional CDBG funding. This funding was specifically intended to aid in the prevention of and recovery from COVID-19. Specific guidelines and requirements were given for the procedure for utilizing these funds. Following these guidelines and requirements, staff is recommending three actions. First, amend the citizen participation plan to allow for shorter advertising and public comment periods. Second, make a substantial amendment to the CDBG action plan to include CV CDBG funding. Third, approve the requests received so far for CV CDBG funding. At this point, there are still funds remaining in the City's CV CDBG allocation and staff is planning for another round of applications in the fall.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Resolution adopting a substantial amendment to the CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).
- b. Approve the Resolution amending the CDBG Program Year 2020 Citizen Participation Plan applicable to the 2016-2020 Five-Year Consolidated Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

- c. Approve the Resolution approving CV CDBG funding allocations and including said allocations in the amended CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2) Request to extend deadline to record a plat, Rose Nielsen Division No. 101 4th and 5th amended: For consideration is a request to extend the deadline to record a plat by an additional six months. The two plats for Rose Nielsen Division 101, 4th and 5th amended were approved by the Council on January 30, 2020. The Subdivision Ordinance requires plats to be recorded within 180 days of approval, which would be July 31, 2020 for these plats. Due to some ongoing issues between the applicant and City Departments regarding provision of easements and right-of-way, the plats are still not in a satisfactory condition to be recorded and accepted by the City. It is expected these issues will be resolved soon, but not before the deadline to record. The applicant is requesting a 6-month extension to record, putting the new deadline at January 30, 2021.

RECOMMENDED ACTION: Approve the request to extend the deadlines to record the plats for Rose Nielsen Division No. 101 4th and 5th amended to January 30, 2021 (or take other action deemed appropriate).

3) Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Clay Subdivision Division 1: For consideration is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards, M&B: Clay Subdivision Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Development Agreement for Clay Subdivision Division 1, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. Approve the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- c. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor to execute the necessary documents.

4) Public Hearing - Rezone from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 3, Block 2, Sayer Business Park Division 1: For consideration is the application for Rezoning from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, for Lot 3, Block 2, Sayer Business Park Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance Rezoning Lot 3, Block2, Sayer Business Park Division 1 from LM to LC under a suspension of the rules requiring three complete and separate readings and request

that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed).

- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from LM to LC Lot 3, Block 2, Sayer Business Park Division 1, and give authorization for the Mayor to execute the necessary documents.

5) Public Hearing - Annexation and initial zoning of HC and LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, HC & LC, M&B: 44 Acres, Section 9, T2N, R38E: For consideration is the application for Annexation/Initial Zoning to HC and LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 44 Acres, Section 9, T2N, R38E. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing 44 Acres, Section 9, T2N, R38E under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 44 Acres, Section 9, T2N, R38E and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of “Commercial and Low Density” and approve the Ordinance establishing the initial zoning for HC and LC under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for HC and LC and give authorization for the Mayor to execute the necessary documents.

6) Public Hearing - Annexation and Initial Zoning of RP, Annexation and Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standard Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1: For consideration is the application for Annexation/Initial Zoning to RP, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 2 Block 2 of the Second Amended Plat of Kinsmen Country Estates. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of “Estate” and approve the Ordinance establishing the initial zoning for RP under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for RP and give authorization for the Mayor to execute the necessary documents.

7. **Announcements.**

8. **Adjournment.**



MEMORANDUM

FROM: Chris H Fredericksen, Public Works Director

DATE: Thursday, July 23, 2020

RE: Bid Award – Hawk Signals - 2020

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Public Works recommends approval of the plans and specifications, award the bid to the lowest responsive, responsible bidder, Cutting Edge Electric, Inc., in an amount of \$57,785.00 and authorization for the Mayor and City Clerk to sign contract documents.

Description, Background Information & Purpose

On Thursday, July 23, 2020, bids were received and opened for the Hawk Signals - 2020 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to install High-Intensity Activated Crosswalk (HAWK) signals at the intersections of 9th Street & Bower Drive and 1st Street & Eastview Drive.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				

This project supports the community-oriented results of safe and secure community and reliable public infrastructure and transportation by providing better protection for pedestrians to cross at these two intersections.

Interdepartmental Coordination

Project reviews have been conducted with all necessary city departments to ensure coordination of project activities.

Fiscal Impact

The cost allocation for this project will be provided by the Traffic Signal Improvement Fund. Sufficient funding and budget authority exist to complete the proposed improvements.

Legal Review

Legal has reviewed the bid process and concurs the Council action desired is within State Statute.

City of Idaho Falls

Engineering Department Bid Tabulation

Project: HAWK SIGNALS - 2020

Number: 0-00-00-0-TRF-2020-23

Submitted: Kent J. Fugal, P.E., PTOE

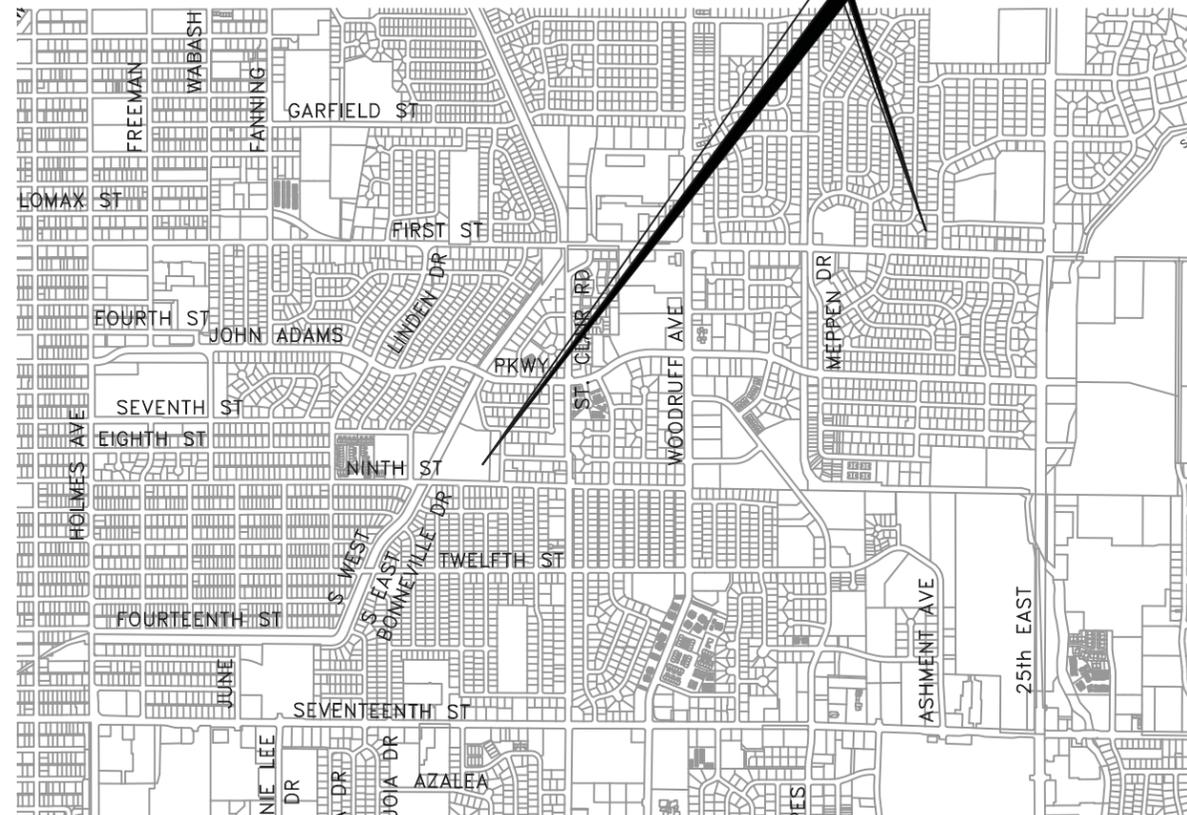
Date: July 23, 2020

Item Number	Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		Cutting Edge Electric, Inc.		Wheeler Electric, Inc.		Arco Electric Idaho, Inc.		Rivers West Construction, Inc.	
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
DIVISION 1100 - TRAFFIC SIGNALS & STREET LIGHTING														
11.01	1101.4.1.A.1a	Traffic Signal System - 1st St and Eastview Dr	1	LS	\$83,000.00	\$83,000.00	\$27,887.00	\$27,887.00	\$45,600.00	\$45,600.00	\$79,000.00	\$79,000.00	\$89,550.00	\$89,550.00
11.02	1101.4.1.A.1b	Traffic Signal System - 9th St and Bower Dr	1	LS	\$85,000.00	\$85,000.00	\$29,898.00	\$29,898.00	\$51,620.00	\$51,620.00	\$89,700.00	\$89,700.00	\$109,450.00	\$109,450.00
TOTAL						\$168,000.00		\$57,785.00		\$97,220.00		\$168,700.00		\$199,000.00

HAWK SIGNALS-2020

PROJECT # 0-00-00-0-TRF-2020-23

PROJECT LOCATION



MAYOR

REBECCA L. NOAH CASPER

CITY COUNCIL

MICHELLE ZIEL-DINGMAN
SHELLY SMEDE
THOMAS HALLY

JIM FRANCIS
JOHN B. RADFORD
JIM FREEMAN

ENGINEERING DIVISION

PUBLIC WORKS DIRECTOR
CHRIS H FREDERICKSEN, P.E.

CITY ENGINEER
KENT J. FUGAL, P.E., PTOE

2020

REVIEWED BY: IDAHO FALLS POWER

DATE: _____

Digitally signed by Kent J Fugal
DN: c=US, o=Unaffiliated, ou=A01410D0000017258, 54DCDB00016B7E, cn=Kent J Fugal
Date: 2020.07.09 09:20:30 -06'00



AS BUILT:	
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY	HAWK SIGNALS-2020
ENGINEERING DIVISION	TITLE PAGE
CHK BY: Y.G. DSG BY: W.E.M. DWN BY: W.E.M.	FILE NO. 0-00-00-0-TRF-2020-23 DATE PLOTTED: 8-Jul-20 SHEET NO. 1 OF 6

June 25, 2020 Unapproved

The Idaho Falls Power Board of the City of Idaho Falls met Thursday, June 25, 2020, at the Idaho Falls Power Energy Center, 140 S. Capital, Idaho Falls, Idaho at 7:00 a.m.

Call to Order, Roll Call, and Announcements

There were present:

Mayor Rebecca L. Noah Casper

Board Member Thomas Hally

Board Member Jim Francis

Board Member Shelly Smede

Board Member Jim Freeman

Board Member John Radford (by telephone)

Board Member Michelle Ziel-Dingman (by telephone)

Also present:

Bear Prairie, Idaho Falls Power (IFP) General Manager

Stephen Boorman, IFP Assistant General Manager

Randy Fife, City Attorney

Linda Lundquist, IFP Executive Assistant

Mayor Casper called the meeting to order at 7:02 a.m. She briefly described a Celebration of Life in honor of Bobbi Wilhelm held earlier in the week in Pocatello. GM Prairie added that employees on their own behalf and IFP will be donating to a memorial bench and bike rack, as well as honoring her service by creating an annual memorial scholarship to returning youth directors to the annual Idaho Consumer-Owned Utilities Association (ICUA) Youth Rally.

Board Member Radford gave a Policy Maker's Council update that included encouraging American Public Power Association (APPA) members to contact their congress delegation about the Coronavirus Aid, Relief, and Economic Security (CARES) Act. He said that public utilities have suffered up to five-billion dollars in losses due to the COVID-19 pandemic. Board Member Radford continued to say that there are various grants available to public power utilities for things like the deployment of electric vehicles, rebates for electric vehicles and grid improvements.

Power Supply/Resource Planning

GM Prairie began the resource planning discussion by stating that IFP is net-long 85 percent (85%) of the year and offered that IFP has different issues than other utilities and/or states that are retiring coal. He compared what other regional utilities are doing in their resource planning and explained that renewable options like wind and solar backed by simple-cycle natural gas plants are becoming a cost effective way to reduce carbon emission. Board Member Freeman asked if natural gas prices are lower and GM Prairie explained that while oil prices went negative for a while, they were running out of places to store oil, which caused natural gas prices to rise about 20 percent (20%). Now that oil prices have stabilized, gas has come back down along with a slowing economy, energy markets are saying there will be less demand and growth then predicted a year ago, so prices are still low for gas going out 15+ years. GM Prairie reviewed Lazard's Levelized Cost of Energy (LCOE) Analysis and discussed the key findings. He pointed out that the solar price curve continues to drop as efficiency continues to increase with new solar technology. Mayor Casper said that it is important to note that there are no Small Modular Reactor (SMR) profiles factored into the study. GM Prairie stated that if SMRs were factored in, that they come in a little less than the traditional nuclear in the study. He continued to say that according to Doug Hunter with Utah Associated Municipal Power Systems (UAMPS) and based upon the Carbon Free Power Project (CFPP), they are not substantially

June 25, 2020 Unapproved

lower and that it is really yet to be determined as first of kind technology. He added that the Plant Vogtle in Georgia started as a 12 billion project and ended up costing 30 billion roughly and was years behind schedule. It was a large capital project that had many delays and cost overruns and in hindsight may not have been built if the plant owners had known it would be this final cost/timeline to build. Board Member Hally commented that higher home appraisals resulting from rooftop solar panels could lead to higher taxes. GM Prairie stated that economically, community solar is a better cost outlay and return than rooftop solar. He explained that community solar is where a utility builds out the infrastructure and the community purchases shares. Board Member Francis asked if this was a viable project and GM Prairie said the economics at this time are not great due to our currently low power rates and surplus resource stack. Board Member Hally noted concerns with the strength and reliability of Bonneville Power (BPA). GM Prairie stated that BPA made a commitment to flatten the cost curve and has so far executed on this as demonstrated in the last rate case with a rate increase around 3 percent (3%), and noted that the possible risks are, if the lower snake dams are removed. He continued to say that even if the dams were removed, they are about 1/7th of the BPA resource portfolio. There was a discussion on the lower dams and costs pertaining to operating, licensing, conservation and removal. GM Prairie pointed out that our BPA contract is around \$35 per MWh and that also allows shaping for load, while CFPP is targeted for \$55 per MWh in 2018 dollars, so BPA is a great value currently compared to CFPP as an alternative.

GM Prairie reviewed the costs of the Joint Use Module Plant (JUMP) prospective agreement that was planned for and what moving forward without the Department of Energy's (DOE) participation in JUMP would look like. He noted that DOE is no longer interested in doing the JUMP program. He outlined the CFPP Executive Summary and pointed out that UAMPS is currently pursuing constructing the 720 MW (684 MW net) small modular nuclear reactor facility known as CFPP. The CFPP will include twelve 60 MW SMRs, utilizing technology developed by NuScale Power, LLC (NuScale). UAMPS is evaluating the CFPP as a long-term source of reliable, carbon-free electricity to replace carbon based resources that are approaching the end of their useful lives. As GM Prairie previously stated, IFP is unique from other UAMPS members in that they are not needing to replace carbon based resources as IFP is 85 percent (85%) long and currently carbon free in their portfolio. Other UAMPS members have numerous coal resources that are at risk of retirement and carbon legislation risks. GM Prairie emphasized the utility's need for peak energy, which it currently goes to the market to purchase as needed. He continued to explain how we need to make sure any resource decisions meet the utility's specific resource needs. Different resources have different attributes. The capacity factor (CF) for CFPP in the UAMPS cost per MWh model is 92 percent (92%). Per the contract, \$55 per MWh is at a 92% CF and is not lower with projected renewable integration needs. He continued to explain that as you decrease the plant generation to integrate renewables or lower cost market purchases, the capacity factor drops to a lower percentage. As the percentage drops you are spreading the high fixed cost among less MWh of generation, so your price per MWh goes up correspondingly. He used the example that if you integrate a lot of low priced renewables with the CFPP plant, you could be 50 percent (50%) capacity which would put the price per MWh at \$110 projected. GM Prairie continued to say that in August 2019, UAMPS entered into CFPP Power Sales contracts with 35 municipal cooperative utilities located in various western states. To date, the project participants have subscribed for 153 MW of the 720 MW total capacity. He stated that UAMPS has continued pursuing additional subscriptions to meet the capacity of 720 MW and noted that there has not been much other interest in the project over the past year as demonstrated by the subscription not growing. He stated that the project must have subscription growth because it would be too risky and costly to build the plant without it being fully subscribed. UAMPS has adopted a Budget and Plan of Finance (BPF) for the CFPP and is required to update the BPF prior to the beginning of each development phase. The CFPP Power Sales Contracts provide the project participants the right to increase, decrease or withdraw from the CFPP with any amendment of the BPF as well as at each development phase. GM Prairie continued to say that to date, IFP has incurred a little over \$194,000

June 25, 2020 Unapproved

to be paid under the cost-sharing arrangements made with DOE and NuScale. However, IFP has not been billed by UAMPS during this development phase. The BPF for the current development phase of the CFPP authorized development costs of \$9 million. The next development phase is expected to begin in September 2020 and will extend for approximately 36 months and will cover all development work to the submission for the construction and operating license application (COLA) for the CFPP to the Nuclear Regulatory Commission (NRC). He said that UAMPS and DOE are working on putting in place a new multi-year cost sharing award in support of the CFPP that will replace the JUMP Program that was originally posed to provide de-risking benefits associated with the CFPP being the first deployment of the NuScale technology and more specifically de-risking benefits to the CFPP as additional nuclear power modules (modules 2-12) would be procured, fabricated and commissioned at the CFPP. UAMPS believes this reallocation best serves the overall success for developing the CFPP in the most prudent fashion; specifically, NuScale's development of the SMR has progressed to a state that has significantly reduced the first of kind risk that JUMP was initially meant to cover and UAMPS will be able to target the funding of certain de-risking efforts in the near term that pose the greatest risk to the project, namely achieving \$55/MWh. GM Prairie continued to say that the total amount of the proposed DOE support is \$1.4 billion over roughly a nine-year period, at a cost share greater than 80 percent (80%) in the near term, which would have this award supporting the project through COLA work. It is anticipated that this new multi-year cost sharing arrangement will be awarded in early September 2020 from what UAMPS has stated. He said that this award will be subject to annual appropriations of funds by the U.S. Congress, which does come at a risk of not being granted.

GM Prairie said that according to the summary, UAMPS and NuScale are on a schedule to enter into a Development Cost Reimbursement Agreement (DCRA) in August 2020. In this agreement, the parties will agree to running an Economic Competitiveness Test (ECT) that incorporates the latest CFPP construction cost estimate from Fluor as well as additional inputs related to lifecycle costs for the project. He said that the ECT will be run at various points in time during the development phase of the CFPP to the point in time when UAMPS would issue the final notice to proceed to construction (FNTP) to Fluor under the Engineering Procurement and Construction Development (EPC) Agreement. The ECT evaluates the cost to finance, construct, operate and decommission the CFPP utilizing a LCOE model. The ECT requires the CFPP to achieve a LCOE price target of \$55/MWh. If the price target is exceeded during any run of the ECT, UAMPS will have the option to terminate its development of the CFPP and seek reimbursement from NuScale based on a decreasing reimbursement scale as de-risking milestones occur. The BPF for the CFPP was last updated in November 2019 as part of approving the current budgetary period for the CFPP. GM Prairie said that the summary says that in order for continued CFPP development to continue, the BPF will need to be amended and the contemplated scope of this amendment to the BPF will be to cover the entirety of the development to produce the COLA to be submitted to the NRC. The Project Management Committee possesses the responsibility to monitor the CFPP development progress which will include the development of the COLA as well as Project Cost Estimate revisions produced by Fluor to ensure the CFPP can be deployed at \$55/MWh. Board Member Freeman asked if there will be natural gas production in the foreseeable future and GM Prairie stated that gas prices are lower now than they were 20 years ago and available for purchase 20 years into the future. He continued to point out that Warren Buffet, the owner of PacifiCorp is not investing in first of kind SMRs but instead re-investing in transmission lines coupled with wind and solar resources. Board Member Radford made the distinction of nonprofit versus for-profit investment motives. Mayor Casper mentioned that there is recent information available by the Nuclear Energy Institute that points out the importance of SMRs in achieving our nation's energy goals.

GM Prairie stated that there has only been a third scale mockup of the SMR, so this would be a first of kind investment and noted that the NRC evaluates the safety aspects of projects, which is not all the first of kind

June 25, 2020 Unapproved

balance of plant items. Mayor Casper asked for a review of the timeline and steps. GM Prairie shared that the CFPP finance meeting will be held tomorrow and the Interim CFPP Board meeting will follow next week where the budget will be reviewed and could be amended, which would trigger an off-ramp to change IFP's share of the project. He stated his preference for NuScale and Fluor to sell their project directly to other utilities in the region in order to grow the interest in the plant above what UAMPS members can utilize, and this would reduce the financial risk to UAMPS' project participants. He stated that the UAMPS project funding has spent a lot of effort working around the region to grow interest in CFPP, and sell the rest of the plant output. GM Prairie stated that he felt that it might benefit UAMPS' CFPP members if NuScale took the lead on marketing the project to get full subscription. Board Member Francis stated his concerns with the language in the summary and perceives it as warning signs and noted the timeline is not acceptable and feels there is not enough information to inform the Board to make decisions to move forward. Board Member Radford stated how IFP's involvement in the project could mean billions of economic stimuli for the community. Mayor Casper suggested to consider that the market is ever changing and is not the same now as it was in 2012, whereby renewables backed by natural gas is an example of the trending market. There was a discussion on upcoming CFPP meetings and GM Prairie mentioned that if the budget was amended, there would be some decisions coming to the Board.

Cost of Service/Rates/Budget

GM Prairie gave a broad overview of what the Cost of Service (COSA) process is and that it is a five year outlook at rates and utility finances. He pointed out that the numbers are reflective of upcoming large capital projects like the Rocky Mountain Power (RMP) Buyout, the Sugarmill to Paine line extension, potential Westside substation purchase, underground boring and electric's participation in upgrading failing underground electric. GM Prairie noted that fiber is not in the capital requirement because this model is for electric rates and not fiber, which is a separate enterprise fund. AGM Boorman itemized purchase items that would appear before Council that evening and mentioned that this is the beginning of purchase memos for large capital projects. GM Prairie stated that the rates are lining up good this year and there won't be very many changes from last year. He said the power supply costs were decoupled from the base rate, which better reflects what happens over the year. GM Prairie announced that this will be the third year with no proposed rate increase, but he will propose a fee resolution to simplify security lights by using a flat rate of \$20 along with other minor tweaks and updates to practices.

Utility Reports

Fiber – GM Prairie gave a fiber update and attributed the June social media advertising to increased signups. He stated the marketing campaign will continue to educate and create awareness and that the utility will also be adding the ambulance as a marketing tool. He briefly reviewed the updated Fiber Product Catalog and rack card for utility bill stuffers. He requested the support of the board on charging multi-dwelling units a \$12.50 per month connection fee instead of the full \$25 for regular residential. There was agreement by the Board to do that. GM Prairie reviewed the State of Idaho Broadband Grant Application that has been made available through the CARES Act funding and noted the conflicts of interest for nonprofits, but stated that regardless of the obvious prejudice, the utility will proceed with the application. There was a discussion on the rules and grant process.

Transmission and Distribution - AGM Boorman announced that there was a pre-qualification bid held in preparation to the Sugarmill to Paine line competitive bid process in the fall. GM Prairie demonstrated what fuse cutouts look like as the utility continues to replace these failing cutouts around the city. He stated that these cause a lot of outages and pole fires like IFP recently had, but there are thousands of them in the system from years of using this design, so this will be a multi-year project to complete.

June 25, 2020 Unapproved

General Administration - GM Prairie mentioned that he is working on a power sales agreement for a bitcoin company that will come before Council in a couple of months. He shared the IFP culture sticker and work he is doing within the utility on leadership, culture and teamwork.

Organizational Membership Reports

Utah Associated Municipal Power Systems (UAMPS) – GM Prairie announced that the UAMPS annual summer meeting will be offered as a hybrid, where attendance can be either in person or virtually. He mentioned that by August, 65 percent (65%) of the members will likely not have travel restrictions and noted that 92 percent (92%) of the Board said they would attend a virtual meeting. He added that there will be limited activities if held in person.

Idaho Consumer-Owned Utilities Association (ICUA) – GM Prairie announced that the ICUA annual meeting will be held in person in Boise, Idaho for ICUA Board members only in order to comply with state mandated social distancing guidelines. He added that there will be an opportunity for the Power Board to participate virtually on July 23 from 1:00 – 4:00 p.m.

There being no further business, the meeting adjourned at 11:03 a.m.

s/ Linda Lundquist _____

s/ Rebecca L. Noah Casper _____

Linda Lundquist, EXECUTIVE ASSISTANT

Rebecca L. Noah Casper, MAYOR

July 21, 2020 Unapproved

The Idaho Falls Power Board of the City of Idaho Falls met Thursday, July 21, 2020, at the Idaho Falls Power Energy Center, 140 S. Capital, Idaho Falls, Idaho at 8:55 a.m.

Call to Order, Roll Call, and Announcements

There were present:

Mayor Rebecca L. Noah Casper

Board Member Thomas Hally

Board Member Jim Francis

Board Member Shelly Smede (joined by Zoom)

Board Member Jim Freeman

Board Member John Radford (joined by Zoom at 9:06 a.m.)

Board Member Michelle Ziel-Dingman

Also present:

Bear Prairie, Idaho Falls Power (IFP) General Manager

Stephen Boorman, IFP Assistant General Manager

Randy Fife, City Attorney

Linda Lundquist, IFP Executive Assistant

Mayor Casper called the meeting to order at 8:54 a.m. She made a few announcements and gave a brief outline of the Carbon Free Power Project (CFPP) and the decision the Board will need make on the utility's level of participation in the project as it potentially moves into the next phase. She reminded everyone that General Manager (GM) Prairie has been educating the Board the past five board meetings on power supply to help them make informed decisions on our participation level in the project's potential next phase.

Presentation and Discussion of CFPP Town Hall

Speakers from Utah Associated Municipal Power Systems (UAMPS), U. S. Department of Energy, Fluor Corporation, NuScale Power, Burns and McDonnell, PFM Financial Advisors, MPR, Nuclear Energy Institute, U. S. Congressman Mike Simpson, and Idaho National Laboratory presented on CFPP membership and commitment, history, timeline, development, commercial outlook, U.S. and global impacts of SMR's, financing options and risk assessment. Mayor Casper proposed that having a follow-up Board meeting in August would help to clarify IFP's options and potential next steps in the CFPP. She requested that GM Prairie invite UAMPS to participate in a portion of the meeting to answer potential questions the Board might have, as it will have to decide per the power sales agreement, whether or not to increase, decrease or no longer participate in the next phase of the project. The Board agreed to hold a meeting on August 13, 2020, if this worked for everyone's schedules. GM Prairie said he would reach out to UAMPS and get them scheduled to attend via Zoom meetings.

Mayor Casper made some closing meeting announcements.

GM Prairie summarized the CFPP from its conception through today and pointed out how the project has changed over time and is different now, then when the power sales contract was signed in 2017; most importantly how the costs are not 100 percent (100%) reimbursable to the combined license application (COLA) stage as was originally planned in a December 15, 2017 Memo from UAMPS to the City Council prior to signing the power sales contracts to now, where IFP is being asked to commit to paying millions of dollars to get to COLA. He continued to say that there will be an opportunity for a more robust discussion at the August Board meeting where the discussion will be focused just on CFPP and the current off-ramp decision where IFP can increase, decrease or terminate their involvement going forward in the project.

July 21, 2020 Unapproved

There being no further business, the meeting adjourned at 2:57 p.m.

s/ Linda Lundquist

s/ Rebecca L. Noah Casper

Linda Lundquist, EXECUTIVE ASSISTANT

Rebecca L. Noah Casper, MAYOR

July 6, 2020 - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, July 6, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman (by WebEx)
Councilmember John Radford
Councilmember Thomas Hally
Councilmember Jim Freeman (by WebEx)
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

PJ Holm, Parks and Recreation Director
Mark Spraktes, Pinecrest Golf Course Superintendent
David Pennock, Idaho Falls Zoo Superintendent
Dana Kirkham, Funland Committee Chair
Jeremy Galbreath, Police Captain
Duane Nelson, Fire Chief
Brad Cramer, Community Development Services Director
Lee Radford, Idaho Falls Redevelopment Agency Chair
Pamela Alexander, Municipal Services Director
Josh Roos, Treasurer
Bruce Young, Accountant
Ed Morgan, Civic Center for the Performing Arts Manager
Randy Fife, City Attorney
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:02 p.m. with the following items:

Calendars, Announcements and Reports

July 15, tentative Bonneville Metropolitan Planning Organization (BMPO) meeting

Mayor Casper stated she distributed a summary of calendar items to the Councilmembers prior to the meeting.

Mayor Casper stated the Idaho Conservation League has requested City support for a Climate Stimulus Change. She requested Council's feedback for this change which relates to energy conservation. This could relate to the Council-approved carbon-free resolution. Mayor Casper was hopeful to improve the budget process for the current year. However, the Coronavirus (COVID-19) pandemic has altered the budget process/discussions. Mayor Casper stated additional budget process discussion may need to occur later in the year. To the request of Mayor Casper, it was moved by Councilmember Dingman, seconded by Councilmember Francis, to move the Coronavirus/COVID-19 Update to the end of the agenda with the good faith reason to accurately portray the most recent COVID-19 case numbers to the Council with a longer discussion. There was consensus of the Council for this motion.

Liaison Reports and Council Concerns:

Councilmember Dingman had no items to report.

Councilmember Hally stated ideas for stimulus money gets pretty long. He reminded the Council that this is borrowed money that cramps budgets later down the road.

Councilmember Freeman stated the Idaho Transportation Department (ITD) is performing construction on Broadway from Bellin Road to Yellowstone Avenue.

Councilmember Radford had no items to report.

July 6, 2020 - Unapproved

Councilmember Francis had no items to report.

Councilmember Smede expressed her appreciation to Director Alexander for her assistance with the budget process. She noted some recommendations may be more applicable in the winter months regarding inter-fund transfers.

Idaho Water Resource Board (IWRB) Loan Application Discussion:

Director Holm reminded the Council that golf fees were increased in the previous year to assist with a dilapidated irrigation system at Pinecrest Golf Course which would move the irrigation system from the potable water (119 acres of turf) to surface water through the water rights of the Idaho Irrigation District. The approved \$4 increase to green fees was allocated to a Capital Improvement Fund (CIF) specifically for the irrigation system. The total cost to replace the irrigation system is approximately \$2.5-3M. Director Holm believed the IWRB would be an alternative way to assist with the funding. He stated the annual payment for the IWRB loan would be approximately \$240,000 pending the final cost of the project. He noted the application must be submitted 29 days prior to a board vote. He also noted the interest is only paid from the time the project starts until the project is completed. Director Holm believes this application could be approved in late summer and the project could begin in spring 2021. He stated the last requirement of loan submission is approval from the City to incur long-term debt for the approximate 12-15 year loan. Pinecrest Golf Course would be used as collateral against the loan. Director Holm stated, per recent discussion with Legal staff, it was determined the loan must go to a City-wide vote with approval of $\frac{2}{3}$ majority of the citizens, it was not just per Council approval. Councilmember Hally questioned the loan for the Wastewater Treatment Plant (WWTP) upgrades which were not presented to the public. Mr. Fife stated any debt beyond a year can be approved by a judicial confirmation that the expense is ordinary and necessary. He indicated some exemptions include sewer and water as cities cannot run without these services. He believes this was the case with the WWTP upgrades. He also believes golf course upgrades would not be considered ordinary and necessary. Mr. Kirkham stated the terms ordinary and necessary have been interpreted as something that is not often done and with some urgency. He also stated water systems are not always upheld. He too believes this would not be considered ordinary and necessary. Councilmember Freeman stated the loan would be paid back by user fees, not the taxpayers. Mr. Kirkham stated this would ultimately be paid by taxpayers with taxpayer property and the golf course would be taken if the loan is not paid back. Councilmember Radford stated other long-term items (fire and police equipment) have been by a lease. Mr. Kirkham stated this is a non-appropriation clause. Councilmember Francis questioned if the payment of mitigation of water rights adds to the ordinary and necessary. Mr. Fife stated the mitigation is voluntary. He reiterated he believes a golf course would not be considered necessary. To the response of Councilmember Francis, Mr. Kirkham reviewed the court process. Discussion followed regarding possible scenarios. Mayor Casper stated the IWRB is always looking for ways to maximize the State's water supply. She believes this project would be favorable in that light although maximum liability and risk could change the intent. Councilmember Smede stated she was impressed with the leadership of the golfing community working toward an alternative plan. Following additional comments, including an election, Director Holm will proceed with the discussion/application process. He noted at the peak of the water use, there is approximately 400,000 gallons of potable water used each night.

Presentation: Funland Fundraising Campaign:

Director Holm introduced Ms. Kirkham as the committee chair for this project. He stated Funland was acquired in the previous year following negotiations with the rides. He noted several pieces of equipment were also donated. He believes this was a wise investment as Funland has been a City resource for approximately 75 years. Ms. Kirkham believes Funland is a fun part of the community. She is hopeful for a soft opening in summer of 2021 with a grand opening in summer of 2022 as this would be the 75th anniversary of Funland. She requested the Council's support to move forward and Council's support of a committee. She would like the committee set up similar to the Civic Center for the Performing Arts (the Civic) facility to start a capital and media campaign. Ms. Kirkham presented an architectural map of Funland stating the carousel, as one (1) of two (2) originally-located carousels nation-wide, would stay in the same location. The map indicates a roundabout, closing Softball Drive, and, changing Carnival Way to a one-way street. The entrance would be similar to a plaza with Funland on one (1) side and the zoo on the other side. There is also a concept of individual and/or combination tickets for the zoo and Funland. Mini golf would be lengthened and moved from the current location with potential corporate sponsors for each golf hole. There is also the potential for the train and airplane rides. Additional concepts could include Funland packages for birthday parties, dances, etc. Ms. Kirkham believes there is a lot of potential although she believes a committee would need to review

July 6, 2020 - Unapproved

any costs. She is hopeful to present a phased-out plan to Council in 4-6 weeks. The committee would consist of approximately seven (7) individuals. Councilmember Dingman expressed her appreciation that plans are moving forward. She is definitely supportive of a committee and plan. Councilmember Hally believes this should be carefully planned. Ms. Kirkham questioned the City financial plan moving forward, including matching sponsorship dollars. Mayor Casper stated this would be dependent on the budget. It was noted the cost to purchase Funland amounted to \$140,000. To the response of Councilmember Radford, Director Alexander reviewed the Civic process, presentations, and matching funds. Councilmember Radford believes the Civic and Funland are assets that the City has the responsibility to care for. Ms. Kirkham stated the goal is to have real dollars attached to the decisions. She requested City assistance with the media campaign, decisions, and, possible in-kind assistance. To the response of Councilmember Francis, Mr. Pennock stated Funland was previously an enterprise business. Brief comments followed regarding the nostalgia of Funland. Ms. Kirkham believes Tautphaus Park is a crown jewel. Mayor Casper confirmed Ms. Kirkham to move forward.

Update: Sandy Downs and Splashpad:

Splashpad –

Director Holm stated staff has fought for ten (10) years to obtain funding for a splashpad. He stated this is personally a tough decision as staff is being laid off due to COVID. He also stated a Request for Qualifications (RFQ) was submitted with several good proposals received. Councilmember Hally believes this project should be put off for another year. Councilmember Radford expressed his frustration and anger stating this project should move forward as this has been ten (10) years in the making. Councilmember Freeman stated he was a big proponent of this project. He believes money should be invested in infrastructure with future funding for construction. Councilmember Dingman shares her frustration with Councilmember Radford. She prefers infrastructure to occur in the current year with a commitment to build in 2021. To the response of Councilmember Francis, Director Alexander stated any carryover would require a legal contract. The Council could request \$300,000 re-budgeted into next Fiscal Year. Mayor Casper stated a re-budget would only pay for the toy and no infrastructure. Director Holm believes the parking may be an issue as the adjacent church, who was in previous agreement for use of the parking lot, is looking to relocate. He confirmed the majority of the piping and electrical is still in place although the piping may need to be moved. He stated the project could begin in the current year. Councilmember Radford clarified he is in favor of beginning the project in the current year. Councilmember Dingman believes planning should occur by staff as Council has approved funding for the project. She also believes any delay of the project was due to COVID and the reduced P&R staff. Following general comments, Director Holm stated this project was ready to move forward until the COVID pandemic which has resulted in loss of personnel. Councilmember Dingman questioned the location of the splashpad at Reinhart Park. Director Holm believes this was the best location for a variety of reasons. To the summary request of Mayor Casper, Councilmember Smede believes everyone needs to respond respectfully to the COVID situation and, the Councilmembers are in agreement to move forward with the project. To the response of Councilmembers Francis and Radford, Director Holm stated he could move forward with a contract to encumber funds for next year.

Sandy Downs –

Director Holm stated the horse stalls at Sandy Downs have been vacated as of June 30 and the track is no longer being maintained due to COVID. He noted the Bonneville County Fair Board meeting will occur on July 6. There is a potential partnership of the City and the County regarding use of the facility and, the County potentially purchasing the southern land of Sandy Downs. To the response of Councilmember Smede, Director Holm stated all individuals utilizing the horse stalls were out-of-City residents and most were out-of-County residents. He wants to ensure all options are considered for Sandy Downs (100+ acres) for the City taxpayers.

Part III. Idaho Falls Police Department (IFPD) Policies, Practices, and Procedures on Officer Hiring and Training with regard to Use of Force Briefing and Q&A:

Captain Galbreath stated a Police Citizen's Academy will potentially be scheduled for September 16. Captain Galbreath reviewed Graham v. Conner (1989) events and court case as this had been referenced in previous discussions. Following this event, the Supreme Court reviewed the case resulting in: objectively reasonable standard;

July 6, 2020 - Unapproved

severity of the crime; whether the suspect poses an immediate threat to the safety of officers or others; and, whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Captain Galbreath stated there are two (2) hiring processes - probationary police officers and lateral officer program.

- Probationary Police Officers - public safety testing, initial interview, Peace Officer Standards and Training (POST) Physical Readiness Test (PRT) (five (5) criteria including vertical jump, one-minute sit-ups, push-ups, 300-meter dash, and, aerobic. Captain Galbreath stated use of force decreases based on an appearance of physical fitness.), background, polygraph, psychological testing, and, final interview with the Chief.
- Lateral Police Officers (has been occurring for approximately three (3) years) - initial interview, background, polygraph, psychological testing, final interview with Chief, and, POST PRT.

Captain Galbreath stated POST must be attended within one (1) year of hire and officers must pass with at least 70 points. He also stated Police Chief Bryce Johnson's strategic plan is to make the PRT mandatory or complete the Texas Department of Public Safety Rowing Test.

Captain Galbreath reviewed the In-house Academy Use of Force training for Probationary Officers (six (6) weeks) and Lateral Officers (three (3) weeks (Idaho POST)) including de-escalation, policy, firearms and department qualification, TASER, O.C., AT/DT/ground control/baton/handcuffing, scenario training, and, building clearing. He stated the Idaho POST Academy training is 14 weeks/560 hours although the schedule of POST may vary. He noted POST will increase bias and cultural diversity training.

Captain Galbreath reviewed the Field Training Program, consisting of 14 weeks/560 hours including four (4) phases, on the job training (evaluation in the first three (3) phases), evaluation only during the final phase, daily observation reports, and, end of phase report. Continuing Education includes in-service training, outside training, and, specialty training (this replaced the previous 40 hour/week block training).

Captain Galbreath reviewed the training calendar and patrol schedule for in-service training. He believes training has become a priority for officers. Mayor Casper questioned the metric, the value, and, the cost of training. Captain Galbreath stated this requires a balance with productivity on the street. He is unsure how to measure the training. He believes it's the responsibility of the IFPD to provide the training relative to their individual position.

Captain Galbreath reviewed the Lexipol policy 203.6 Training Committee - identifies training needs for department, post-incident evaluation/assessing related training needs, training to improve future outcomes, reduce or prevent undesirable issues (incidents involving death or serious injury to an employee; incidents involving high risk of death, serious injury, or civil liability; incidents identified by a supervisor (due to training need), meets and recommends training needs to the Training Lieutenant, and, recommendations are rolled into training program. Captain Galbreath noted 40 IFPD officers are POST-certified instructors which allows inter-department training. He also stated technology training is available although it is expensive. Mayor Casper believes being responsive is a virtue at this time.

Fire Equipment Donations Discussion:

Chief Nelson stated several pieces of fire apparatus and equipment will be presented to the Councilmembers for donation, transfer, sale, or, disposal. A grant program from the Department of Defense (DOD) has been used for the previous 5-6 years to gather equipment to fight fires or enhance capabilities. The Idaho Falls Fire Department (IFFD) has allocated many pieces of equipment which is not being used and, Chief Nelson does not anticipate this equipment being used or putting any money into the equipment for its full potential. However, he believes other agencies could utilize the equipment. Chief Nelson stated the July 9 City Council Meeting agenda will include an item requested for approval for donation to Raft River Fire. Because this item is considered property, this item will be presented by the Municipal Services Department. Chief Nelson stated there are approximately 10-12 pieces of equipment that the IFFD will keep depending on the use. He noted \$23 was spent on the equipment being donated to Raft River Fire for licensing and registration.

Idaho Falls Redevelopment Agency (IFRdA) Report and Discussion:

July 6, 2020 - Unapproved

Mr. Radford stated the IFRdA is directed and organized by the Council and the members are appointed by the Mayor. He believes the successes together with the City and County are noteworthy. He reviewed several IFRdA projects and recognized several developers with many of these projects. Mr. Radford stated the IFRdA began in 1989 with the Shilo Inn. He noted there are no longer large empty parcels of land within the core of the City. He believes the IFRdA has an important tool to revitalize the community and not allow private property to run down/deteriorate/cause slum and blight conditions and lower the tax value. The IFRdA is now looking at traditional economic urban renewal areas that might have decreasing property values, higher crimes areas, and, possible deteriorating areas. Mr. Radford stated the IFRdA has always been very conservative and has not incurred a lot of debt – the developers have incurred this debt. However, the IFRdA believes they need a different approach to improve the previously described areas and they are wanting to make contributions, without funding from developers, in a politically-cautious way. Mr. Radford believes the community does not want the IFRdA to use the eminent domain powers, this would not be satisfactory or supportive. The IFRdA has looked at other options including a real estate option agreement from the property owner. This would include a two-year commitment with an up-front payment. During the two (2) years the IFRdA would take the property to the private market/enterprise with a Request for Proposals (RFP). Any developers from the RFP would help purchase the property. The tax increment financing from the IFRdA would pay the property taxes on the development in order to pay back the purchase price or infrastructure costs to improve the area. Mr. Radford explained the purchasing process with The Bonneville Hotel. He stated this was a free-market developer-driven choice. Mr. Radford stated the IFRdA is now looking at the triangle piece on Northgate Mile and First Street which would be in close proximity to Idaho Falls High School, shopping areas, and, the potential Police Department. This area currently has good infrastructure including water, sewer, and, power although the individual properties are deteriorating. Mr. Radford stated the intent is to see which options would be available on these properties for possibly one (1) block at a time. The property cost would be reduced by the tax increments. These could be considered micro urban renewal areas and would allow more feasible development. Mr. Radford believes any apartment complexes would sell and rent quickly which would spur additional development in this area. Mr. Radford stated a lot of money was generated with the Pancheri Urban Renewal Area. The infrastructure around the Candlewood Suites was paid for in 3-4 years, unfortunately, no good project came along. The IFRdA saved this money (approximately \$1M) which is being returned to the City and County, the City portion is anticipated to be \$600,000. The IFRdA no longer has funding as several projects were completed. Mr. Radford requested a portion of this \$600,000 be used as option payments. He believes this is a good, low-risk investment. Mayor Casper stated this \$600,000 has not been factored into the upcoming budget. She requested a specific amount from Mr. Radford. Mr. Radford believes a minimal amount would be \$150,000. To the response of Mayor Casper, Director Cramer believes the investment would be in future taxes and, this would be considered a gift. Mayor Casper stated the IFRdA intelligently does what needs done. She also stated the remaining money could help fund other priorities. Councilmember Hally stated the closure of an urban renewal district goes to the tax base. The tax base allows a future increase. Director Cramer stated taxes collected on the base value goes to the County and City. He also stated the downtown projects worked because they were connected to another district and this increment made downtown successful. Mayor Casper stated this discussion will need to occur in the upcoming budget sessions. She reiterated the infill era has been completed with success. This will be a new era. Councilmember Radford stated more housing choices and options are needed in this community as the cost of homes are increasing. He believes if the City can build up the options and increase the amount of units, this helps the tax rolls and the housing issue. Councilmember Francis questioned the length of time for the micro urban development areas. Mr. Radford stated 20 years is the maximum timeframe although there is preference to accomplish as quickly as possible with the tax increments. This is dependent on the size of the property. Ten (10) years would be preferred. Councilmember Francis questioned the ‘requirement’ of affordable housing in this neighborhood. Director Cramer stated there are incentives for affordable housing in the development. Brief general comments followed.

Introduction to Fiscal Year 2020-21 City Budget:

Director Alexander stated Governor Brad Little’s Idaho Property Tax Relief Program has been evolving. She indicated this tax relief allows City and County governments to opt into using Coronavirus Relief Fund (CRF) dollars to cover public safety payroll if the cities and counties agree to pass along the resulting budget savings to Idahoans in the form of property tax relief. This would show as a credit on the property tax bill. This program would provide up to \$200M in property tax relief to Idahoans.

July 6, 2020 - Unapproved

- Conditions – the dollar amount of property taxes certified for the annual budget may not increase by any growth factor, except for value shown on the new construction rolls and annexations (and other statutory exemptions). Director Alexander stated it is unknown at this time how this program will affect the urban renewal district request (previous discussion). Other conditions – the local government may not take the 3% increase (or any percent increase) and may not use previous foregone to participate in the program and, the participating local government must submit a notice of intent to participate and provide actual payroll data for the months of March - June as well as estimated payroll data for the months of July – December no later than July 17, 2020. Payroll costs associated with salary, health benefits, and variable benefits, include retirement, health insurance, and workers comp. This does not include hazard pay or overtime benefits that have been or will be covered using other sources of federal funds.
- Allocation – the allocation per local government will be dependent on the number of entities that opt into participation. The CARES Funding Advisory Committee (CFAC) will look at an allocation based on population and on estimated payroll expenses. Each local government will be provided their allocation estimate by July 24, 2020. If all local governments opt-in, it is likely that the allocation will be less than the total payroll costs. Director Alexander stated the City has received a confirmed estimated allocation of \$4.2M. Local governments will be reimbursed at 103% based on the \$4.2M which is an estimated net increase of \$126,000.
- Disbursement – the State would transmit the payroll reimbursement in December. Property tax owners would see a stated decreased amount on their statement in November. Director Alexander reviewed estimates based on 2019 property tax valuation for home values of \$150,000, \$200,000, and, \$250,000 and business values of \$750,000, \$1M, and, \$1.5M.

Mayor Casper stated there will be an opportunity to decide to opt in to the program once the actual amounts are determined. She believes approximately 10% of cities would opt in although she reiterated the amount would be dependent on the number of cities. Councilmember Hally believes this money came as stimulus money to the State to help the local government. He believes this would lower the tax base. Councilmember Francis believes taxes would need to be increased in the next year to get back even as this is one-time money, not on-going money. Councilmember Radford does not believe this is true. He believes the tax base has to stay whole. He stated this decision only affects the statutory 3% or foregone. He believes saying no to this program would be tough. Mayor Casper stated any decision would be required by July 17. She noted the statutory 3% was intended to help build a Law Enforcement Complex facility which has been discussed for 15 years. Director Alexander stated there are several unanswered questions.

Director Alexander reviewed the following with brief comments and discussion:

2020-2021 Budget Overview Assumptions – 3% statutory property tax increase not included, health insurance changes (discussed at the May 28, 2020 City Council Work Session) are included, inter-fund transfers are included as a draft with a formal presentation scheduled for July 16 as part of the administrative support budget presentations.

2020-2021 Forecasted Revenue Summary = \$212,997,843

2020-2021 Expenditure summary = 244,163,308

Director Alexander stated the City is taking a conservative approach due to COVID.

Revenue Budget to Expenditure Budget Comparison by Year from 2001 to 2021

Director Alexander stated more money is budgeted to allow the capacity for projects. Mr. Roos stated the delta is due to grants and Idaho Falls Power Rate Stabilization Fund and Capital Outlay.

2020-2021 Revenue Categories by Fund Type

Director Alexander stated the largest fund type by dollar amount is the Enterprise Charges for Services.

Ten-year review of Revenue Categories

Director Alexander stated the Enterprise Charges for Services has the largest block.

July 6, 2020 - Unapproved

2020-2021 Expenditure Categories by Fund Type

Director Alexander stated the Enterprise Funds have the larger expenditure fund type followed by the General Fund.

Ten-year review of Expenditure Categories

Director Alexander stated the majority of these expenditures are operating expenses followed by salary and wages.

Next steps: department budget presentations - week of July 13 and, General Fund overview, employee benefits, and, balanced budget - week of July 20.

Director Alexander noted the City is anticipating a lag of individuals paying their utility bills due to the extended COVID pandemic.

Coronavirus (COVID-19) Update:

Mayor Casper stated the Open Meeting Law rules, which were modified in March due to COVID, have expired. Public access is now required for public meetings although Mayor Casper noted the continual streaming may minimize public interaction. She stated Eastern Idaho Public Health (EIPH) is working on a color-coded model which may be rolled out soon. She also stated several City employees have been diagnosed with COVID including one (1) confirmed case in the Fire Department and four (4) confirmed cases in the Police Departments, with several other employees on quarantine. These quarantine's may possibly affect prioritizing public safety calls and response times. Services with other law enforcement inter-agencies may potentially be required. Mayor Casper stated, per EIPH, COVID testing is a 5-7 day wait. There is adequate funding for testing although there is inadequate supplies for testing. Mayor Casper indicated if there is a fear of COVID exposure, an individual should wear a mask, wash hands and sanitize, and, social distance – the 14-day isolation may not be required. She stated Governor Little has turned any orders to the Health Districts, counties, and, cities. This occurred previous to the recent spike of cases. Mayor Casper stated EIPH is governed by a board of directors who is sensitive to the medical side and concerns from the counties. Some counties do not have COVID cases, therefore, EIPH is not inclined to issue orders. Instead, they want to offer their support. Mayor Casper stated there are four (4) elements with mask-wearing orders – political, legal, economic, and, medical. She is committed to the citizens that the City approach for mask wearing will be data-driven and, any decision will be extremely difficult. She also stated EIPH is struggling with the metrics for any recommendations. Mayor Casper believes the number of calls received in the Mayor's Office is not significant enough to determine the requirement of mask wearing at this time although she named several cities that have issued mask-wearing orders. She reviewed the number of new COVID cases for Bonneville County and the State. She believes the number of cases will increase which may put Bonneville County in a different category with EIPH. Mayor Casper stated additional COVID discussion will occur at the July 9 City Council Meeting with potential action requested by the Councilmembers. She also stated she values the Councilmembers' commitment to the community and she believes there would be a higher-quality decision with all the seven (7) different perspectives. However, she realizes some Councilmembers may not want to vote on this as this is a political hot potato, although, she prefers Councilmember input. To the response of Councilmember Hally, Mr. Fife stated the Mayor has the independent authority to declare an emergency disaster by State delegation. The Council has the authority to extend any order. Councilmember Radford is in favor of mask wearing in order to keep businesses open for economic reasons. To the response of Councilmember Radford, Chief Nelson stated the hospitals are seeing more patients although patients are being moved for other reasons. Councilmember Dingman questioned polling the community and/or businesses at large. Mayor Casper indicated she would request the Chamber of Commerce to poll those Chamber members. She believes social media is not a good polling system. Councilmember Freeman believes it's a small thing to ask individuals to wear masks. He is in favor of mask wearing.

There being no further business, the meeting adjourned at 7:20 p.m.

CITY CLERK

MAYOR

July 9, 2020 - Unapproved

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, July 9, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Mayor Casper explained the seating arrangement and limitations for the Council Chambers and the overflow room (the City Annex Conference Room) due to the Center for Disease and Control (CDC) guidelines for social distancing due to the Coronavirus (COVID-19). She also stated there were several individuals outside of the building who were able to have dialogue amongst themselves as they were not able to personally attend the meeting. Mayor Casper indicated it was suggested that this meeting be held in The Civic Center for the Performing Arts (The Civic) facility, however, she explained that State requires this meeting be noticed at a minimum of 48-hours in advance. At the time of this meeting posting, it was unknown of the attendance of this meeting.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John Radford (by WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman (by WebEx)
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

All available Department Directors
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Councilmember Michelle Ziel-Dingman to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Dennis Marsden appeared. Mr. Marsden stated he respects everyone's rights – those that are afraid and those that are afraid of having their rights violated. He indicated he previously sent emails (in May) to each member of the City Council, the mayor, and, the governor. This email included a statement that mandates which are unconstitutional are not law and they place people who invoke such mandates beyond the protection of the law and they become personally liable for their acts under the color of law. Mr. Marsden stated if the City were to invoke an ordinance in violation of rights, he would ignore it and would do so publicly with the intention of being sited, arrested, or, jailed. He would also fight this including going to court to test the laws that are constitutionally founded and those which are not. Mr. Marsden believes there is nationally gross violation of what's going on. His heart breaks for families and what is going on in the Country. He reiterated if he were to be sited, arrested, or, jailed he would assert his rights and would counter-sue. Mr. Marsden encouraged those with similar sentiments to voice their opinions. He expressed his appreciation to those who serve the community.

Jay Brewer appeared. Mr. Brewer stated the item that cannot be spoken about has been a matter of public discussion in the previous 3-4 days. He believes Mayor Casper would be interested in the number of people that share the same sentiments as Mr. Marsden. Mr. Brewer agrees with Mr. Marsden and is willing to occur any of the risks Mr. Marsden mentioned to protect the rights for freedom of speech, freedom of expression, and, not having the right to voice opinion of laws that may or may not be levied by the body. He also expressed his appreciation to those who serve as

July 9, 2020 - Unapproved

he truly believes it is a thankless job, just as thankless as being a policeman or a soldier. Mr. Brewer stated when a mandate that is shared the way that this has been shared in this instance, as in similar instances in the past, he promised himself he would be here. He also stated is not ready for Idaho to become a liberal state.

Jacob Grove, Rexburg, Idaho appeared. Mr. Grove stated the things that happen in Idaho Falls have a large effect on the surrounding towns. In studying what's going on in the Country, Mr. Grove picked up a military manual as the nation is under attack and insurgency. Mr. Grove read the definition of insurgency from this manual. He stated the violence and fear monger that is currently being witnessed in our Country are the tools of insurgency and a direct attack on freedom. The founders of this nation understood that the Creator has endowed us individually with certain unalienable rights, which include life, liberty, and, the pursuit of happiness. Mr. Grove stated the deception surrounding COVID-19 and the violent riots are purposely created to weaken our free will as individuals and take power from people – this is insurgency. He stated when this began happening in his town, he would not stand by and let the rights of his future family be taken away. Mr. Grove stated he will do what it takes to make sure that their right to live peacefully and to pursue happiness is guaranteed.

Brett Skidmore, Idaho Falls, appeared. Mr. Skidmore expressed his appreciation to the elected officials for their service. He believes the time that has been dedicated to safety is under appreciated. The amount of time he has put into his business, the organization he is president of, and, his approximate 80 tenants, was unsurpassable. He reiterated his appreciation. Mr. Skidmore requested to use God in all decisions, take His guidance and take consideration of not just Mr. Skidmore's tenants but also all essential businesses, including hair dressers. He believes every business in the community is essential. Mr. Skidmore reiterated to use wisdom and God.

Chip Schwarze, on behalf of the Greater Idaho Falls Chamber of Commerce, appeared. Mr. Schwarze reminded the Council that a lot of businesses have been struggling over the previous 3-4 months. He encouraged the Council to thoughtfully and carefully consider any actions that might be taken as many of these businesses are close to failing and never opening their doors again. These businesses employ our families and residents and the impact of losing one (1) business will spread to the community for many years. Mr. Schwarze expressed his appreciation to the elected officials.

Rich Parks, Idaho Falls, appeared. Mr. Parks expressed his appreciation to the elected officials. He stated when the City puts a restriction on their own City, it's one thing if the City does it to City-owned congested business locations (the zoo) or City offices or if private businesses choose to do it for themselves. But, to make everyone do this across the board will chase the economies to Ammon or other cities. Mr. Parks stated the death rate has decreased and, it is the government's job to protect the Constitution, not our health.

It was then moved by Councilmember Radford, seconded by Councilmember Francis, to remove agenda item A.1 with the good faith reason that the Federal Government changed the process and the City needs to change their approach in a different meeting. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Consent Agenda:

Municipal Services requested approval of the Treasurer's Report for the month of May, 2020; minutes from the June 15, 2020 City Council Work Session; June 18, 2020 City Council Meeting; June 22, 2020 City Council Work Session and Executive Session; and, June 25, 2020 City Council Meeting; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Municipal Services

Subject: Transfer of Fire Equipment to Raft River Fire Protection District

In 2018 and 2019, the Idaho Falls Fire Department (IFFD) acquired through the Department of Defense (DOD) Fire Fighter Program (FFP) the two vehicles to assist in the wildland urban interface areas in Bonneville County as well as to provide additional resources for mutual aid and assist the Idaho Department of Lands. Due to the acquisition of more efficient water tenders, the department has not utilized this equipment and does not plan to in the future. Through the DOD FFP there is no cost to the municipal fire departments to receive such equipment.

Councilmember Smede stated the only expense for the items was payment for registration. She stated this will save the IFFD annual operating and storage costs and will be an asset to another community

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve transfer of City property of one tan Eastern Technologies XM-1098 tank semitrailer and one BAE Tactical Systems M1088 all-wheel drive tractor truck to Raft River Fire Protection District. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Subject: IF-20-23, Underground Fiber Project Phase II – Electric and Fiber

This contract will provide underground conduit and handhole installation services for electric and residential fiber. The project scope is estimated to be 80% electrical and 20% fiber.

Councilmember Smede stated Idaho Falls Power is making this request to be proactive for dependable fiber services in the City. Councilmember Radford expressed his appreciation to an innovative City utility that found solutions for customers and made the grid more resilient.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept and approve the bid from the lowest responsive and responsible bidder, Bluelake Utility Services, LLC of Meridian, Idaho for a total contract amount of \$354,700.00. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Idaho Falls Power

Subject: Construction Agreement for Fiber Optic Cable Splicing

Approval of these three contracts will allow Idaho Falls Power/Fiber (IFP/IFF) to contract for services on an as-needed basis and obtain the best pricing for fiber optic cable splicing as part of the City of Idaho Falls Fiber Expansion Project, which was approved by the Idaho Falls City Council on October 17, 2019. IFF will use the lowest cost available contractor for each specific splicing project.

Councilmember Radford stated he is in the latest growth and became a customer of IFF and, he is thrilled with the service and options of technology. He also stated this agreement is the ability to get fiber services in the most cost-effective way moving forward. He noted more than one (1) contractor was selected as there is a need for more than one (1) group to progressively move forward in the community. The hope is to have all the community linked in 3-4 years. Director Prairie noted the total amount of \$100,000 is not to be exceeded between all three (3) groups. He noted there are different specialties within each company. Mayor Casper stated the pandemic has proven there is great value in service at home. She noted fiber optic can make it possible for kids to more effectively attend school and for people to more effectively work from home. She stated there is a sense of pride in the ability to provide the utility for the citizens. Every step taken moves hundreds of homes into the utility. Director Prairie stated that the community can visit the website to learn about the network and sign up for services.

July 9, 2020 - Unapproved

It was moved by Councilmember Radford, seconded by Councilmember Freeman, to approve the Construction Agreements with Advanced Cable Technology, LLC., Cook Cabling, and Spligitty for fiber optic cable splicing at a not-to-exceed total amount of \$100,000 and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Public Works

Subject: Bid Award – Wastewater Treatment Plant Secondary Clarifier 2 Mechanism Reconstruction

On Tuesday, June 30, 2020, bids were received and opened for the Wastewater Treatment Plant Secondary Clarifier 2 Mechanism Reconstruction project. The purpose of the proposed bid award is to enter into contract with the bidder to furnish all tools, labor, equipment, and materials necessary to install the drive mechanism, reconstruct the collection arms, tower and center pier for final clarifier 2.

Councilmember Freeman stated this item was discussed at the May 28 Council Work Session. He also stated it is important to get this item resolved quickly as there currently is only one (1) backup. Director Fredericksen stated there were five (5) potential bidders and of those only one (1) responsive bid was received. He also stated this item was not on the Consent Agenda due to it being an unbudgeted project. He noted there are cost savings in other areas of the treatment plant so there is not a funding concern.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the plans and specifications, award to the sole bidder, Quality Steel, Inc., an amount of \$145,607.94, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

Subject: Approval of the State/Local Agreement with the Idaho Transportation Department for the Holmes Avenue Safety Audit

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the development of the Holmes Avenue Safety Audit. The safety audit is intended to study Holmes Avenue from Northgate Mile, south to York Road and will help identify safety concerns on this corridor and potential remedies to address them.

Councilmember Freeman stated this is a busy corridor and is close to five (5) miles. He noted the City's share of the cost is 7.34%, or \$4,404.00.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement for the Holmes Avenue Safety Audit, and the accompanying Resolution, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION 2020-13

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT OF HOLMES AVENUE SAFETY AUDIT.

Subject: Approval of a Resolution providing for Right-of-Way Acquisitions necessary for the 17th Street and Woodruff Avenue Intersection Improvement Project

The purpose of the resolution is to establish an approval process for the procurement of sixteen (16) parcels of property at or near the intersection of 17th Street and Woodruff Avenue. Conditions of this resolution include

July 9, 2020 - Unapproved

authorization for the Mayor to approve all purchases up to a value of \$75,000.00. Acquisitions exceeding \$75,000.00 shall be presented to City Council for approval. Additionally, Chris Fredericksen, Public Works Director, will be granted the authority to sign all closing documents for required parcels.

Councilmember Freeman stated this item has been on the radar for quite some time as it is a very busy intersection. Councilmember Hally stated this intersection would be similar to the 17th Street and Hitt Road intersection. He also stated ITD will award Idaho Falls approximately 93% of the costs.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the Resolution providing for the purchase of Right-of-Ways and Easements required for the 17th Street and Woodruff Avenue Intersection Improvement Project. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

RESOLUTION 2020-14

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CITY TO NEGOTIATE AND PROCURE RIGHT-OF-WAY FOR A CONSTRUCTION IMPROVEMENT PROJECT ON 17TH STREET AND WOODRUFF, AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Coronavirus (COVID-19) Update:

Mayor Casper believes her comments from the July 6 Work Session may have created confusion and misperception. She stated the Council would receive a report and there would be discussion and the possibility the Council would give direction. Mr. Fife stated the agenda is noticed that a vote could occur due to ‘or other actions in response to the COVID-19 pandemic’. Mayor Casper stated it is not her intention to take action and it would not be fair to the public. She stated State code is clear and is taken seriously with regard to the agenda. Mayor Casper reviewed the weekly totals for the State, Bonneville County, and, Channel 8. She noted most of the models are seen on a rolling average, not a single day, to reflect a broader picture of what’s happening. The State-wide cases of 30-40 per day are gone, numbers are now reaching into the hundreds which have caused a new level of concern and worry. Bonneville County data showed several low days but have now reached double digits. Idaho has not yet achieved the incident rates that move Idaho out of ‘yellow’ zone per Harvard national-level ranking. Eastern Idaho Public Health (EIHP) is also using color coding, the area's health district is in the green zone. Mayor Casper stated public officials have stated using a face mask is a good intervention, they can easily be implemented, and, is one (1) of the best things to mitigate the spread. She reiterated that any pandemic-related decisions that she stands behind on behalf of the City will be guided from information provided from recognized public health sources, namely the CDC, Idaho Department of Health and Welfare (IDHW), and, EIPH. She stated with the innumerable amount of sources and opinions she trusts the public resources as they are trained to identify things for our area. She noted the management of the pandemic is evolving as information changes and the City must evolve to address the pandemic in our area. Mayor Casper stated the public health profession she suggests the City rely on considers hygiene, epidemiology, and, disease prevention. In Idaho State Code, Idaho cities are given statutory authority to do four (4) things , three (3) of which are currently relevant: pass all ordinances and make regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the City; and, make quarantine laws and to enforce the quarantine laws within five (5) miles of the City. Mayor Casper stated the challenge is to make good use of those powers given by the State to promote general health and welfare. She believes stay home orders should only be used when the threat is extreme or significant. She recognizes the significant impact of stay home orders on the economy and on education. She stated keeping citizens healthy, keeping the economy healthy, and, keeping schools healthy are her three (3) big objectives. She wants to avoid a stay home order. Mayor Casper reviewed guidelines previously presented to help stop the spread. She believes masks are an inexpensive way to limit the spread. She stated her staff compiled information from recent summaries that are not scientifically derived but for discussion purposes only. Mayor Casper reviewed the staff’s collection of news stories with comments and shares from East Idaho News, the Post Register, and, the Pocatello story. She shared the tallied calls and emails received in the Mayor's office with the results as 152 yay, 206 nay. She

July 9, 2020 - Unapproved

also stated Mr. Schwarze did a flash poll of Chamber of Commerce Members and in less than 24 hours 319 people had responded. Mayor Casper reviewed the seven (7) pages of the flash poll questions. She stated each data point gives appreciation for the landscape when making decisions regarding the public health as well as being aware of the demonstrations happening and the Facebook messages received. She does not believe those pieces of data should serve to dictate the decisions made. She believes very strongly it is the responsibility of elected officials to take the public's trust to make decisions based on the best wishes from the public. She stated any decisions made will be based on data and facts, not emotions. She also stated she took her concerns to the EIPH Director who has been working on a plan. The Board has yet to formally adopt this plan until the following week. Mayor Casper reviewed the plan's criteria, variables, and, indicators. She noted that even though the plan is not yet adopted it is important that there is a plan so everyone is aware of the expectations and guidelines. She encouraged the Council to wait until the plan can be studied and applied to make a decision for the City, she also asked that the plan be considered as the City standard. She reviewed EIPH's data dashboard and updated case numbers. She also reviewed the criteria in order to take action. She stated other cities are adopting masking orders by way of an ordinance, another option would be a resolution. Mayor Casper stated a mask is a way to slow the virus so there is quality of care available for those that need it. Councilmember Dingman believes the EIPH Board meeting was informative. She stated she is not in support of mask wearing at this time. She would like to see the metrics and hear from the EIPH board. Councilmember Francis questioned developing a policy rather than an ordinance or resolution which would include a plan. Mayor Casper stated if a plan is adopted, it would follow the EIPH plan. Councilmember Francis does not believe it would state what the local government would do. He believes the City should consider circumstances and a process, a blanket for the entire community is impossible, and, he is not in favor of ordinances that cannot be enforced. Councilmember Dingman believes very direct and detailed discussion should occur by the Council but not until the plan and options of mandates from EIPH is released. She noted the Board discussion touched on penalties but not enforcement. She would prefer to see the plan and know what the Board will do as it is their responsibility for implementing public health measures. Mayor Casper stated if the EIPH Board adopts the plan the City would be under the orders and would not have to enact anything alone. Councilmember Dingman reiterated she does not believe the City can act until there is more information provided by EIPH. Councilmember Francis agrees. He believes there should be cooperation with the local government and health board. He noted the local government will need to enforce. Mayor Casper stated the governor gave orders although local police were not sent in for enforcement of businesses that opened because the City is aimed at education. She also stated the Idaho Falls Police Department (IFPD) is already under duress and scrutiny and lacking staff to answer calls. She doesn't believe calls should be pushed aside to enforce someone not wearing a mask. Councilmember Freeman believes masks are an inconvenience but some are seeing them as a political statement. He read an excerpt from a letter he received and responded by saying that all the Council is doing is trying to protect people's health. He stated it is unfortunate there is a distrust in government right now. He believes the mandate might cause more wide-spread noncompliance. He does not believe a mandate is a good idea at this time. He agrees to use EIPH and the State for guidance. He stated if the numbers rapidly increase he would not be against a mask mandate. Councilmember Hally believes there are a lot of emotions when the data conflicts with personal bias. He also believes many would wear a mask if it was encouraged instead of being told to under penalty. He stated he recently visited a business where no one was wearing a mask and he told the business they should change their policy. He believes it would be safer if employees wore them. He also believes the virus, the vaccines, and, the political mix changes data and emotions daily. He stated education is important but education won't happen if teachers are sick. He expressed his concern about a concrete plan with the data changing daily. He believes if a plan is too rigid it could create a bias that is not flexible. He hopes that members of the public would look at the data and believe wearing a mask is safe. Councilmember Hally reiterated encouragement. He does not see reason to impose mask wearing at this time. Councilmember Smede stated her husband has an incurable disorder so she will wear a mask when she will come too close to individuals. She shared an experience when she was a child where she decided to wear a helmet. She stated she has respect for those who wear a mask as no one knows what is going on in that individuals' life. She was taught to respect every individual. She hopes to maintain that respect and give each other needed space. Councilmember Radford questioned why a mask mandate does not violate constitutional rights. Mr. Fife stated in general, cities have been delegated constitutional authority including Police powers. When there are pandemics and other disasters those powers tend to grant to the Mayor or the Council or the City in general greater powers than when those things aren't present. When there is a disruption that creates problems that doesn't allow the government to react in a quick or decisive way, those temporarily set aside the normal City process. Mr. Fife stated in this case, the Mayor has the authority to declare a local disaster emergency with the Council having the authority

July 9, 2020 - Unapproved

to extend or modify it if needed. Exceptions can be made with imminent danger to health or property or people. Although people are concerned with government overreach, Mr. Fife believes the City is within its rights regarding a pandemic. That is true as well with the governor as well. The Governor's order are carried out by the public health officials pursuant to the Constitution. As part of the State's rights and constitutional rights, individuals can go to the courts for confirmation or over-ruling. Mr. Fife stated those rights have not been taken away. Councilmember Radford questioned if previous pandemic mitigations have been upheld. Mr. Fife confirmed. Councilmember Radford stated it is tough being told they are taking away freedoms. He also stated he might agree with those statements if it were not an emergency. He believes these individuals are highly trained and are acting within their rights. He noted that it is important to remember so people don't give ill intent. He stated that whatever decision is made would be for the best interest of the citizens, with the intent that they are obeying the law, that they are being transparent, and, within their rights. He is disappointed there is no mandate. He wants data and EIPH involved as the decision that's best for the community is made. He stated the Country has a reputation throughout its history of patriotism and to tackle problems as a group. He doesn't believe there is anyone to blame but somehow the Country is so divided. He expressed his gratitude for not having to go through World War II with this current Country because back then people gave up their rights and ability to buy food to survive but some are not willing to put on a mask and he is disappointed. Chief Nelson believes it's a wise choice to look at the data from public health officials as they spend endless hours looking at the information. He also believes the data should drive the decision as it is so emotionally-charged. He stated it's currently a challenge to maintain safety for the community that seems to be working against them right now. He understands the emotions, the political frustrations, and, economic difficulties although compliance is needed. Chief Nelson requested public compliance to boost the percentages, to help drop the curve, and, to solve the problem together. This is not just about local needs, it is also about the outlying hospitals that don't have capacities. There needs to be the community's support, Chief Nelson believes this community has the capability of that support. He again requested compliance. Councilmember Francis suggested waiting for the health department's data, statements, and, mitigations which could be in the form of formally encouraging masks. He stated the founding ideas of the U.S. and the government responsibility is to protect. In the same paragraph of the declaration the government's responsibly is to also protect the safety and happiness of the society and finally, to achieve that ground requires sacrifice of people. He stated this Council and all government agencies are trying to make that a reality. He believes any decision needs to consider individual liberties, balance with the Council's responsibility to protect, and, the willingness to make a sacrifice. He stated that should be the foundation or the boundary lines of any decision. Mayor Casper noted budget meetings will occur in the next two (2) weeks and the Council may need to discuss other considerations. Following brief discussion, this item will tentatively be discussed at the July 22 Work Session. To the response of Mayor Casper, Mr. Fife stated the ordinance has the force of law and comes with penalties of that law. A resolution is a statement of policy which could be internal and, it would be unusual to have penalties. There was consensus to wait for a resolution.

Announcements:

Mayor Casper stated her commitment to the community is to do the right thing and defining what the right thing is hard. She reiterated Councilmember Radford's comments that the Council is trying to make good decisions for the community as they care for the community and intend to serve and protect it well. She also reiterated there is a desire to find balance.

Adjournment:

There being no further business, the meeting adjourned at 9:38 p.m.

CITY CLERK

MAYOR

July 13, 2020 Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Monday, July 13, 2020, at the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 1:00 p.m.

There were present:

- Mayor Rebecca L. Noah Casper
- Councilmember Michelle Ziel-Dingman
- Councilmember John Radford (by WebEx)
- Councilmember Thomas Hally
- Councilmember Jim Freeman
- Councilmember Jim Francis
- Councilmember Shelly Smede

Also present:

- Pamela Alexander, Municipal Services Director
- Mark Hagedorn, Controller
- Josh Roos, Treasurer
- Megan Ricks, Accountant
- Robert Wright, Library Director
- Russell Nash, Library Technical Services Assistant Director
- Rodd Rapp, Library Trustee
- Beth Swenson, Library Public Services Assistant Director
- Claire Pace, Library Trustee
- PJ Holm, Parks and Recreation Director
- Ronnie Campbell, Parks and Cemetery Division Superintendent
- Chris Horsley, Recreation Division Superintendent
- Bryce Johnson, Police Chief
- Annake Scholes, Police Department Administrative Assistant
- Duane Nelson, Fire Chief (by WebEx)
- Randy Fife, City Attorney
- Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 1:03 p.m. with the following:

Opening Remarks, Announcements:

Mayor Casper stated Idaho is currently in the Stage 4 Order (for Coronavirus (COVID-19)) which requires social distancing and mask wearing. She indicated this is proving to be difficult to remain six (6) feet apart for budget sessions. She suggested mask wearing unless an individual is speaking. Mayor Casper briefly reviewed the upcoming budget calendar and the scheduled presentations.

Introductory Remarks as Needed:

Director Alexander expressed her appreciation to all directors for the confines in the budget year. She anticipates the revenue to be substantially decreased due to COVID-19. She also requested all departments use the standard template to remain consistent with the figures.

Department Budget Review:

Library –

Director Wright reviewed the following with general discussion throughout:

Department Structure: Administration, Public Services, Technical Services, and book drop and shelving.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed	2020/21 Proposed	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed
------------	----------------------------------	------------------------------	---------------------	---------------------	--------------------------	-------------------------	---------------------

July 13, 2020 Budget Session - Unapproved

			Expenditure Budget	Revenue Budget			Position Count
Library	\$4,479,885	\$3,642,297	\$6,632,948	\$3,626,410	\$2,153,063	48%	26

Director Wright stated the Position Count are full-time positions, these are not Full-time Employees (FTEs). He stated the Library is currently going through a reduction of force but is hopeful these positions can be budgeted.

Ten-Year Review of Expenditure Categories – Director Wright stated the spike in the Capital Outlay is the proposed building expansion project.

2020/21 Highlights, Strategies and Goals

- Sister City Display Area – Director Wright displayed photos of the Sister City display area. He stated part of this project has been completed with additional display areas anticipated in next years’ budget.
- Building Expansion – Director Wright displayed photos of the proposed building expansion project. He indicated there is concern of this project because of expenses versus revenue. He stated there is preference to expand the building to the south if acquisition of the railroad property is received. This expansion would add 3,700 additional square feet which would allow meeting room availability outside of Library hours. Director Wright anticipates the expansion would add 10-20 years of Library usage, if no expansion occurs the Library would run out of room at approximately five (5) years. He believes this is the least expensive way to extend the life of the Library. Brief discussion followed regarding the railroad tracks and the Rails to Trails project. Director Wright noted any expansion would require Council approval.
- Concern: Expenses versus Revenue – Director Wright stated Library employees traditionally do not receive any Cost of Living Adjustment (COLA), they only receive an increase when the statutory 3% is taken, which is not equally applied. Therefore, this has a negative net effect on the Library budget. Director Wright encouraged the Council to apply any tax increase to the Library Fund as well. He explained the original employee cost versus material cost. He stated changes have been made since that time.

Director Wright stated the Library currently has almost \$3M in the fund balance. There was a previous agreement with the Council that the Library would manage this fund balance. This building expansion project is anticipated to cost \$2-\$2.5M. Director Wright does not anticipate the number of personnel to decrease. To the response of Mayor Casper, Director Wright stated the bulk of revenue comes from the levy and some money is received from the Library District (based upon percentage of use). Mayor Casper questioned the elimination of fines. Director Wright stated fines are disproportionately hard on lower-income individuals and, individuals have stopped using the Library. He believes it is counter-productive to collect tax revenue if there are barriers imposed to use the Library. He stated the goal is to allow individuals and the community to use the Library. To the response of Councilmember Freeman, Director Wright stated increasing the number of floors for the Library expansion would require additional personnel. To the response of Councilmember Francis, the first expansion would be the meeting room and the second expansion would be on the third floor. Councilmember Francis questioned funding for potential failure of the cooling tower. Director Wright stated other areas, personnel or materials, would need to be cut to cover this cost. He also stated he has no problem paying the inter-fund transfer although there is no additional revenue to do so. These costs are being paid by the users/County residents. Director Wright stated without the inter-fund transfer the Library District is not paying any money for the services. Councilmember Hally believes cash on hand is good to have. He also believes building costs may be reduced due to the potential recession. Mr. Rapp stated the goal is to provide a service to enhance those lives in the community. He expressed his appreciation to Director Wright. He indicated the service in the Library is much greater than most cities of a similar size which translates to other benefits to the community as a whole. Mr. Rapp fully supports this presentation. He stated it is a pleasure to provide good service. He believes the Library serves as a social outlet for several community individuals. He also expressed his appreciation to the Council and their support. Ms. Pace expressed her appreciation to the elected officials for their support. She is proud of the Library and the services that are offered to the community. She is happy to find ways to work with the County/greater Library area to ensure there are resources available and to ensure this is reasonably fair to all. She also appreciates, referring to the fines discussion, that individuals are not prevented from using the Library. She believes the programs are valuable and is hopeful to use these again following COVID. Councilmember Francis stated he is supportive of

July 13, 2020 Budget Session - Unapproved

the expansion. He also noted the Sister City display area project would be completed with grant money, not money used from the levy.

Parks and Recreation (P&R) –

Director Holm stated a three-hour visioning session occurred in the previous week. He believes there are great recommendations to strive for in the upcoming years.

Director Holm reviewed the following with general discussion throughout:

Department Structure: Park Division, Recreation (Rec) Division, Golf Division (Director Holm recognized Superintendent Mark Spraktes as the single-lead agronomist for the Golf Division), and Idaho Falls Zoo (Director Holm stated P&R is trying to make this a 12-month facility).

Department Budget Overview

Department – Parks/Zoo	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Parks Administration	\$681,503	\$ -	\$527,653	\$ -	\$(153,850)	-29%	5
Sandy Downs	225,945	24,500	275,549	18,000	49,604	18%	-
Parks Maintenance	3,647,988	308,300	3,382,052	42,300	(265,936)	-8%	24
Zoo	2,133,670	620,500	2,144,034	641,500	10,364	0%	19
Weed & Snow Removal	755,127	-	406,378	-	(348,749)	-86%	4
Noise Park	116,395	17,500	15,036	2,000	(101,359)	-674%	-
Horticulture	674,971	-	689,381	-	14,410	2%	5
Activity Center	32,030	60,000	179,232	50,000	147,202	82%	-
War Bonnet	319,500	455,000	334,150	405,000	14,650	4%	-
Cemeteries	654,524	125,000	603,574	175,000	(50,950)	-8%	4
Total	\$9,241,653	\$1,610,800	\$8,557,039	\$1,333,800	\$(684,614)	-8%	61

Director Holm stated this budget reduction was due to COVID-19. He indicated this was difficult but P&R is doing their best for the community. He expressed concern for the future budget regarding COVID-19 as currently there are no rentals at Sandy Downs and very few rentals at other facilities. To the response of Councilmember Hally, Director Holm stated there is approximately 31% recovery rate which amounts to \$1.3M in revenue and \$8.5M in expenditures. He noted the national average for cost recovery is 25%, P&R is at approximately 44% which includes the golf courses (cost recovery without the golf courses is approximately 31%). To the response of Councilmember Freeman, Director Holm stated there are cost savings in staff from cancellation from the War Bonnet Round Up Rodeo, however, according to the budget this is a break-even rodeo. He indicated money was lost money in the previous two (2) years of the rodeo. There is no positive or negative effect for cancelling the rodeo. To the response of Councilmember Smede, Director Holm stated staff was moved around to accurately reflect where they worked. He also stated seasonal staff, cut from 95 employees to 30 employees, largely reduced due to COVID, has affected weed control. To the response of Councilmember Dingman, Director Holm and Mr. Hagedorn stated positions were identified by benefited or non-benefited employees.

Department – Recreation	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Recreation Administration	\$300,905	\$723,204	\$431,510	\$773,204	\$130,605	30%	3

July 13, 2020 Budget Session - Unapproved

Sports and Programs	527,504	493,284	658,205	536,984	130,701	20%	3
Aquatic Center	1,032,807	482,700	984,482	482,700	(48,325)	-5%	4
Ice Arena	318,220	245,999	328,905	247,592	10,685	3%	-
Total	\$2,179,436	\$1,945,187	\$2,403,102	\$2,040,480	\$223,666	9%	10

Director Holm expressed his concern for this budget. He recognizes the difficult decision to increase the Rec Fund Levy although he realizes the Rec Fund is slowly going further into the red which is nearly impossible to fix. Councilmember Hally stated he is in favor of increasing the Rec Fund Levy. Director Holm believes the need for a Rec Fund Levy increase is for General Fund and Administrative transfer costs. He stated he is 100% supportive of paying these funds that are utilized although it is really difficult to keep the Rec Fund in the City moving forward. He noted the General Fund allocation from the previous year was a wash and the current year is going from \$58,000 to \$176,000, this is difficult to budget on short notice. Councilmember Freeman requested a proposal for a direct levy increase and the General Fund. Director Alexander stated the General Fund presentation is scheduled for July 16. Director Holm expressed his gratitude for the levy, although he believes there is a need to operate the Rec Division efficiently. Director Holm stated the sports and program increase is mainly due to grants, matching-funds from users groups, and, an increase in benefits. He noted the dehumidification (dehyde) system at the Aquatic Center, which is crucial, was not included in the budget. He believes a lot of problems at the facility are aesthetic from the dehumidification system, he also believes the air quality would increase the life of the facility for ten (10) years. Director Holm requested Council direction to move forward with the Aquatic Center as the \$750,000 for this system was accidentally left out of the previous budget. To the response of Councilmember Hally, Mr. Horsley stated the Rec Division is waiting for the assessment report to determine if one (1) dehyde could be used. Councilmember Francis believes the Aquatic Center is a(nother) gem of the City. He believes this item should be included as a priority in the budget. Councilmember Smede agreed. Mayor Casper believes items for the P&R Department should have been prioritized and budgeted for several years, although new projects have happened. Councilmember Smede noted Director Holm is only requesting maintenance and no new projects. Councilmember Francis believes the Rec Levy may need to be increased to force the funding. He is not in favor of increasing fees.

Department – Golf	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Pinecrest Golf Pro	\$460,198	\$978,320	\$560,530	\$951,715	\$100,332	18%	3
Pinecrest Operations	615,625	-	548,578	-	(67,047)	-12%	3
Sandcreek Golf Pro	404,982	966,091	399,244	947,803	(5,738)	-1%	4
Sandcreek Operations	547,384	-	507,718	-	(39,666)	-8%	3
Sage Lakes Golf Pro	391,651	878,624	394,043	833,655	2,392	1%	2
Sage Lakes Operations	433,394	-	445,656	-	12,262	3%	2
Total	\$2,853,234	\$2,823,035	\$2,855,769	\$2,733,173	\$2,535	0%	17

Director Holm stated expenditures are decreased although the inter-fund transfer of \$100,332 for the Pinecrest Golf Pro, which was higher than anticipated, will require a fee increase. He noted revenues are higher than the previous years. Brief discussion followed regarding Golf Division fee increase versus Rec Division fee increase. To the response of Mayor Casper, Mr. Hagedorn stated a step-down approach (percentage each year) was previously used however, this is difficult since costs are increasing. He also stated all transfers are a look-back as a cost driver. To the response of Councilmember Francis, Mr. Hagedorn stated recreation is considered a Special Revenue Fund, the fees are not designed to cover all costs.

July 13, 2020 Budget Session - Unapproved

Capital Improvement Fund	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Parks Capital Improvement Projects (CIP)	\$2,850,000	\$1,100,000	\$1,675,000	\$1,552,000	\$(1,175,000)	-70%	-
Zoo CIP	2,812,000	2,897,000	1,065,000	1,167,000	(1,757,000)	-164%	-
Golf CIP	-	-	3,240,000	3,291,181	3,240,000	100%	-
Total	\$5,662,000	\$3,997,000	\$5,980,000	\$6,010,181	\$318,000	5%	-

Director Holm stated this is a break-even account and money will only be spent if grants, funding, or, donations are received. He briefly reviewed the anticipated projects.

Parks, Recreation, Golf, CIP	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Parks	\$9,241,653	\$1,610,800	\$8,557,039	\$1,333,800	\$(684,614)	-8%	61
Recreation	2,179,436	1,945,187	2,403,102	2,040,480	223,666	9%	10
Golf	2,853,234	2,823,035	2,855,769	2,733,173	2,535	0%	17
Capital Imp Funds	5,662,000	3,997,000	5,980,000	6,010,181	318,000	5%	-
Grand Total	\$19,936,323	\$10,376,022	\$19,795,910	\$12,117,634	\$(140,413)	-1%	88

Director Holm stated without Golf or CIP, P&R recovers approximately 31% of their expenses.

Ten-Year Review of Expenditure Categories – Director Holm noted Capital Outlay has the most obvious movement.

2020/21 Impacts from COVID

- Laid off four (4) FTEs
- Cut parks maintenance seasonal staff from 95 employees to 30
- Closed Idaho Falls Raceway at Noise Park (motocross track only)
- Closed Sandy Downs horse stalls and race track
- Cancelled War Bonnet Round Up Rodeo 2020

Mayor Casper stated some organizations are still struggling with late summer events. She expressed her appreciation to Director Holm for his earlier decision to cancel the rodeo.

2020/21 Additional Funding Needed – Increase the Recreation Levy, this may be the way to pay for the Dehumidification System.

2020/21 Grants – Idaho Canal Trails and Pathways - \$1M; and, Idaho State Parks and Recreation Grants

2020/21 Areas of Concerns – General Fund and Admin Transfers; Rec Levy increase to cover expenses; Loss of Revenue in 2021, due to COVID-19; and, maintenance staff’s ability to keep up with growing demands and areas of responsibilities. Mayor Casper believes the first step is to isolate the cost with the possibility of using outside contractors.

Fee Increases – Golf is asking for a 4% increase across the board; Zoo is asking for an increase to specialized programs; Zoo is also adding new programs; Recreation is asking for small increases to many leagues and programs to cover increasing costs.

Councilmember Smede questioned cleaning of facilities. Mayor Casper stated any of this equipment could be purchased through the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

July 13, 2020 Budget Session - Unapproved

Police Department (IFPD) –

Chief Johnson stated the IFPD is halfway through year-three (3) of the 5-year strategic plan.

Chief Johnson reviewed the following with general discussion throughout:

Department Structure: Administration, Professional Standards and Logistics, Investigations and Special Operations, Patrol, and, Emergency Communications.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Administration	\$1,371,032	\$161,000	\$1,275,549	\$167,000	\$(95,483)	-7%	4
Professional Standards and Logistics	1,019,620	-	972,489	77,000	(47,131)	-5%	4
Patrol	7,602,705	500,450	8,019,825	495,869	417,120	6%	70
Records	466,804	-	460,753	-	(6,051)	-1%	6
Investigations and Special Operations	3,349,805	11,000	2,779,487	26,000	(570,318)	-17%	23
Emergency Communication	1,583,620	169,800	1,490,106	169,800	(93,514)	-6%	23
Information Tech.	174,460	-	340,736	-	166,276	95%	-
Animal Services	1,021,429	328,500	991,949	341,500	(29,480)	-3%	9
Total	\$16,589,475	\$1,170,750	\$16,330,894	\$1,277,169	\$(258,581)	-2%	139

Chief Johnson stated the average staffing levels for a mid-sized City (such as Idaho Falls) is 1.7 officers per 1000 population. His recommendation is 102 sworn police officers, which is based on the 2010 census. He stated IFPD was on this goal until COVID-19. He noted the workload has not decreased, calls for service have increased 10% from previous years, and, crime has decreased over the previous year. Chief Johnson stated following discussion with Mr. Hagedorn, he agreed with the 143 position count for the IFPD. He noted the previous year position count was 147, additional cuts have resulted in 139 funded positions, which includes 94 sworn officers (four (4) less than the previous year). Reductions include one (1) Airport position and three (3) reductions from Special Operations and Investigations (two (2) Cold Case Detectives and one (1) Crisis Intervention Team (CIT) Detective). There is also a reduction for the Animal Control Services Manager, a patrol sergeant has been moved to this position to bring Animal Control Services back to the department. This will be a temporary position for one (1) year. Chief Johnson stated there is also three (3) dispatch position reductions for a position count of 23. He noted 85% of the budget is employees. He also noted these reductions will also reduce the fleet, the Municipal Equipment Replacement Fund (MERF) request, and, maintenance. Reductions also include firearm replacements and ammunition purchases. There will not be any Taser replacements as these are not used a lot. Future Taser discussion will need to occur as new Tasers are being required. There will also be reductions to snow removal towing cost, professional services, and, front desk services. To the response of Councilmember Hally, Chief Johnson stated there are currently nine (9) officers in various stages of training.

Ten-Year Review of Expenditure Categories – Chief Johnson stated there is a slight jump in salaries and wages.

2020/21 Highlights, Strategies and Goals

- Community engagement, building trust
- Crime control and reduction
- Law Enforcement Complex - funding
- Completion of updated Policy Manual

July 13, 2020 Budget Session - Unapproved

- Enhanced First Responder mental health approach
- Filling all open positions
- Police Foundation
- Continued efforts to issue Automated External Defibrillator (AEDs) to all patrol units

Brief discussion followed regarding Creekside Counseling services, physical fitness, and, officer wellness.

Proposed fee increases include animal surrender fee, impound fee, stray(s) out of County, and digital forensic service for outside agencies (new fee). Brief discussion followed regarding out of County strays.

Councilmember Freeman commended Chief Johnson for his decreased budget. Councilmember Francis expressed his concern for the CIT position not included in the budget. Chief Johnson stated the budget was rolled back in the order it was rolled forward. He also stated the IFPD is doing their best with the CIT as they can. To the response of Councilmember Radford, Chief Johnson stated officers responding to false alarms is not a productive use of time. A resident fee for false alarms could reduce officer times.

Fire Department (IFFD) –

Chief Nelson reviewed the following with general discussion throughout:

Department Structure: General Fund (Administration, Dispatch, Fire Prevention, Operations, Training, Buildings, and Vehicles), Ambulance Fund, and, Special Revenue Fund (Wildland deployments).

Department Budget Overview – General Fund

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Fire Administration	\$805,514	\$1,912,572	\$831,659	\$1,931,072	\$26,145	3%	4
Fire Alarm Training	183,858	-	352,130	-	168,272	92%	-
Fire Prevention	688,240	-	835,333	-	147,093	21%	6
Fire Fighting	8,532,372	-	9,068,419	-	536,047	6%	76
Fire Training	418,095	-	111,940	-	(306,155)	-73%	-
Fire Stations & Buildings	577,555	-	237,237	-	(340,318)	-59%	-
Auxiliary Services	766,328	-	773,148	-	6,820	1%	-
Total	\$11,971,962	\$1,912,572	\$12,209,866	\$1,931,072	\$237,904	2%	86

Chief Nelson stated the 2% increase over the previous year comes from operational/organizational changes within the IFFD. He noted the IFFD is currently at 125 FTEs, his goal is to get to 119. He indicated the large decrease within the Fire Training Division is due to a vacancy which was not filled and, the Training Captain position was moved back into Operations. He noted the Training Captain and the Training Chief positions will be split. Chief Nelson stated 3-4 years ago the Training Captain and the Training Chief positions were partially funded with Idaho Falls Power through inter-fund transfers, with more expense to the IFFD. Eventually all expenses were allocated to the IFFD which put additional strain on the General Fund. The Citizens Review Committee (CRC) recognized this was a shortfall in the IFFD. Chief Nelson stated 85-86% of the budget is personnel costs. He stated call data was reviewed including overtime costs as overtime costs were significantly over the budget in the previous year. He believes overtime may amount to \$400,000 for the current year which is lower than the previous 7-8 years. This is attributed to call volume and people/work load management. Chief Nelson stated although the call volume decreased by 40% in April during the stay-home order, the call volume has increased by approximately 5-6% as compared to the previous year. Due to the call volume, the work load, and, potential injuries which then requires overtime, Chief Nelson advocated the department will need to get to 130 but a strong foundation must be sustainable. He noted more

July 13, 2020 Budget Session - Unapproved

than half of the IFFD has 4-7 years with the City which is the highest percentage of increases in the salary program, therefore, different options will be explored. Chief Nelson stated there is an outstanding grant for hand-held radios included in the budget. The current radios are approximately 15-16 years old and were not budgeted in a MERF-style approach. Chief Nelson stated he would like the Council to consider a capital expense in the following year for \$116,000 City-match for a regional grant to allow all communication on the same hardware. He also stated US Digital Hardware and Retrofit will retrofit all stations for digital capability with the dispatch software system. He reminded the Council this was approved prior to COVID therefore, the \$130,000 funded amount has been held and encumbered. Councilmember Freeman recognized the loss of administration and the reduction in overtime.

Department – Ambulance	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Total	\$7,841,780	\$6,575,676	\$7,059,084	\$6,928,974	\$(782,696)	-10%	39

Chief Nelson stated a portion of the decrease is due to reduced dispatch services (transferred to the General Fund) and a hardware/software upgrade. The General Fund is taking the cost until a base can be rebuilt. Part of the strain on the Ambulance Fund was overtime costs. Chief Nelson stated the IFFD is looking at an increase of revenue due to County contract increases as IFFD is trying to right-size these County contracts per the call volume. He also stated IFFD is reviewing emergency medical transport through Medicaid.

Department – Wildland	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Total	\$927,415	\$1,000,000	\$961,500	\$1,180,000	\$34,085	3.6%	0

Chief Nelson stated this fund includes potential costs for personnel, equipment, and, travel. The fund has previously created revenue by approximately \$430,000 in the previous two (2) years which went to help the Ambulance Fund and purchase equipment. Chief Nelson is hopeful to purchase the upcoming ladder truck in the same way. To the response of Mayor Casper, Chief Nelson stated prior to the Wildland Deployment Fund, there were expenses in the General Fund and Ambulance Fund. He indicated the goal is to fund itself. Mr. Hagedorn reiterated the gains in the Wildland Fund were covering the shortfalls of the Ambulance Fund. There was also an approximate 9-month delay of reimbursement for the Wildland Deployment Funds. Mayor Casper believes there is benefit to the program and personnel, however, she believes a portion of the funds should be applied to MERF and equipment costs with any remainder applied for radios, etc. She does not believe the Wildland Fund and the Ambulance Fund should be mingled. Chief Nelson stated the funds were separated in the previous year. He also believes there is a benefit to the personnel.

Ten-Year Review of Expenditure Categories – Chief Nelson stated personnel costs were the highest jump in 2016 with the overtime costs, although they are starting to slightly decline. He noted salary and wages cannot sustain the growth. The spike in Capital Outlay from 2014-2018 is due to the construction of Fire Station 1 and the remodel of Fire Station 5.

2020/21 Highlights, Strategies and Goals

COVID-19 Impacts

- Personnel
- Equipment (Personal Protective Equipment (PPE) and cleaning supplies - continue to utilize available grants and CARES funding)
- Training
- Response plans

Chief Nelson stated these costs may still be affecting the IFFD into the next Fiscal Year. He is hopeful the CARES dollars are extended beyond December. Personnel costs may need to be reviewed in the fall. Chief Nelson believes equipment purchases will be continued and IFFD will continue to utilize additional CARES funding and grants. He also believes there will be difficulties in the coming year with training and the safety of personnel. He briefly reviewed

July 13, 2020 Budget Session - Unapproved

future equipment purchases including ventilators, cardiac monitors, and, radios. Brief comments followed regarding the IFFD becoming a regional training location. Chief Nelson is unsure what future training will look like. Mayor Casper stated a conversation with the Idaho National Laboratory (INL) has occurred regarding a training facility. This may include federal funding. Mayor Casper questioned any CARES funding. Mr. Hagedorn stated departments should get pre-approval prior to September 30. Director Alexander stated there must be justification directed to COVID-19 for these funds. Mr. Roos stated the State determines the reimbursement although the reasoning must be very descriptive. Mr. Hagedorn noted the State has surplus money for COVID-19. Chief Nelson believes this will be an important discussion for future years and impacts.

Strategies

- Create a sustainable budget for future City growth and needs
- Explore grant opportunities and continue with wildland deployment operations
- Trust team and mental health - preventive care and stress management (Chief Nelson stated this will be in coordination with the Human Resources Employee Assistance Program (EAP))
- Risk: PPE washers, apparatus exhaust systems. Replacement management of 2nd set of turnouts.

Goals

- Continue to build a Master Plan that accommodates future City growth while minimizing risk
- Continue steps of the accreditation process
- Continue to modify and implement policies and procedures
- Fully implement the target hazard business license

Chief Nelson stated there are no anticipated fee increases this year.

Councilmember Hally commended Chief Nelson for the inherited problems and his efforts with planning and moving into the right direction.

Follow-up Discussion:

Mayor Casper believes the Recreation Levy needs to be explored. She reviewed current funding requests which include \$750,000 for the dehumidification system at the Aquatic Center, \$125,000 for the Idaho Falls Redevelopment Agency, and, \$100,000 for the CIT position.

There being no further business, the meeting adjourned at 5:50 p.m.

CITY CLERK

MAYOR

July 15, 2020 Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Wednesday, July 15, 2020, at the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:30 a.m.

There were present:

- Mayor Rebecca L. Noah Casper
- Councilmember Michelle Ziel-Dingman
- Councilmember John Radford (by WebEx)
- Councilmember Thomas Hally
- Councilmember Jim Freeman
- Councilmember Jim Francis
- Councilmember Shelly Smede

Also present:

- Pamela Alexander, Municipal Services Director
- Mark Hagedorn, Controller
- Josh Roos, Treasurer
- Bear Prairie, Idaho Falls Power Director (by WebEx)
- Stephen Boorman, Idaho Falls Power Assistant Director
- Chris Fredericksen, Public Works Director
- Brad Cramer, Community Development Services Director
- Ed Morgan, Civic Center for the Performing Arts Manager
- Randy Fife, City Attorney
- Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 8:32 a.m. with the following:

Opening Remarks, Announcements:

Mayor Casper stated it is a privilege to work with the elected officials and staff for their high degree of commitment and success for the community. She believes the City is doing excellent things for good reasons for the people in the community. Mayor Casper stated she recently attended the Eastern Idaho Public Health (EIPH) District Board Meeting, noting that multiple physicians spoke. She believes the board was re-educated about the Coronavirus (COVID-19) pandemic impact on the region. She stated the document, dedicated to public health, adopted by EIPH will be available in the near future. She also stated EIPH staff will be available the morning of June 22 for a presentation to the Council. An additional budget session will follow this presentation. Mayor Casper stated a presentation from Utah Associated Municipal Power Systems (UAMPS) will occur at an Idaho Falls Power (IFP) Board Meeting on June 21.

Introductory Remarks as Needed:

Director Alexander expressed her appreciation to all directors for submitting their presentations in a timely manner.

Department Budget Review:

Idaho Falls Power (IFP) –

Director Prairie reviewed the following with general discussion throughout:

Department Structure: Power Generation, Power Transmission and Distribution, Wholesale Power Purchases and Sales, Customer Service, Administration and General Support Services, Power Engineering, and, traffic lights. IFP also manages the Rate Stabilization Fund and the Capital Improvement Fund.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
------------	----------------------------------	------------------------------	--	--	--------------------------	-------------------------	--

July 15, 2020 Budget Session - Unapproved

Idaho Falls Power	\$79,597,801	\$63,493,092	\$86,371,598	\$81,448,561	\$1,850,760	2.32%	72
-------------------	--------------	--------------	--------------	--------------	-------------	-------	----

Director Prairie stated the budget for the previous 2-3 years has been heavy-capital based upon the prospect of construction for the Sugarmill to Paine Transmission Line. He stated he has a high degree of confidence the construction will occur this year. He noted the money for this project will be expended from IFP funds although Rocky Mountain Power (RMP), as a co-owner at 49%, will reimburse IFP for these expenses. He stated the IFP portion of the line will be under a transmission contract through the Idaho Energy Resources Authority which will also bring in revenue to replenish the capital reserves. Director Prairie requested the addition of two (2) positions. He noted additional positions are included in the Fiber budget.

Ten-Year Review of Expenditure Categories – Director Prairie noted the Capital Outlay is budgeted expenses, not actual expenses. These budgeted expenses are for the Sugarmill to Paine transmission line and the Sugarmill Substation.

Updated Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Idaho Falls Power	\$79,597,801	\$63,493,092	\$86,371,598	\$84,481,561	\$4,883,760	6.14%	72

Director Prairie stated this updated budget has increased expenses from RMP for the cost of one (1) large buyout from recently-annexed properties. This cost was anticipated at approximately \$3M dollar, RMP recently indicated revenue portion of the customer counts was approximately \$2.7M, which was higher than anticipated. Therefore, this amount increased from \$3M to \$6M. Director Prairie believes it’s important to get customers connected to the IFP electric system. Brief comments followed. Director Prairie stated customers pay 50% of the revenue portion in rates (this is a separate surcharge).

2020/21 Highlights, Strategies and Goals

- Sugarmill to Paine Transmission Line
- Continued distribution automation
- Underground aging electrical replacements
- Continue energy efficient light-emitting diode (LED) streetlight conversions

Mr. Boorman stated the LED lights have a 10-15 year lifespan. He also stated this conversion may take 3-4 years to complete and, power consumption will be cut in half.

- Westside Substation Bonneville Power Administration (BPA) buyout (under negotiations)
- Continued buyouts of recently annexed customers from RMP
- Continue employee distancing, tiered hours, front office closed to general public walk-ins, and, enhanced sanitation practices

Director Prairie noted \$230,000 has been included in the budget for the Carbon-Free Power Project (CFPP). He will revise the budget as necessary per the project. He noted \$370,000 is project-to-date.

Fees include short-term suspension on non-remote disconnect fee; security lighting rate moved to a flat rate regardless of wattage; transfer customer revenue buyout surcharge; and, joint use on poles application charge.

Idaho Falls Fiber –

Department Structure: dark fiber leased pairs, and fiber to the home.

Department Budget Overview

Department – Parks/Zoo	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count

July 15, 2020 Budget Session - Unapproved

Idaho Falls Fiber	\$8,446,501	\$652,912	\$6,243,639	\$922,064	\$-2,202,862	-26.1%	9
----------------------	-------------	-----------	-------------	-----------	--------------	--------	---

Director Prairie stated Fiber has been broken out into its own fund.

Ten-Year Review of Expenditure Categories – there is no review due to the new/separated fund.

2020/21 Highlights, Strategies and Goals

- Expansion of Fiber to home project
- Marketing and communication of network
- Continued expansion and maintenance of the dark fiber network
- Continue employee distancing, tiered hours, and, enhanced sanitation practices

Director Prairie believes these goals will occur over the course of three (3) years.

Fees include backbone dark fiber pair lease and update fee resolution to reflect current lit network charges. Director Prairie wants to ensure ongoing costs keep up with inflation costs.

Councilmember Radford believes IFP is on good financial ground, there are good principles of accounting, and, there is good re-investment in capital and transmission. He also believes the future at IFP is sustainable and productive. Mayor Casper noted the position counts are the baseline. Director Prairie stated positions must be approved by Council and are shifted around as needed. Brief comments followed regarding Full-time Employees (FTEs) and position counts. Councilmember Freeman is favorable of the fiber budget being separated from the IFP budget as he believes fiber costs should not affect the utility rates. Mayor Casper believes City Code wording may need to be changed to reflect the separation of power and fiber. Additional discussion on this wording will occur at a future IFP Board Meeting.

Public Works –

Director Fredericksen stated the budget presented is a 1% increase in the Enterprise Funds to meet the needs of the department.

Director Fredericksen reviewed the following with general discussion throughout:

Department Structure: Public Works Administration (includes GIS, Snow Removal and Engineering), Street Division, Water Division, Sanitation Division, Wastewater Division, and, several Special Capital Funds.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
PW Admin.	\$-	\$-	\$-	\$-	\$-	-	4
PW GIS	-	-	-	-	-	-	2
PW Snow Removal	1,000,000	-	1,000,000	-	-	0%	-
PW Engineering	1,342,700	283,500	1,302,100	122,500	(40,600)	-3%	14
Total	\$2,342,700	\$283,500	\$2,302,100	\$122,500	\$(40,600)	-2%	20

Director Fredericksen stated Administration and GIS have no costs as these costs are distributed through the three (3) Enterprise Funds in the Street Division. He noted a savings account has been established for snow removal with the budgeted authority of \$1M. He noted \$320,000 was expended in the previous year for snow removal. Director Fredericksen stated Public Works has a total of 120 FTEs, there are no additional FTE requests.

Department Budget Overview

July 15, 2020 Budget Session - Unapproved

Department - Streets	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Streets Admin.	\$2,628,877	\$7,350,900	\$2,594,850	\$6,914,000	\$(34,027)	-1%	21
Signing/Pave Mark	411,543	-	401,300	-	(10,243)	-2%	1
Paved Street Maintenance	3,550,600	-	3,537,100	-	(13,500)	0%	-
Snow & Ice Control	318,700	-	367,500	-	48,800	15%	-
Street Cleaning	390,100	-	356,100	-	(34,000)	-9%	-
Other Depart. Services	178,200	-	220,900	-	42,700	24%	-
Total	\$7,478,020	\$7,350,900	\$7,477,750	\$6,914,000	\$(270)	0%	22

Director Fredericksen stated the major expenditure is in paved street maintenance, including a \$400,000 expenditure for the shared building with Sanitation.

Department Budget Overview

Department – CIP Funds	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Sanitary Sewer Capital	\$650,000	\$320,000	\$-	\$-	\$(650,000)	-100%	-
Municipal Capital	1,200,000	791,600	1,000,000	770,000	(200,000)	-17%	-
Street Capital	2,000,000	1,530,000	1,800,000	615,000	(200,000)	-10%	-
Bridge & Arterial Street	350,000	150,000	350,000	160,000	-	0%	-
Water Capital	1,200,000	530,000	-	-	(1,200,000)	-100%	-
Surface Drainage	50,000	35,000	50,000	41,500	-	0%	-
Traffic Light Capital	570,000	437,000	600,000	490,000	30,000	5%	-
Total	\$6,020,000	\$3,793,600	\$3,800,000	\$2,076,500	\$(2,220,000)	-37%	-

Director Fredericksen stated the majority of decrease is due to the Sanitary Sewer Capital and Water Capital being zeroed out and moved to the Water and Wastewater Funds. Street Capital is a hold-over for reimbursement from Federal Aid projects. Director Fredericksen noted developers are now being asked to build roadways as development occurs, rather than encumber the construction for a later date. This is protection for the City.

Department Budget Overview

Department - Water	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Water Admin.	\$2,221,496	\$10,088,000	\$2,469,150	\$10,466,500	\$247,654	11%	2
Well O&M	3,721,635	-	3,259,100	-	(462,535)	-12%	4
Distribution System O&M	5,345,695	-	5,077,400	-	(268,295)	-5%	13
New Construction	100,500	-	1,400,500	780,000	1,300,000	1294%	-
Total	\$11,389,326	\$10,088,000	\$12,206,150	\$11,246,500	\$816,824	7% (-3%)	19

July 15, 2020 Budget Session - Unapproved

Director Fredericksen stated this indicates a 7% increase if proposed expenditures are considered, however, if capital expenditures are referenced year by year there is a 3% decrease. He noted a number of major projects are anticipated, including water line replacement and total roadway reconstruction on 1st Street from Yellowstone Avenue to Lomax and, well work.

Department Budget Overview

Department – Sanitation	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Sanitation Admin.	\$1,312,400	\$4,654,000	\$1,081,750	\$4,704,000	\$(230,650)	-18%	3
Construction & Maintenance	404,000	-	964,600	-	560,600	139%	2
Collection Container	1,646,400	-	1,265,300	-	(381,100)	-23%	6
Collection Handload	1,348,800	-	1,329,400	-	(19,400)	-1%	10
Tilt Frame Container	945,900	-	1,124,600	-	178,700	19%	2
Total	\$5,657,500	\$4,654,000	\$5,765,650	\$4,704,000	\$108,150	2%	23

Director Fredericksen stated the majority of the increase in Construction and Maintenance is for the shared building.

Department Budget Overview

Department – Wastewater	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Wastewater Admin.	\$2,827,158	\$10,914,000	\$2,757,950	\$12,535,000	\$(69,208)	-2%	13
Collection O&M	943,500	-	1,034,000	-	90,500	10%	-
New Construction	960,700	-	2,656,900	-	1,696,200	177%	-
Storm Drain O&M	902,700	-	728,600	-	(174,100)	-19%	-
Treatment Plant	6,511,524	-	6,764,200	-	252,676	4%	23
Total	\$12,145,582	\$10,914,000	\$13,941,650	\$12,535,000	\$1,796,068	15% (8%)	36

Director Fredericksen stated this increase is similar to the Water Division. Two (2) major items in New Construction include a proposed joint project with the Iona Bonneville Sewer District (IBSD) (cost is based on percentage of flow) and Sunnyside Road trunk lining.

Ten-year Review of Expenditure Categories - Director Fredericksen stated the spikes are the Capital Outlay projects.

2020/21 Highlights, Strategies and Goals

- \$1.1M share between Sanitation and Street Divisions
- Fee increases
- Purchase of vehicles
- Continuation of the water tower and various wells
- Evaluation of pilot programs for water metering (install 100 residential meters for this pilot program)
- Construction-related projects in the Wastewater Division and dewatering
- Better traffic movement within Idaho Falls
- Renewed emphasis on good street maintenance

July 15, 2020 Budget Session - Unapproved

Discussion followed regarding traffic issues, traffic counts, signalized intersections (Director Fredericksen stated traffic signalization tweaks can be made on a daily basis), long-range modeling for turn lanes, roadway widening at Crestwood Lane, Public Service Announcements (PSAs) for the roundabouts near Costco, identifying funding for infrastructure improvements, and, street maintenance costs associated with landscape watering. To the response of Councilmember Francis, Director Fredericksen stated three (3) High-Intensity Activated crossWalK (HAWK) projects are anticipated at 9th Street and Bower, 1st Street and Eastview, and, Broadway and Dale; and, Broadway projects are with the Idaho Transportation Department (ITD). Councilmember Francis requested additional discussion of Payment in Lieu of Taxes (PILOT).

Fees include annexation fee increases, water fee increases and new fees, new sanitation fees to coincide with County fees, and, wastewater fee increases and new fees.

Councilmember Freeman expressed his appreciation to Director Fredericksen and his staff.

Community Development Services –

Director Cramer reviewed the following with general discussion throughout:

Department Structure: Building and Planning Divisions. Bonneville Metropolitan Planning Organization (BMPO) is housed under this department although there is no supervisory role. Funds managed by this department (other than General Fund Tax/permit revenues) include Community Development Block Grant (CDBG), CV-CDBG, and Environmental Protection Agency (EPA) Brownfields grant.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Administration	\$2,206,734	\$1,301,400	\$2,231,335	\$1,838,700	\$24,601	1%	17
BMPO	384,362	300,000	345,954	285,000	(38,408)	(11%)	3
CDBG Program	503,740	400,000	877,810	750,000	374,070	43%	1
Total	\$3,094,836	\$2,001,400	\$3,455,099	\$2,873,700	\$360,263	10%	21

Director Cramer stated this department recently had shift in staffing with the addition of a position in the Building Division, an internal promotion left a vacant position, and, due to future budget concerns, a full-time clerk position was reduced to part-time. He noted during this shift, the position was inadvertently removed from the budget. Therefore, \$45,000 should be added to the 2020/21 Proposed Expenditure Budget for Administration which also changes % Change Expenditure to 3%, Total from 10% to 13%, and Position Count to 21.5 or 22. Director Cramer stated there are three (3) main changes in the revenue structure for the budget. This includes the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding (a \$250,000 grant), EPA grant (this is the final year of that grant in the amount of \$350,000), and, permit revenue. Director Cramer noted the CDBG projects were previously approved and there is effort to accelerate CDBG projects for COVID. He also noted, per discussion with Finance, the proposed revenue is based on actual trend versus prior budget trend. Director Cramer stated \$85,000 in Administration will be funded by other sources. This will decrease the burden on the General Fund.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Business Improvement District (BID)	\$85,000	\$90,000	\$85,000	\$90,000	-	-	-

Director Cramer stated the BID request is dependent on actual taxes collected although the BID has a reserve fund for projects.

July 15, 2020 Budget Session - Unapproved

Ten-Year Review of Expenditure Categories – Director Cramer stated the largest expenditure is salary and benefits although this is decreasing due to anticipated retirements (which are at the top end of step and grade) and reduction in force. He noted operating expenses increase in 2019 was due to BPA grants although this will drop unless an extension is required.

2020/21 Highlights, Strategies and Goals

Priorities by division

Building

- Update e-TRAKiT software, maintain front counter and inspection staff, experiment with contract inspection staff

Planning

- Update Comprehensive/Strategic Plan (Director Cramer is hopeful to complete this before end of 2021), monitor efficiency of code enforcement, spend CDBG grants and update the 5-year consolidated plan

Priorities

Spend the grants

Concerns

All divisions – keeping up the pace

Director Cramer reviewed Planning and Zoning (P&Z) application cumulative total (he noted more applications have been received this year than the previous three (3) years), permits applied Year-to-Date (YTD), permits issued YTD, and, fees collected. He stated this is relevant to the staffing level needs.

Fee changes include the removal of a plan application for a zone that no longer exists.

To the response of Councilmember Hally, Director Cramer believes tax revenue from the General Fund would be approximately 18%. Councilmember Radford expressed his appreciation for the direction of the department and the approach Director Cramer is taking for his staff. He believes the Council needs to be supportive of the upcoming Comprehensive Plan and Strategic Plan and the needed resources. Councilmember Smede expressed her appreciation for utilizing more revenue. She believes Director Cramer is a very humble director. She also believes this is an ambitious department and is adding value to the City. Councilmember Francis concurred with Councilmembers Radford and Smede comments. Mayor Casper believes the tax base is growing when this department is busy. She expressed her gratitude for the forecast of being busy. Brief comments followed regarding the e-TRAKiT system. To the response with Mayor Casper, Director Cramer stated a kick-off call recently occurred with Opticos Design who is interested in increasing the housing choices in the community. He stated he is excited for this project. He noted Opticos is included in the current budget although consulting costs will be included in the next fiscal year budget. Councilmember Dingman believes this department is able to pivot and knows how to react and get things done. She also believes this department has progressed so much under Director Cramer's leadership. To response of Mayor Casper, Director Cramer believes the level of Code Enforcement would be dependent on Councils' desires. He believes a full-time clerk is beneficial.

Decision on Property Tax Relief:

Mr. Hagedorn stated this program is constantly evolving and is still being legally challenged across the State. He indicated the City will proceed as if the program is moving forward. He also stated this program is designed for taxpayers, not cities. There is approximately \$200M in COVID money that the State wants to provide to the taxpayer. This is considered pass-through money. Mr. Hagedorn reviewed the methodology for the cities stating this is based on a formula determined by the committee. This allocation is then based upon payroll of public safety. Mr. Hagedorn stated he is unsure if the Ambulance Fund is included in the calculation or if this fund is passed onto the County. He indicated there is more in public safety payroll taxes than could be passed along to taxpayers. The City allocation is approximately \$4.2M as a maximum amount. A condition of this program would not allow a City to levy the statutory 3% increase however this amount could be pushed into foregone. The deadline for notification is July 17. Mr. Hagedorn stated payroll costs would be the standard rate plus benefits. This does not include hazard pay, overtime, or wages paid under another program. The estimated payroll from March through December would be approximately \$16-17M, including ambulance. This is more than the allowable amount. Mr. Hagedorn stated the amount could

July 15, 2020 Budget Session - Unapproved

increase if cities or counties opt out. Per the Association of Idaho Cities (AIC), the majority of counties and larger cities are opting in, the smaller cities are not although this changes daily. Mr. Hagedorn clarified the City would receive a reimbursement of 103%, which based on the \$4.2M, would amount to a net increase of approximately \$126,000. He reiterated the amount is unknown at this time although the maximum is \$4.2M. He is also unsure how this amount was actually calculated. Mr. Hagedorn stated this amount has no effect on the tax base. The L2 (certification of property taxes) form is submitted which the State enters into an agreement to swap property taxes for CARES, the decrease is included on the tax statement. Mr. Hagedorn stated there is a disadvantage to the program – the taxpayers gets a small decrease this year although the amount is increased next year. The increase would be in addition to any levy increase next year. Mr. Hagedorn would prefer a stimulus check versus this program. He stated there would be no savings if the valuation increases, which he expects to occur. Councilmember Francis expressed his frustration as he believes this limits options for budgeting. He questioned any effect for bonding for a Law Enforcement Building. Mr. Hagedorn stated this would have no effect. Mayor Casper stated the actual money is determined by July 24, she believes the City could opt out at that time. Councilmember Dingman believes, philosophically, citizens would choose budgeted items over a tax relief. She also believes citizens want more services, programs, and, benefits in the City. She is in favor of a Law Enforcement Complex. Councilmember Hally believes this is a lose-lose situation. Councilmember Freeman believes this is a short-term benefit with long-range implications. Mayor Casper believes this represents poor financial planning. She struggles how to communicate this to the community. Councilmember Francis believes relief should be given directly to the individuals, this should not limit City governments. He does not believe this is good policy by the State. To the response of Councilmember Radford, Mayor Casper clarified the City would be able to manage the budgeting process as other years' if the City does not participate in this program. Councilmember Radford is not supportive of raising taxes in a pandemic. He does not believe there is a downside to this program. Councilmember Dingman believes it's disingenuous to save \$7 a month for property tax relief. She stated she does not want the choice to be taken away. Councilmember Radford indicated the mall would receive approximately \$40,000 in tax relief. He believes this option should be kept open as the County will have numbers as well. Mayor Casper clarified this amount is based on the salaries although the City will still be paying those salaries. She also stated there will be no reimbursement/money to the City, this is a relief to taxpayers. Councilmember Radford cannot imagine the City would not sign on. Mayor Casper stated services could be decreased by this small amount to the taxpayers. Councilmember Dingman wants to keep the options open to meet the service needs that the community has asked for. To the response of Councilmember Smede, Mr. Hagedorn stated these amounts are after the homeowners exemptions. He reiterated this would swap property tax money for CARES money, it would not be accurate to say this is paying the costs of first responders. He also clarified only those entities with public safety can take the savings. He believes the County share would be less than the City share and, counties can submit ambulance costs. Councilmember Smede believes this is condescending to the citizens. She believes the City should opt in on the first round and further decide from the final numbers. Mayor Casper reviewed budget requests totaling \$1M. Mr. Hagedorn clarified the certification date is August 1. He also stated property tax information has not been received from the County, he believes the deadline was July 1. Councilmember Dingman believes the failure of the deadline is an ongoing problem and is detrimental to this conversation. Following additional brief comments, there was consensus of the Council to opt in based on the condition that this is not a binding decision. Per Mayor Casper's request, staff will attempt to reach out to the State to determine the option to change/opt out at a later date no later than August 1. Mayor Casper indicated additional discussion may need to occur.

Follow-up Discussion:

Mayor Casper announced Walmart and Sam's Club will be requiring mask wearing of customers in the coming week. She believes mask wearing will allow businesses to stay open and will allow schools to open in the fall. Councilmember Smede stated businesses are being mis-treated by those who fail to wear a mask.

There being no further business, the meeting adjourned at 12:09 p.m.

CITY CLERK

MAYOR

July 16, 2020 Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Thursday, July 16, 2020, at the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:30 a.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John Radford (by WebEx)
Councilmember Thomas Hally
Councilmember Jim Freeman (departed at 11:00 a.m.)
Councilmember Jim Francis
Councilmember Shelly Smede

Also present:

Ryan Tew, Human Resources Director
Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Carla Bruington, Executive Assistant to the Mayor
Dana Briggs, Economic Development Coordinator
Jojo Kruize, Economic Development Coordinator Intern
Bud Cranor, Public Information Officer
Brad Cramer, Community Development Services Director
Catherine Smith, Idaho Falls Downtown Development Corporation Executive Director
Ed Morgan, Civic Center for the Performing Arts Manager
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 8:32 a.m. with the following:

Opening Remarks, Announcements:

Mayor Casper stated 727 Coronavirus (COVID) cases were reported for the State for July 15 (16 of those cases were in Bonneville County). She encouraged individuals to pay attention. Mayor Casper distributed items to the Councilmembers including a memorandum from the Idaho Falls Downtown Development Corporation (IFDDC) and pandemic information.

Introductory Remarks as Needed:

Director Alexander stated per the Councilmembers' request, Municipal Services further explored the governor's program regarding the Property Tax Relief Program. Following a conversation with the Association of Idaho Cities (AIC), a memo has been drafted for the Mayor, the Councilmembers, and Mr. Fife to review. Mr. Hagedorn stated the City can opt out of this program although there is no formal procedure at this time. He also stated AIC was unsure of the formal calculation. He noted the Ambulance Fund is not supported by City property taxes, therefore, it would not be considered in the City's estimate of payroll. The counties could opt in for the Ambulance Fund. Mr. Hagedorn clarified the City's payroll from March-December, after discounting other payroll sources, would amount to \$9,762,572 for Police Officers and \$6,818,004 for Firefighters for a total amount of \$16,580,576. Director Alexander read the draft letter followed by minor edits requested by Mayor Casper. To the response of Councilmember Francis, Mr. Hagedorn stated the \$4.2M would not change as the method (the number of participating entities) is driving the calculation, not the payroll. This amount is based on twice the amount of the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocation. To the response of Councilmember Radford, Mr. Hagedorn stated the County performs a 5-year rolling assessment on property values. He clarified a flat rate could occur each year, a physical assessment should be performed every five (5) years. There was consensus of the Council to submit the letter.

Department Budget Review:

Human Resources (HR) –

July 16, 2020 Budget Session - Unapproved

Director Tew reviewed the following with general discussion throughout:
 Department Structure: Director, two (2) HR Managers, and, one (1) HR Assistant.

Major areas of responsibility: Compensation and Benefits, Employee Relations, Labor Relations, HR-related Training, Staffing, Employee Discipline and Investigations, and, Workers Compensation

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Human Resources	\$447,896	-	\$365,837	-	(\$82,059)	(22%)	4

Director Tew stated the Proposed Expenditure Budget takes into account the inter-fund transfers.

Ten-Year Review of Expenditure Categories – Director Tew stated the salaries and wages increase is due to the hiring of an additional staff and changing positions to managers. Operating Expense increase is due to the training budget. Mr. Hagedorn stated inter-fund transfers were moved from estimate to cost driver. To the response of Councilmember Hally, Mr. Hagedorn stated inter-fund transfers are based on employee count – full-time and seasonal.

2020/21 Highlights, Strategies and Goals

- Nature of HR activities include on-going processes, most HR work is reactive, COVID-19 impact
- 2020/2021 Initiatives include maintaining a high level of service, leadership training, and, modernization of compensation structure

Director Tew briefly reviewed recent HR activities. Councilmember Radford believes not enough resources are given to HR. Mayor Casper noted a HR specialist is assigned to each department as a resource.

Legal Services –

Mr. Fife believes Municipal Services, HR, and Legal Services are reactive departments and are proactively reactive to concerns or problems and address them appropriately. He believes these three (3) support departments have a value to the City. He reviewed the following with general discussion throughout:

Department Structure: General Legal Services (supported in part with inter-fund transfers) and Prosecution Services (supported by the General Fund).

Department Budget Overview

Department – Parks/Zoo	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
General Legal	\$133,164	\$-	\$82,215	\$-	(\$50,949)	(62%)	3
Prosecution	687,176	250,000	476,769	220,000	(210,407)	(44%)	3
Total	\$820,340	\$250,000	\$558,984	\$220,000	(\$261,356)	(47%)	6

Ten-Year Review of Expenditure Categories – Mr. Fife stated the increase in miscellaneous expense in 2017 was due to court services costs. This cost is decreasing each year and will zero out in approximately two (2) years. Mayor Casper reviewed the history/compromise of these costs.

2020/21 Highlights, Strategies and Goals

Mr. Fife reiterated the City Attorney’s budget is a placeholder for the City’s share of Bonneville County Court services. For 2020/21, a payment of \$180,000 will be made from the City budget to the County, which is a reduction of \$90,000 from this budget year.

July 16, 2020 Budget Session - Unapproved

Mr. Fife reviewed Idaho Falls Police Department (IFPD) Misdemeanor Citations Issued from 2006-2019. He stated the number of misdemeanor citations issued have a downward trend, each steps represents a new Police Chief. He stated in 2013, the prosecution changed from the County contract to the City and based on the volume at that time the City hired two (2) prosecutors. He indicated, per conversation with Chief Johnson, this downward trend will not increase. Due to the resignation of one (1) of the prosecuting attorney’s, this position will not be replaced, which is an approximate savings of \$101,649. Mr. Fife believes the reduced number of misdemeanors may partially be due to the reclassification of misdemeanors to infractions. Brief discussion followed additional reduction of misdemeanors, the elimination of false alarms within the IFPD (Councilmembers requested additional data for this topic), and, fees for citations.

Mr. Fife stated the City Attorney’s Office has been trying to standardize contracts. He believes this has resulted in less paperwork/work which has resulted in a reduction in the administrative assistant’s needs/hours. This administrative assistant now splits her time with the Community Development Services Department. The entire cost of this administrative assistant has been included in the budget to ensure funds are available if needed. Discussion followed regarding in-house activities. Mr. Hagedorn stated it’s difficult to use a cost driver for inter-fund transfers in Legal, a rolling-year average is used to determine this amount. To the response of Mayor Casper, Mr. Fife stated as much in-house service is used as possible, any outside services are paid by the department.

Municipal Services –

Director Alexander reviewed the following with general discussion throughout:

Department Structure: Administration, City Clerk, Information Technology (IT), Treasury, Finance, General Services Administration.

Funds: General Fund, Enterprise Funds, Health Insurance, Municipal Equipment Replacement Fund (MERF), Risk Management, and, Contingency.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Administration	\$226,275	\$ -	\$179,876	\$ -	\$(46,399)	-26%	2
City Clerk	180,736	40,250	162,336	40,250	(18,400)	-11%	2
Information Technology	851,752	-	1,285,989	-	434,237	34%	9
Treasurer	69,905	-	81,455	-	11,550	14%	6
Utility Billing	-	-	-	-	-	-	7
Finance	285,899	-	273,196	-	(12,703)	-5%	9
General Services Admin	109,284	-	80,685	-	(28,599)	-35%	2
Purchasing	57,320	-	67,629	-	10,309	15%	2
Equipment Maintenance	22,339	720,700	-	720,700	(22,339)	100%	15
Building Maintenance	1,555,129	-	1,279,996	-	(275,133)	-21%	14
Idaho Falls Civic Center	662,163	128,450	514,965	128,450	(147,198)	-29%	6
General Buildings	632,328	32,953	558,432	9,000	(73,896)	-13%	-
Property Coordination	14,423	-	30,963	-	16,540	53%	1
Total	\$4,667,553	\$922,353	\$4,515,522	\$898,400	\$(152,031)	-3%	75

Director Alexander stated most divisions were able to reduce their budgets due to COVID and the anticipation of less revenue. The budget includes inter-fund transfers.

July 16, 2020 Budget Session - Unapproved

Ten-Year Review of Expenditure Categories - Director Alexander stated operating expense increase is due to IT, maintenance agreements, garage equipment, and, building maintenance. Director Alexander noted there has not been a large increase in salary and benefits and, the previous increase in Capital Outlay was due to the Civic Center for the Performing Arts facility.

Department Budget Overview – Internal Service Funds

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
MERF	\$5,687,500	\$2,200,000	\$3,120,000	\$2,000,000	\$(2,567,500)	-82%	-
Risk Management	2,350,000	1,200,000	3,811,292	1,990,496	1,461,292	38%	-
Health Insurance	60,000	-	60,000	2,000,000	-	-	-
Total	\$8,097,500	\$3,400,000	\$6,991,292	\$5,990,496	\$(1,106,208)	-14%	-

Director Alexander noted the \$2M proposed Health Insurance is a placeholder for self-insurance pending future discussion.

Ten-Year Review of Expenditure Categories – Director Alexander stated the spike in Capital Outlay is due to replacements in the MERF.

Department Budget Overview – Contingency

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Contingency	\$6,000,000	\$ -	\$10,000,000	\$ -	\$4,000,000	40%	-

Director Alexander stated this is a placeholder to allow capacity to accept CARES funds.

2020/21 Highlights, Strategies and Goals

Budget Reductions

- Cancelled Priority Based Budgeting subscription
- Reduced one (1) customer service representative position
- Delayed hiring and re-evaluating the Accounts Payable position
- Delayed hiring Equipment Maintenance Mechanic position
- Reduced division travel and minor equipment budgets
- Reviewed all City contracts for savings, custodial, carpeting cleaning, etc.

Highlights

- Issuing Request for Proposal (RFP) for outsourcing utility billing
- Continue to participate, identify, and, plan for implementing accessible services with the Americans with Disabilities Act (ADA) committee
- Continue to explore and implement cost-effective services for internal and external customers
- Improve City agenda management processes
- Continue to report fuel management savings
- Equipment maintenance improvements for transparency of costs for services
- Continue improvements to annual audit performance
- Continue to analyze long-term agreements for cost savings
- Continue to review and improve the inter-fund transfer process

Fees – there are no new fees or fee increases proposed.

July 16, 2020 Budget Session - Unapproved

Councilmember Hally expressed his appreciation to Mr. Roos for the City’s investments and the return on those investments. Councilmember Smede commended Director Alexander’s assistance and availability regarding the budget. She believes any questions from Councilmembers or directors regarding the budget should be personally directed to Director Alexander. To the response of Mayor Casper regarding any deficiencies, Councilmember Smede believes savings should be allocated to a contingency fund for long-term. Councilmember Dingman believes the process for inter-fund transfers should continue to be refined. She expressed her appreciation for the synergy with the finance team. Councilmember Hally commended the Municipal Services Department for their IT capability and transparency of data in a timely manner. Councilmember Francis stated he agrees with the inter-fund transfer review, he would like to see a policy for the reserve fund, and, he expressed his concern for the reduction in custodian services based on COVID-19. Director Alexander stated she is comfortable with the cleaning schedule. Councilmember Francis commended Director Alexander as well. Councilmember Radford also commended the Municipal Services team. He concurred with setting funds aside for long-term goals. He believes the IT Division, due to future potential risks, may need to be a stand-alone department outside of the Municipal Service Department. Councilmember Freeman expressed his kudos to Director Alexander for the multiple tasks she manages.

Mayor/Council –

Mayor Casper stated Ms. Bruington has been a powerful addition to the Mayor’s Office over the course of the previous year.

Ms. Bruington reviewed the following with general discussion throughout:

Department Structure: Mayor’s Office, Council, and, Community Support.

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Mayor	\$256,331	\$ -	\$205,219	\$ -	\$(51,112)	-20%	4
Council	147,993	-	128,389	-	(19,604)	-13%	6
Community Support	391,000	-	356,000	-	(35,000)	-9%	-
Total	\$795,324	\$ -	\$689,608	\$ -	\$(105,716)	-13%	10

Ms. Bruington stated the Mayor decrease is due to holding an intern vacancy, wage adjustments, and, personnel benefits. The Council decrease is due to subscriptions.

Ten-Year Review of Expenditure Categories – Mr. Hagedorn stated the large spike in 2017 was contingency for encumbrances, wage-adjustments, and, a transition year that dissolved non-department funds. He noted the Mayor’s budget has been consistent every year.

2020/21 Highlights, Strategies and Goals

Mayor and Council

- Strategic Planning

Mayor Casper requested \$2,500 for this item.

- Connecting Us, Sustaining Progress (CUSP)

Mayor Casper stated this is an on-going effort. Reports and studies will be presented in the future.

- Intern Vacancy

Ms. Bruington stated an intern is anticipated for the 2021/22 Fiscal Year.

- Director Wage Adjustments

Mayor Casper stated directors do not get automatic increases in the step and grade. She believes there should be competitive wages for the directors based on the market, however, due to COVID issues there will be no adjustments in the current year.

- Defunct General Ledger (GL) Codes

July 16, 2020 Budget Session - Unapproved

Community Support

- Regional Economic Development - \$60,000

Ms. Briggs stated the Regional Economic Development Inc. (REDI) dues were reviewed versus the true value received from REDI. This amount has been proposed as a placeholder and may decrease in the coming year. Mayor Casper stated REDI is no longer providing previous services. Brief discussion followed regarding the private/public funding of REDI.

- Public Transportation (Targhee Regional Public Transportation Authority (TRPTA)) - \$140,000

Councilmember Dingman stated TRPTA is moving forward to provide service to the community. She acknowledged Lisa Farris for her assistance with TRPTA as the Vice-Chair and Treasurer. Councilmember Dingman stated the Community Transportation Association of America (CTAA) has continued to work with the TRPTA Board and the Idaho Transportation Department (ITD) to start a new service to the community, although there has been a slight delay due to COVID. She stated the by-laws have been modified to ensure that only the entities that financially invest in TRPTA receive services. Currently, the City of Idaho Falls is the only investor in public transit for this area. Councilmember Dingman believes it's vital to provide the local-match funding to qualify for federal funding. The Federal Transit Administration (FTA) grant opportunities have been crucial to continue service, and will provide up to 90% match if local funds are available. Utilizing CARES money is unknown. Councilmember Dingman noted a formal bankruptcy process is almost complete and a final offer of sale for the building has been accepted. She requested a continued investment from the City. Mayor Casper stated the current \$140,000 has not been transferred to TRPTA. She requested Councilmember approval to allocate these funds to TRPTA. To the response of Councilmember Hally, Councilmember Dingman confirmed any plan moving forward will require matching dollars. Councilmember Dingman stated tenants are currently occupying the property, therefore expenditures are still occurring. Funds from the City would not go to these expenditures, they would specifically go to the FTA match. Mayor Casper noted the City allocation amount has not changed for approximately 4-6 years. Councilmember Radford is in favor of transferring these funds although he does not want this money to be applied to bankruptcy proceedings. Councilmember Francis prefers a paper trail for these funds. Councilmember Dingman stated a presentation will occur once this can happen safely per COVID. To the response of Councilmember Francis, Mayor Casper stated the current \$140,000 must be expended in the current fiscal year. She noted the Council will not get to make any public transportation decisions, that would be the boards' duties. To the response of Councilmember Francis, Councilmember Dingman stated voting board members are those who contribute funding. There are currently two (2) City board members.

- Sister Cities - \$11,000

Ms. Bruington noted this requested amount has not changed from the previous year. Mr. Hagedorn expressed his concern for committees using the City's name for bank accounts, etc. Mayor Casper stated this will require future discussion.

- Community Partnership Grants - \$130,000

Ms. Briggs reminded the Councilmembers that the timeline for these grants was adjusted to follow the budget approval. Mayor Casper noted this amount has not changed from the previous year.

- Community Events - \$15,000

Mr. Hagedorn stated this is a savings program for future events, such as the Air Show.

Budget Management Issue

- Downtown Parking Enforcement - \$45,000

Ms. Bruington stated \$35,000 was previously allocated to the IFDDC. Director Cramer reminded the Council that the parking enforcement presentation from Ms. Smith occurred in the previous year. He indicated, per the Memorandum of Understanding (MOU), the City would allocate \$35,000 per year unless a termination is provided six (6) months in advance. He believes this requested funding fell through the cracks. Councilmember Francis believes the IFDDC has uncovered many parking issues; the City will lose tremendously if IFDDC is not supported; and, the additional \$10,000 request is reasonable. He strongly supports the \$45,000. Mayor Casper stated this contract needs more scrutiny moving forward. She believes this contract and funding should fall within a specific department, with possible recommendation in the Police Department. Councilmember Dingman stated she is fully supportive of this contract for the low cost and the services offered. Councilmember Francis believes these are parking ambassadors. He believes the contract should fall under the Community Development Services Department as part

July 16, 2020 Budget Session - Unapproved

of Code Enforcement. Mr. Fife stated a MOU allows flexibility and re-negotiation. He believes this should not fall under the Police Department as a Police function. He also believes this should be a contract for services. Councilmember Hally believes the downtown area is important as a core and parking should be available. He is in support. Councilmember Radford agrees with previous comments although he believes the contract should be reviewed regularly. Councilmember Smede believes it's critical to give Director Cramer time to review to make sure he has an opportunity to express any concerns and that it will not affect his team. Councilmember Francis stated the downtown look is important for Comprehensive Planning. Director Cramer stated the previous discussion of The Downtown Plan included parking. He believes there are logical reasons for this contract to be in his department, he will provide follow-up discussion. He commended the IFDDC for their parking services.

There being no further business, the meeting adjourned at 12:05 p.m.

CITY CLERK

MAYOR

July 20, 2020 Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Monday, July 20, 2020, at the City Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 2:00 p.m.

There were present:

- Mayor Rebecca L. Noah Casper (arrived at 2:12 p.m.)
- Councilmember Michelle Ziel-Dingman
- Councilmember John Radford (by WebEx)
- Councilmember Thomas Hally
- Councilmember Jim Freeman
- Councilmember Jim Francis
- Councilmember Shelly Smede

Also present:

- Pamela Alexander, Municipal Services Director
- Mark Hagedorn, Controller
- Rick Cloutier, Airport Director
- Jayne Verish, Airport Operations Manager
- Brent Davis, Airport Administration Manager
- Ryan Tew, Human Resources Director
- AJ Argyle, Insurance Broker
- Michael Kirkham, Assistant City Attorney
- Ed Morgan, Civic Center for the Performing Arts Manager
- Randy Fife, City Attorney
- Kathy Hampton, City Clerk

Councilmember Dingman called the meeting to order at 2:00 p.m. with the following:

Opening Remarks, Announcements:

Councilmember Dingman stated due to Mayor Casper running late from a previous meeting, she requested Announcements be moved to the end of the agenda. There was consensus of the Council for this request.

Introductory Remarks as Needed:

There were no introductory remarks.

2020-2021 Budget Review, Airport (IDA):

Director Cloutier stated this budget was presented at the Airport Leadership Workshop on June 20, 2020, although slight adjustments have been made to costs and revenues. He reviewed the following with general discussion throughout:

Department Structure: Administration, Building Maintenance, Grounds Maintenance, Safety and Security, Airport Improvements (Capital Improvement Projects (CIP)), and, Fire Services (Aircraft Rescue and Firefighting (ARFF)).

Department Budget Overview

Department	2019/20 Expenditure Budget	2019/20 Revenue Budget	2020/21 Proposed Expenditure Budget	2020/21 Proposed Revenue Budget	\$ Change Expenditure	% Change Expenditure	2020/21 Proposed Position Count
Administration	\$1,279,913	\$15,944,110	\$1,258,067	\$14,881,175	\$(21,846)	-2%	4
Building Maintenance	793,447	-	505,517	-	(287,930)	-57%	6
Grounds Maintenance	774,819	-	772,082	-	(2,737)	0%	7

July 20, 2020 Budget Session - Unapproved

Airport Security	698,966	-	598,975	-	(99,991)	-17%	1
Airport Imprv.	12,200,000	-	11,900,000	-	(300,000)	-3%	-
Airport Fire Protection	405,000	-	391,960	-	(13,040)	-3%	-
Total	\$16,152,145	\$15,944,110	\$15,426,601	\$14,881,175	\$(725,544)	-5%	18

Director Cloutier stated this budget has been reduced from the previous year, the revenue is reflective as well.

Ten-Year Review of Expenditure Categories – Director Cloutier stated salary and wages have typically remained the same. He was anticipating an approximate 30% increase in operations from the projected budget prior to Coronavirus (COVID-19).

2020/21 Highlights, Strategies and Goals

- Aligned the budget to Accounts Receivable and Accounts Payable bookings (reduced revenue accounts from 36 to 16)
- Compared to current 2020 Budget (cut personnel expenses by \$234,370, 15%; laid off three (3) filled positions; and, did not fill one (1) vacant position)
- Cut Operating Expense by \$217,490, 9.3% (reductions in professional services, repair and maintenance, and, service level change in policing services)
- Total Operations (excluding Capital) was reduced by \$451,860, 11.6%

Areas of Concern – Director Cloutier stated the budget was built on reduced activity - 50% of 2019 calendar year enplanements are the majority of IDA’s revenue which comes from passenger services (airline fees, car rental fees, parking fees). He indicated IDA has decreased by approximately 60% over the previous year, compared to 75-80% nationwide. He stated there is potential of federal legislation that could increase funding for up to three (3) years for airports which would allow capital improvement opportunities.

Proposed new fee – Customer Facility Charge (CFC). Director Cloutier stated the vast majority (90%) of airports have this fee. This fee is collected by the car rental agencies and would provide dedicated funding for CIPs that are not eligible for Airport Improvement Program (AIP) grant funding through the Federal Aviation Administration (FAA). Director Cloutier stated the CFC would be similar to the \$4.50 Passenger Facility Charge (PFC) for airlines which is dedicated funding to CIPs. The proposed \$2.50 would be per day per car rental and, the proposed amount would not change the projected 2021 operating deficit because these funds would be restricted for car rental capital projects only.

Director Cloutier stated IDA does not normally seek General Fund monies, however, due to COVID-19 impacts, IDA is requesting \$545,426 due to the net operating deficit. He is hopeful the federal government will assist with airports based on size, not debt ratio and reserve funds. Councilmember Dingman questioned the timing for a second round of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. Director Cloutier stated this is unknown at this time, the Washington DC consultant has been watching this closely. Mayor Casper stated this has been announced as one (1) of the highest priority items. She also stated, per discussion at the Airport Leadership Workshop, the Council believed this is a reasonable and appropriate request. To the response of Councilmember Francis, Director Cloutier stated any capital improvement money cannot be shifted to operations. Councilmember Dingman believes the IDA leadership has worked hard on capital improvements and gaining access to federal dollars. She also believes this shows progression. She noted the Council meets as an Airport Board on a quarterly basis, the budget items and issues were discussed at length.

Municipal Services:

Inter-Fund Transfers - High-level Overview –

Director Alexander stated the finance team generally uses the Government Finance Officers Association (GFOA) methodology including indirect cost allocation and pricing internal services for inter-fund transfers. The finance team is also familiar with the Office of Management and Budget Circular A-87, due to federal grants.

July 20, 2020 Budget Session - Unapproved

Director Alexander stated the administrative support (“The Pool”) areas include Mayor, City Council, Legal, Municipal Service Administration, City Clerk, Information Technology, Treasurer’s Office, Finance, General Services, and, Human Resources.

Director Alexander stated the process for inter-fund transfers includes the methodology or cost drivers to illustrate a nexus of data to support the allocation; annual conversation with enterprise fund directors reviewing the data and proposed methodology and provide feedback; allocation amounts that are currently finalized when the administrative support areas submit their proposed budgets during the annual budget workshop; request enterprise departments to insert a placeholder based on the current year to develop their budgets; and, the goal is to transition into an equitable, consistent, and, auditable process.

Mr. Hagedorn stated changes are made each year to this process which has gone from a direct ‘this is what you pay’ conversation to ‘we want you to be part of the process’. If the directors are willing to participate in this conversation there is less complaining/criticizing. Those directors that are not involved are more concerned. Mr. Hagedorn stated the finance team is trying to include additional people in the discussion. He noted this is a group creation that has brain-stormed ideas together. He also noted this process has occurred for the previous three (3) years. Mr. Hagedorn stated the director feedback has included lack of timeliness (the calculation cannot be completed until the budget is complete), fluctuations (not inclusive to programs), allocation versus use (could be an education piece), allocation versus market (never will be, this is allocation program not a billable service), segregation between user and pool (central service that is servicing all internal departments, not directly tied to an external service. It is typical that a user does not participate). Mr. Hagedorn stated inter-fund transfers are charged by fund, with exception of the General Fund. Director Alexander believes every municipality has these issues. Councilmember Freeman reiterated this process is reviewed every year.

Mr. Hagedorn stated future discussion topics include:

- Segregation versus centralized – the service is still being provided, services within the same department means a shift to less users which becomes more expensive and contentious.
- Different strategies – currently a cost allocation plan, costs are allocated by a reasonable basis; billable service (services are charged per hour – Mr. Hagedorn believes this is less-likely to be used and is less efficient. He indicated he is not aware of any City that does a billable service although the City of Idaho Falls does a formula of billable service based on cost rate, not a market rate); or, indirect cost rate (‘overhead’ a percentage per \$, this is not transparent).
- Internal service funds – take centralized service into its own fund which is designed to break even each year and is charged to every department on a usage rate. This is more common although not consistent in Idaho.
- Changing current allocation factors – deadlines (budgets would need to be submitted earlier), cost drivers (changed each year based on methodology), pool participation (change from Director-supported to Council-approved for multiple years, federal standard is three (3) years as the maximum), and, Council action. Director Alexander used the example of Information Technology (IT) utilizing ‘tickets’. Councilmember Radford clarified, per his comments at the July 16 Council Budget Session, he believes the IT Division should be a separate department in the next 10-20 years. He commended Director Alexander for her work with IT.

Mr. Hagedorn reviewed inter-fund transfer allocation by the support areas, stating IT is the largest allocation. He also reviewed inter-fund transfer allocation by fund, stating General Fund and Electric are the largest.

Mr. Hagedorn stated the goal for distributing central services are: sustainable (perpetuating a rational without significant retooling); consistent (having a model that provides consistence calculations with predictable fluctuations); reasonable (the allocation is relatable to the level of service provided); and, has buy-in (the users understand and sustain the distribution methodology).

Mayor Casper believes this dialogue is important although she realizes everyone may not be happy. This needs to be realistic for the deep-dive discussion in the fall. Councilmember Hally believes the costs may have come on abruptly. To the response of Councilmember Hally, Mr. Hagedorn believes the enterprise funds are paying their fair share

July 20, 2020 Budget Session - Unapproved

based on the data. Mr. Hagedorn reiterated he prefers Council approval as this is not his plan. He stated everyone must participate in order to have ‘the pool’. There is concern for the ability to apply for grants and, this hinders the ability to assess what things are costing. Mr. Hagedorn stated discounting a metric makes it more complicated. Councilmember Smede questioned the extensive amount in the Parks and Recreation Department. Mr. Hagedorn stated the amount was right-sized. He believes this information was communicated to all directors. Brief comments followed regarding the audit process. Mr. Hagedorn stated this process could as simple as the size of the department budget although the allocation needs to be based on the service provided. He also stated all options will be explored.

Levy Rate Discussion –

Mr. Hagedorn noted the State provides annual training on property taxes. He reviewed the following with general discussion throughout:

General definitions –

- Base - previously levied amount (highest amount of the previous three (3) years)
- Statutory allowable increase - the maximum amount the City could levy from the base is 3%
- New construction - value of construction placed in service in the previous year and not assessed taxes
- Annexation - value of annexation placed in service in the previous year
- Valuation - the value of property within the City (either by land, building, or, personal property value); assets value; or, revenue value (this is hard to predict)
- Levy rate - the amount the City levies (whole dollars)/valuation at November
- Personal property - items not attached to a structure
- Personal property tax exemption - homeowners are allowed a 50% decrease in valuation for personal property not to exceed \$100,000

Net taxable value - total valuation minus personal property, redevelopment districts, and, miscellaneous adjustments

Misconceptions –

- As valuation goes up property taxes go up - these are not related as the City only assess whole dollars. As valuation increases the levy rate decreases. Valuation only affects the levy rate of the property owners’ proportionate share of the City’s levy. Valuation is done by the County, the value of the taxes is done by the Council.
- The City sets a levy rate - the County sets the levy rate based on valuation. The City is indirectly involved as the City submits the whole dollar amount.

Types of property tax that the City could levy for - Temporary Levy, Permanent Levy, General Fund (Police and Fire retirement, Tort), Airport, Bonds, Capital Improvement, Cemetery, Library, Recreation, and, Streets.

Allocation of Property Tax since 2013 based on the fund. Mr. Hagedorn stated there have been increases each year and, each fund has a maximum rate.

Levy Allocation since 2013. Mr. Hagedorn stated the lion’s share are General Fund and Street Fund.

Property Tax Relationships since 2015 including Total Levy, Valuation, Levy Rate, and, Home Value Index. Mr. Hagedorn stated these relationships show trends. The assessor’s valuation is based on the percentage of change. The largest increase for Valuation change (18%) and Home Value occurred in the previous year. Mr. Hagedorn stated the valuation was inconsistent with Home Value change, therefore, a correction was made to this valuation. The largest increase of taxes is not City levy increases, it is valuation. Mayor Casper stated one (1) of the things that drive property is supply and demand.

Levy Calculation

2019-2020 Property Tax Levy	\$ 36,970,601
2019-2020 Personal Property Replacement & Agriculture Equipment	<u>478,160</u>
Total 2019-2020 Property Tax Revenue	\$ 37,448,761

July 20, 2020 Budget Session - Unapproved

New Growth - Net Taxable Value			
Add 2019 New Annexations:	\$ 16,849,381	0.008795734	\$148,203
Add 2019 New Construction:	\$111,179,613	0.008795734	977,906
2019 - 2020 Personal Property Replacement & Agriculture Equipment			<u>(478,160)</u>
2019 - 2020 Certified Property Tax With Current Growth:			<u>\$38,096,710</u>
Add Statutory Allowable Increase - (3% of the highest of the last three (3) years certified property tax)			
	\$ 37,448,761	3.00%	\$1,123,463
Prior years foregone amount:			\$5,387,930
Total amount that can be levied:			44,608,103
Amount of available tax revenue not levied:			<u>(6,511,393)</u>
Property Tax Revenue			\$ 38,096,710

Mr. Hagedorn stated he was not expecting a 13% increase, therefore there is approximately \$1.1M in new construction and annexation that is unbudgeted. He indicated the valuation of the closeout of the Pancheri Urban Renewal District from the Idaho Falls Redevelopment Agency (IFRdA) is included in the New Construction. He is unaware if the Idaho Falls Community Hospital is included. Mr. Hagedorn stated the Property Tax Revenue will change slightly. He also stated the current budget was based on \$37,448,761 as the numbers were unknown. Mr. Hagedorn stated he will always advocate for new annexation, new construction, and, the statutory 3%. The statutory 3% would add \$1,123,463.

Mr. Hagedorn reviewed the estimated tax increase based on valuation and levy rate for \$150,000, \$200,000, \$250,000, \$300,000, and, \$350,000 residential and \$500,000, \$2M, and, \$10M commercial. He also reviewed the proposed Tax Relief Program amounts and the Net Tax Change amounts for the residential and commercial values. He noted taxes will increase even with the Tax Relief Program. He reiterated as the levy rate decreases, the valuation increases. Mayor Casper noted City services can be cut although there can still be an increase in property taxes. This makes a regressive affect. Councilmember Radford noted the lower levy rate will give more options in the future. He stated this is staggering growth. Mr. Hagedorn believes, based on the current trend line, this will double again in seven (7) years. Per council request, Mr. Hagedorn will compile additional data based on statutory 1%, 2%, and, 3%.

General Fund Overview –

Mr. Hagedorn reviewed the 2020-2021 General Fund Revenue Summary = \$48,053,305. He stated the \$529,000 request from Airport will change slightly. This amount goes into revenue, not expenditure, because it's a cash transfer. He also reviewed the 2020-2021 General Fund Expenditure Summary = \$49,077,449. He stated the majority of General Fund is from taxes and franchise fees although the only franchise fees were from Funland. He also stated Enterprise Charges for Services, per the City as a whole, has the highest revenue as the nature of the General Fund is supported by taxes and not fees. Mr. Hagedorn reviewed the Ten-Year Summary of the General Fund stating taxes decreased in 2017 due to a swap of State-shared revenues with the Street Fund. Population has also increased the revenue, fee-based services are also increasing. He reviewed Expenditures by Fund Type stating the majority of General Fund expense are salaries and wages, with the largest being Police and Fire (at 50%), and, P&R. City-wide salaries and wages are approximately 42%. He also reviewed Ten-Year Review of Expenditure Categories and Department Budget to Actual by Year. He stated this information will be interactively available to the elected officials in the near future.

General Fund Budget Status	
Revenue	\$48,053,305
Snow designated funds	1,000,000
Narc designated funds	<u>40,000</u>
	\$49,093,305

July 20, 2020 Budget Session - Unapproved

Expenditures	\$49,077,449
Difference	\$15,856

Unbudgeted Revenues

Property tax	
New construction	\$ 977,906
Annexation	148,203
IFRdA close out	<u>600,000 (one-time money)</u>
Total	\$1,726,109

Mr. Hagedorn stated new construction and annexation does not have to be applied to the General Fund. Options include Recreation Levy, Aquatic Center improvements, redevelopment funding (one-time money), Police personnel, Police Station, building a rainy day fund, and/or, ease cuts to departments. Options for creating reserves include payroll savings not allowed to be re-budgeted, a percentage of excess/unplanned revenues be designated as reserves (similar to the IFRdA closeout), or, decrease expenditures. Mayor Casper indicated discussion needs to occur including data for a 1%, 2%, and, 3% statutory allowable.

Self-insurance Discussion:

Councilmember Dingman believes the Q&A is a great template for other discussions, she expressed her appreciation to Director Tew for this information. Director Tew stated the objective is to obtain Council’s approval to create a medical health insurance self-insurance trust and, transfer the designated funds into this trust by a resolution. This discussion has been occurring for several years. Director Tew clarified the funds transferred would not move the City to self-insurance at this time. He stated approximately 20 years ago the City wanted to go self-insurance. \$4M was set aside from a health insurance carrier, although half of these funds were used for a project outside of HR. Two (2) years ago, other funds were made available to HR from a life insurance program refund. In September of 2018, the Council gave approval to set up a trust to protect available funds from other uses. At that time, the City was to partner with the City of Rexburg. Since that time, the City of Rexburg has backed out.

Mr. Argyle reviewed the following with general discussion throughout:

Current Benefit Structure – the City is currently insured through Blue Cross of Idaho (BCI) through a fully insured one-way retention agreement. One-way retention is basically self-insurance without the risks. A premium is paid to BCI who then pays the claims for an agreed amount. Any savings are allocated to an account that the City could pull from at any time, while trying to keep this account as close as possible to zero. Currently, this account is approximately -\$2M. A disadvantage to the one-way retention agreement is the City does not have the claims funding volatility. Disadvantages to the current benefit is that no one will bid the current contract, the City doesn’t have complete control of the structure of the plan, and, the City has to pay premium tax (approximately \$460,000). Director Tew stated this premium tax was a compelling reason to go self-insured, however, Congress is doing away with the premium tax.

Defining Self Insurance – an insurance plan that the employer sets up to fund and pay insurance claims as put forth by a plan document. These services are provided by a third-party administrator (TPA) or administrative services only (ASO). The City would not be responsible for paying all claims, a reinsurance carrier would pay claims over a certain amount. Why is the City considering self-insurance – to get out of paying the premium tax (will no longer be the driving force), walk away from possible debt to BCI, to leverage the position with BCI, and, take complete control of the City’s plan and the benefits. Mr. Argyle stated claims were decreased due to demographic shift, increases are now anticipated. Mayor Casper believes a plan with emphasis on healthcare is attractive. To the response of Councilmember Freeman, Mr. Argyle stated the City could not administer the plan. Director Tew reiterated the request is to create the trust so these funds would not be used for other projects. A trust fund is required by Idaho law with a minimum reserve amount. Mr. Kirkham stated a resolution would be prepared. To the response of Councilmember Francis, Mr. Argyle stated claims were decreased due to medical procedures that may have been delayed by COVID. He believes claims will increase in the next year due to these delays. He also believes this year would not be a good year to go self-insured. Councilmember Francis noted the Council would have to budget the

July 20, 2020 Budget Session - Unapproved

annual premium each year for this account. Mr. Argyle stated all claims funding will go into this account and claims will be paid out of this trust account, including a 30% for any lag of claims. Mr. Argyle reviewed the actuary rate/amount process, stating the trustees have the ability to increase the amount but they do not have the ability to decrease the amount once this amount is approved by the Idaho Department of Insurance. To the response of Councilmember Francis, Mr. Kirkham stated he is reviewing the language for the trust in the event of a national program. He does not believe any money would come back to the General Fund. Mayor Casper believes the City is not the only self-insurance entity in the State. Mr. Kirkham reiterated the trust would continue to exist although the money transferred to the trust would not come back to the City. Mayor Casper stated the intent is to spend this money on benefits. Councilmember Francis questioned the pressure of this trust at the current time. Mayor Casper indicated it would secure the money for the fund as the goal is to become self-insured. Mr. Kirkham stated this also helps the 'cards' to negotiate with BCI. Councilmember Francis expressed his concern for spending money at this time although he believes there needs to be discipline for this money. He also expressed his concern for the timeline of self-insurance to move forward. Director Tew stated this is setting aside money for employee benefits. He also stated this process allows the City to move to the next step. Mayor Casper believes prior to the COVID pandemic, the City could have moved to self-insurance in the current year. Councilmember Hally is in favor of moving forward. Councilmember Dingman is comfortable moving forward although she recognizes/acknowledges Councilmember Francis' concerns. To the response of Councilmember Francis, Mr. Kirkham believes this is only for traditional medical insurance. He also believes this is the right time to move forward. He reviewed the process if the trust is dissolved. Councilmember Freeman believes the new employees will see the benefit of this funding. He is in favor of moving forward. Councilmember Radford believes the City should move forward. Councilmembers Smede agreed. Brief comments followed. Mayor Casper indicated a resolution for the Council will be forthcoming.

Wrap-up, Budget Discussions, Requests for Additional Data:

Mayor Casper stated a presentation/discussion from Eastern Idaho Public Health (EIPH) will occur on July 22. Brief discussion followed regarding upcoming budget sessions and additional discussion items including the Recreation Levy, savings, splashpad, Funland, Police Station funding, potential statutory increase, and, the governor's Property Tax Relief Program.

Announcements, including COVID-19 Update:

Mayor Casper stated the COVID-19 Regional Response Plan was adopted by the 9-member board from EIPH on July 15. She briefly reviewed the metrics monitored and mitigation strategies for the Moderate Risk Level. She noted the rate of active cases has been exceeded for the previous two (2) days. If the cases are sustained for three (3) days, recommendations, in addition to continuation of everyday preventative measures, will be made per the mitigation strategies which include: mandatory face coverings in public order; events limited to no more than 150 people; extra precautions for vulnerable populations; telework where possible; minimize non-essential travel; implement strict policies for living facilities; and, implement strategies for schools. Mayor Casper stated EIPH will be meeting on July 23 and will determine if any order will go into effect. Any order would be effective immediately and would be in place for 14 days. Enforcement could include a misdemeanor within the cities and counties. Exceptions would be addressed with EIPH. Mayor Casper questioned the Council's preference for any adoption/approval of EIPH's plan. Councilmember Smede is supportive of the City adopting a plan. Councilmember Dingman believes there is already another governmental entity to make public health decisions. She does not see a benefit and there is no legal reason to adopt a plan. Mayor Casper believes EIPH stepped up to adopt a plan and, she noted any plan from the City cannot be less-restrictive. Councilmember Dingman believes this will be a partnership with EIPH. Councilmember Radford believes this item should remain on the agenda as an option. Per data received for July 20, the active cases were sustained for the third day in Bonneville County.

There being no further business, the meeting adjourned at 6:01 p.m.

CITY CLERK

MAYOR



MEMORANDUM

FROM: Office of the Mayor, Economic Development Coordinator

DATE: Thursday, July 30, 2020

RE: Economic Development Incentive Program

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

To approve the Resolution of the Economic Development Incentive Agreement between the City and Intermountain Packing, and to grant the incentives contained therein, and give authorization for the Mayor and City Clerk to execute the necessary documents and the duty to ensure that the obligations of both parties to the Agreement are complied with.

Description, Background Information & Purpose

For consideration is a Resolution for an Economic Development Incentive Agreement between the City of Idaho Falls and Intermountain Packing. The Agreement, pursuant to City Code Title 1, Chapter 16, allows for expedited permit processing and waiver of fees associated with the establishment of a business at the discretion of the City Council. Waiver of fees include those pertaining to road and bridge fees, storm drainage fees, land use application and plan review fees, and building permit fees. City Code Title 1, Chapter 16 sets forth eligibility requirements and criteria, and requires that application procedures, evaluation, and agreement documentation be met. Staff review finds each of these conditions have been met, and respectfully requests approval of the Resolution.

Relevant PBB Results & Department Strategic Plan

							
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This item supports the Healthy Economic Growth and Vibrancy Result. Idaho Falls is committed to the promotion of quality development in all parts of the City, and the

Economic Development Incentive Program was established to encourage and incentivize that growth.

Interdepartmental Coordination

The application, agreement, and resolution have been reviewed and accepted by the departments of Community Development Services and Public Works, as well as the Office of the Mayor, Economic Development.

Fiscal Impact

The estimated fee waivers proposed for consideration are as follows:

Road and Bridge Estimated Fee: \$22,675

Storm Drainage Estimated Fee: \$2,963

Land Use Application and Plan Review Estimated Fee: \$45,189

Building Permit Estimated Fee: \$55,703

Total estimated fee waiver proposed: \$126,530

Estimated tax revenue to be collected after operation begins is estimated to start at \$160,198/tax year.

Legal Review

The application, agreement, and resolution have been reviewed and accepted by the Legal Department.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ENTERING INTO AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH AND GRANTING INCENTIVES TO INTERMOUNTAIN PACKING, LLC; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Idaho Falls, Idaho, is committed to the promotion of quality development in all parts of the City and to improving the quality of life for its citizens; and

WHEREAS, in order to help meet these goals, the Council will consider providing incentives for the retention and/or expansion of existing businesses located within the City and to encourage the establishment of new targeted businesses within the City; and

WHEREAS, it is the policy of the City that such incentives will be provided in accordance with the procedures and criteria outlined in Title 1, Chapter 16, of the Idaho Falls City Code; and

WHEREAS, the City offers economic development incentives on an individual basis so that the total package of incentives, if any are approved of by Council, may be designed specifically for each project proposed; and

WHEREAS, this individualized approach allows the City the flexibility necessary to satisfy the unique needs and concerns of each applicant and the needs and concerns of the City and its citizens; and

WHEREAS, the Council, with the help of City staff, has thoroughly and carefully evaluated the Intermountain Packing, LLC, (“Intermountain”) Application for the Economic Development Incentive Program and finds that Intermountain is eligible for such incentives, as set out in the Economic Development Incentive Agreement attached to and incorporated into this Resolution as Attachment A; and

WHEREAS, at the sole discretion of this Council and pursuant to City Code Title 1, Chapter 16, the Council desires to enter into the Economic Development Incentive Agreement with Intermountain and to grant to Intermountain the incentives contained in Attachment A to this Resolution and to authorize the Mayor to execute the necessary documents and to ensure that the obligations of both parties to the Agreement are complied with.

NOW, THEREFORE, THE COUNCIL FOR THE CITY OF IDAHO FALLS, IDAHO, HEREBY ORDERS AS FOLLOWS:

1. That, pursuant to City Code Title 1, Chapter 16, the City hereby enters into the Economic Development Incentive Agreement with Intermountain Packing, LLC and grants to Intermountain the incentives contained in Attachment A, Economic Development Incentive Agreement (adopted herein by this reference), and
2. Authorizes the Mayor to execute the necessary documents and the duty to ensure that the obligations of both parties to the Agreement (Attachment A) are complied with.

ADOPTED and effective this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk
(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, "A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ENTERING INTO AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH AND GRANTING INCENTIVES TO INTERMOUNTAIN PACKING, LLC; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

Kathy Hampton, City Clerk

(SEAL)

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
INTERMOUNTAIN PACKING PACKING, LLC

THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT (“Agreement”) is made this _____day of _____, 2020, by and between the City of Idaho Falls, Idaho, a municipal corporation (“City”), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho, 83405, and Intermountain Packing, LLC., an Idaho limited liability corporation, whose mailing address is 3640 South Yellowstone Highway, Idaho Falls, Idaho 83402 (“Intermountain Packing”).

WHEREAS, Intermountain Packing intends to develop, construct, operate and maintain a beef and bison harvest and processing plant with an approximately 50,000 square foot building (“Facility”) at the south side of Iona Road between Holmes and 15th East (Woodruff Avenue), as legally described in Attachment A and as shown in the Preliminary Site Plan in Attachment B (“Property”);

WHEREAS, Intermountain Packing intends to hire at least two hundred (200) new full-time-equivalent employees, with an average wage of at least \$15.00 per hour, plus benefits;

WHEREAS, City is authorized to enter into this Agreement by Title 1, Chapter 16, of Idaho Falls City Code;

WHEREAS, City believes the addition of a beef and bison harvest and processing Facility in Idaho Falls will advance local economic development and will stimulate business and commercial activity within the City:

NOW, THEREFORE, the parties agree as follows:

ARTICLE I
INTERMOUNTAIN PACKING COMMITMENTS

1.1 Real Property Investment. Intermountain Packing plans to expend approximately Twenty Million Dollars (\$20,000,000) to construct the Facility. The construction is currently anticipated to commence in September 2020 and is calculated to take approximately one (1) year. Within ninety (90) days after the Facility opens for business, Intermountain Packing will certify to City in writing using the form in Attachment D, the total capital expenditures on the Facility, which must be not less than Fifteen Million Dollars (\$15,000,000) to support the fee waivers contemplated in this Agreement (“Capital Expenditure Minimum”).

1.2 Creation of New Full-Time Jobs. Intermountain Packing plans to provide not fewer than one hundred (100) full-time equivalent positions at the Facility, with average wages of not less than Fifteen Dollars (\$15) per hour, plus medical, dental and vacation benefits. Within ninety (90) days after the Intermountain Packing store opens for business, Intermountain Packing will certify to City in writing using the form in Attachment C, the number of full-time equivalent positions at the

Facility, which must be not fewer than one hundred (100) positions with average wages of not less than Fifteen Dollars (\$15) per hour, plus medical, dental and vacation benefits, to support the fee waiver contemplated in this Agreement (“Employment Minimum”). For the purposes of this paragraph, “full-time equivalent” is any combination of seasonal or part-time employees whose compensated hours during a consecutive twelve (12) month period equals two thousand eighty (2,080) hours.

1.3 Compliance with City Building Codes and Zoning Regulations. Intermountain Packing will comply at all times with all City zoning ordinances, building codes or other laws and regulations relating to construction of the Facility and appurtenant utilities. City inspectors will have access to the construction site during reasonable business hours in order to assure compliance with ordinances and building codes during construction.

1.4 Compliance with Title 7. Intermountain Packing will adhere to the provisions of Title 7, of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et seq., and all equal opportunity employment laws and regulations promulgated by the United States Equal Employment Opportunity Commission, the Idaho Department of Labor, and the Idaho Human Rights Commission, in its hiring and recruitment policies for such new full-time jobs.

1.5 Estimated Tax Revenues. Estimated tax revenues based on information provided by Intermountain Packing, totals one-hundred sixty thousand and one-hundred ninety-eight dollars (\$160,198) per tax year at the City’s current levy rate. Based on this information, waivers granted pursuant to the Agreement shall not exceed the estimated tax revenues to be collected within the seven (7) consecutive tax years immediately following the receipt of the Certificate of Occupancy for the Facility. Intermountain Packing shall certify to the City that each year’s taxes have been paid in full by submitting receipts of such tax payments for each tax year, until the total of taxes paid is equal to or greater than the amount of the waivers received.

ARTICLE II CITY COMMITMENTS

2.1 Economic Development Incentives. In consideration of the investment and hiring commitments by Intermountain Packing, as set forth above in Article I, and in light of anticipated tax revenues and economic development benefits from the investment and job creation associated with the Facility, City agrees to (i) expedite the permitting process for the Facility per City Code Section 1-16-3(A) and (ii) to waive one hundred percent (100%) of the following fees at such time the fee would otherwise come due if the fee were not waived (collectively “Waived Fees”) per City Code Section 1-16-3(B):

(A) The total amount of road and bridge fees, which are currently estimated to be twenty-two thousand six hundred seventy-five dollars (\$22,675);

(B) The total amount of surface drainage fees, which are currently estimated to be two thousand nine hundred sixty-three (\$2,963);

(C) The total amount of land use application and plan review fees, which are currently estimated to be forty-five thousand one hundred eighty-nine dollars (\$45,189);

(D) The total amount of building permit fees, which are currently estimated to be fifty-five thousand seven hundred and three dollars (\$55,703).

ARTICLE III REMEDIES FOR NON-PERFORMANCE

3.1 Default and Right to Cure. If either party to this Agreement defaults in the performance of its obligations under this Agreement, the other party will deliver to such defaulting party a written notice of default. The defaulting party will then have a period of ninety (90) days within which to commence its cure of such default and to expeditiously prosecute and completely remedy such default as soon as reasonably possible thereafter.

3.2 City Remedies for Non-Performance. In the event Intermountain Packing constructs the Facility but does not meet the Capital Expenditure Minimum and the Employment Minimum set forth in paragraphs 1.1 and 1.2 of this Agreement, then Intermountain Packing will be obligated to pay to City the Waived Fees at such time as each fee would otherwise come due if the fee were not waived, or, if the due date has passed, then upon the event of non-performance and failure to cure in accordance with Paragraph 3.1. City's sole remedy will be recovery of the Waived Fees,

ARTICLE IV GENERAL TERMS AND CONDITIONS

4.1 Notices. All notices required or allowed under the terms of this Agreement shall be deemed delivered upon physical delivery of such notice to an authorized officer or agent of the receiving party, in the same manner as provided for service of a summons and complaint under the Idaho Rules of Civil Procedure, or by depositing the same in the United States mail, certified mail, return receipt requested, postage prepaid, addressed to the receiving party at the following address or such other address as may be previously delivered to the sending party in the same manner:

Intermountain Packing Packing, LLC

Attn: David Adams

3640 South Yellowstone Highway

Idaho Falls, Idaho 83402

City of Idaho Falls, Idaho

P. O. Box 50220

Idaho Falls, Idaho 83405

4.2 Attorneys' Fees. In the event it becomes necessary to enforce the terms and conditions of this Agreement by action or suit, the prevailing party in such action or suit will be entitled to recover from the losing party its reasonable attorney fees and costs.

4.3 No Joint Venture. This Agreement will not be deemed as, construed as, or determined to constitute any partnership, joint venture, or joint undertaking between the parties, and no party will have any right to represent or make any statement or warranty that is binding upon any other party.

4.4 Binding Effect. This Agreement will be binding upon and inure to the benefit of the parties and their respective successors and assigns.

4.5 Venue and Interpretation. The venue for any action or suit arising from this Agreement will be the District Court of the State of Idaho, Seventh Judicial District, in and for Bonneville County, Idaho, or in the United State District Court, in and for the District of Idaho. This Agreement will be interpreted in accordance with the laws of the State of Idaho.

4.6 Entire Agreement. This writing evidences and contains the entire agreement among the parties. No prior negotiations, statements, representations, or understandings will be binding except as expressly set forth in this written agreement. This Agreement may only be amended or altered by a written instrument signed by both parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year first above written.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

INTERMOUNTAIN PACKING, LLC

By _____

David Adams

STATE OF IDAHO)
) ss.
County of Bonneville)

On the _____ day of _____, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(Seal)

Notary Public for State of Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Bonneville)

On the _____ day or _____, 2020, before me, the undersigned, a notary public in and for said State, personally appeared David Adams, known or identified to me to be the person that executed the instrument, and acknowledged to me that he executed the same on his and on the behalf of Intermountain Packing, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal,
the day and year in this certificate first above written.

(Seal)

Notary Public for State of Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

Attachment A Legal Description

The Land referred to herein below is situated in the County of Bonneville, State of ID, and is described as follows:

[Dana to Supply]

Attachment B Preliminary Site Plan

[Dana to supply]

Attachment D
Form of Capital Expenditure Certification
CAPITAL EXPENDITURE CERTIFICATION

This Capital Expenditure Certification is being delivered by Intermountain Packing Packing, LLC, (“Intermountain Packing”) in connection with that certain Economic Development Incentive Agreement between the City of Idaho Falls, Idaho (“City”) and Intermountain Packing entered into in _____, 2020 (“Agreement”). All terms used herein have the meanings ascribed to them in the Agreement unless otherwise defined herein.

THE UNDERSIGNED HEREBY CERTIFIES TO CITY THAT AS OF THE DATE OF THIS CERTIFICATION INTERMOUNTAIN PACKING HAS MADE A CAPITAL EXPENDITURE IN THE FACILITY OF NOT LESS THAN FIFTEEN MILLION DOLLARS (\$15,000,000) AS FOLLOWS:

Land Acquisition Costs:	approximately \$ _____
Hard and Soft Construction Costs:	approximately \$ _____
Equipment and Fixtures:	approximately \$ _____
Other (does not include inventory):	approximately \$ _____

The undersigned hereby certifies that I am a duly authorized representative of Intermountain Packing and am duly authorized to execute this Capital Expenditure Certification.

INTERMOUNTAIN PACKING, LLC

By: _____

David Adams

Name – Printed

Title

Date

**INTERMOUNTAIN PACKING APPLICATION FOR
ECONOMIC DEVELOPMENT INCENTIVE PROGRAM
July 2020**

I. Applicant Information

Intermountain Packing, LLC
David G Adams
3640 South Yellowstone Highway
Idaho Falls, ID 83402
208-520-1514

II. Legal Description and Plat

Approximately 9.07 acres located on the south side of Iona Road between Holmes and 15th East (Woodruff Avenue), as legally described in Attachment A, and as shown in the Preliminary Site Plan in Attachment B.

III. Project Description

Intermountain Packing, LLC intends to develop, construct, open, operate, and maintain a beef and bison harvest and processing plant ("Facility"). The Facility will consist of approximately 50,000 sq. ft of an abattoir, carcass chill coolers, fabrication area, further-processing area, storage coolers, freezers, and shipping areas.

This once abandoned lot will be fully utilized with structures, parking, landscape, utilities and expanded roadway. The Facility will involve new capital investment into building structures and land improvements of approximately \$20 million.

Intermountain Packing anticipates hiring at least 200 new full-time equivalent employees. These employees will average wages of at least \$15 per hour, plus medical, dental and vacation benefits. Hired employees are expected to be sourced locally. We put great value and trust in each employee with the goal that it can be reciprocated to the company, their families and the community.

The Facility is projected to commence by September 1, 2020 and is expected to take approximately 1 year. We look forward to this being a long-term member and benefit to the community.

IV. Incentives Request

Intermountain Packing, LLC requests an expedited permitting process for the Facility with priority status for all submittals related to the Facility, consistent with City Code Section 1-16-3(A).

Intermountain Packing, LLC also requests a full waiver of the following fees, consistent with City Code Section 1-16-3(B):

- a. Road & bridge fees: \$22,675 estimate

- b. Surface drainage fees: \$2,963 estimate
- c. Land use application and plan review fees: \$45,189 estimate
- d. Building permit fees: \$55,703 estimate

Total Fee Waiver Estimate: \$126,530

Based on the fee estimates received from the City, the expected full-time employees and planned investment in this Facility support this fee waiver request and will meet or exceed the City Code's minimum requirement in City Code Section 1-16-2(A).

V. Current Financial Statement

INTERMOUNTAIN PACKING, LLC:

Intermountain Packing is strongly backed with both initial cash investment, history of experience and initial customer base. Its initial proforma is included in Attachment C.

VI. Proposed Business Plan

Intermountain Packing, LLC's mission is to process the highest quality beef products possible.

Attachment A
Legal Description



Instrument # 1639004
Bonneville County, Idaho Falls, Idaho
04/21/2020 10:56:26 AM No. of Pages: 1
Recorded by: AMERTITLE - IDAHO FALLS
Printing Number: Fee: \$18.00
E-Office Recorded Deputy Clerk
Note to USER: WARRANTY

WARRANTY DEED

Order No.: 356344AM

FOR VALUE RECEIVED

Greenleaf Energy Group, Inc

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Intermountain Packing LLC, an Idaho limited liability company

whose current address is:
3640 S Yellowstone Hwy
Idaho Falls, ID 83402

the grantee(s), the following described premises, in Bonneville County, Idaho,
TO WIT:

Beginning at the North Quarter Corner of Section 8, Township 2 North, Range 38, East of the Boise Baseline and Meridian, Bonneville County, Idaho and running thence N89°33'58"E 603.85 feet along the section line; thence S00°00'57"E 780.00 feet; thence S89°33'20"W 495.13 feet to the Easterly toe of slope of the Easterly Bank of the Idaho Canal; thence along said toe of slope the following fourteen (14) courses: N03°31'16"W 49.74 feet; thence N10°48'37"E 39.05 feet; thence N03°25'23"E 124.95 feet; thence N00°52'20"E 42.24 feet; thence N00°49'54"W 38.79 feet; thence N01°28'05"W 44.65 feet; thence N04°17'16"W 40.96 feet; thence N06°52'29"W 41.89 feet; thence N08°50'05"W 83.75 feet; thence N08°45'12"W 40.00 feet; thence N14°38'02"W 81.14 feet; thence N14°30'16"W 77.07 feet; thence N28°51'42"W 59.28 feet; thence N37°48'49"W 39.40 feet to the Point of Beginning.

EXCEPTING THEREFROM: A county road right of way along the northerly side of the above described parcel and a railroad right of way along the northwesterly side of the above described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 10, 2020

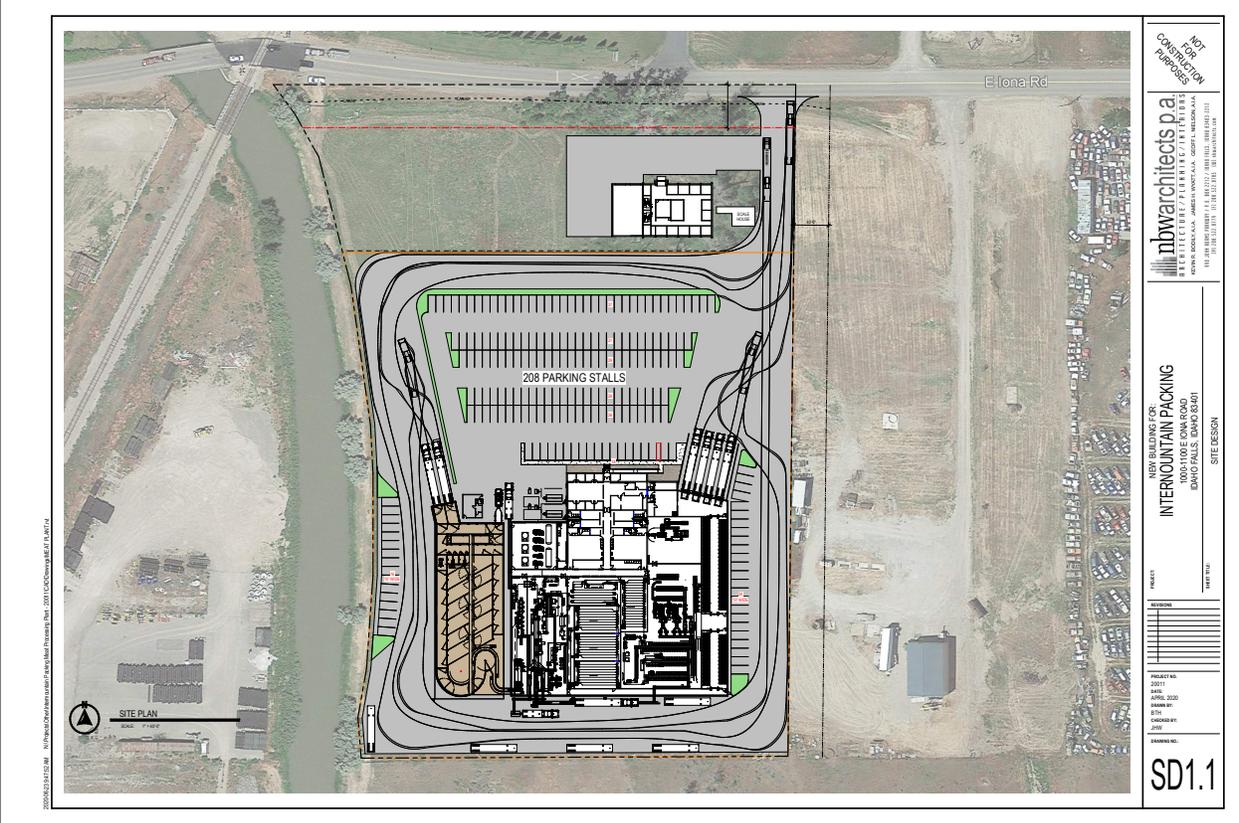
Greenleaf Energy Group, Inc

By: Raymond Val Morris Date: 4-20-2020
Raymond Val Morris, President

State of Utah)
County of Utah)



Attachment B Preliminary Site Plan



2020/02/14 12:52 AM - 1/17/2020 10:00 AM - Project Name: InterMountain Packing - Preliminary Site Plan - 2020/02/14 12:52 AM - 1/17/2020 10:00 AM

NOT FOR CONSTRUCTION PURPOSES

nwarchitects p.a.
 ARCHITECTS/PURVISORS/INTERIORS
 100 400 WEST 1000 N. SUITE 200, SALT LAKE CITY, UT 84119
 TEL: 801.488.1000 FAX: 801.488.1001 WWW.NWARCHITECTS.COM

NEW BUILDING FOR
INTERMOUNTAIN PACKING
 1000-1100 E. DANA ROAD
 SALT LAKE CITY, UT 84119

PROJECT NO. 2020
 DATE: APRIL 2020
 DRAWN BY: JH
 CHECKED BY: JH
 DATE: 04/14/2020
 DRAWING NO. **SD1.1**

SITE DESIGN

Attachment C Annual Report



Per Day Average	100 head	200 head	300 head	400 head	500 head
Annual Sales					
Harvest Fees	\$ 5,490,000	\$ 10,980,000	\$ 16,470,000	\$ 21,960,000	\$ 27,450,000
Total Revenue	\$ 5,490,000	\$ 10,980,000	\$ 16,470,000	\$ 21,960,000	\$ 27,450,000
Direct Costs					
Harvest Labor	\$ 456,768	\$ 948,672	\$ 1,405,440	\$ 1,862,208	\$ 2,354,112
Production Labor	\$ 685,152	\$ 1,423,008	\$ 2,108,160	\$ 2,793,312	\$ 3,531,168
Employer Labor & Benefit	\$ 570,960	\$ 1,185,840	\$ 1,756,800	\$ 2,327,760	\$ 2,942,640
Supplies	\$ 39,000	\$ 81,000	\$ 120,000	\$ 159,000	\$ 201,000
Admin/USDA	\$ 256,932	\$ 533,628	\$ 790,560	\$ 1,047,492	\$ 1,324,188
Rendering to Hot Wt	\$ 258,030	\$ 516,060	\$ 774,090	\$ 1,032,120	\$ 1,290,150
Rendering from Hot Wt	\$ 107,513	\$ 215,025	\$ 322,538	\$ 430,050	\$ 537,563
Total Costs	\$ 2,374,355	\$ 4,903,233	\$ 7,277,588	\$ 9,651,942	\$ 12,180,821
Expenses					
Financing	\$ 1,025,143	\$ 1,025,143	\$ 1,025,143	\$ 1,025,143	\$ 1,025,143
Indirect Labor	\$ 765,086	\$ 765,086	\$ 765,086	\$ 765,086	\$ 765,086
Employer Labor & Benefit	\$ 382,543	\$ 382,543	\$ 382,543	\$ 382,543	\$ 382,543
Insurance	\$ 639,540	\$ 639,540	\$ 639,540	\$ 639,540	\$ 639,540
Professional Fees	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Property Taxes	\$ 158,000	\$ 158,000	\$ 158,000	\$ 158,000	\$ 158,000
Utilities	\$ 34,700	\$ 34,700	\$ 34,700	\$ 34,700	\$ 34,700
Maintenance	\$ -	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000
Total Expenses	\$ 3,055,012	\$ 4,655,012	\$ 4,655,012	\$ 4,655,012	\$ 4,655,012
Estimated Net Income	\$ 60,633	\$ 1,421,755	\$ 4,537,400	\$ 7,653,046	\$ 10,614,167
Grind Capacity					
Grind Capacity	\$ 3,904,000	\$ 7,808,000	\$ 11,712,000	\$ 15,616,000	\$ 19,520,000
Grind Labor	\$ 245,952	\$ 245,952	\$ 245,952	\$ 245,952	\$ 245,952
Employer Labor & Benefit	\$ 122,976	\$ 122,976	\$ 122,976	\$ 122,976	\$ 122,976
Estimated Net Income	\$ 3,535,072	\$ 7,439,072	\$ 11,343,072	\$ 15,247,072	\$ 19,151,072
Net Income w/ Grind	\$ 3,595,705	\$ 8,860,827	\$ 15,880,472	\$ 22,900,118	\$ 29,765,239

Intermountain Packing Valuation and Levy Estimate

	2015	2016	2017	2018	2019	2020	Tentative 2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Total Levy	\$ 27,575,663	\$ 28,766,486	\$ 30,072,649	\$ 31,481,473	\$ 33,935,422	\$ 36,970,601	\$ 38,096,710	\$ 39,819,021	\$ 41,976,745	\$ 44,128,756	\$ 46,183,092	\$ 48,007,101	\$ 49,824,861	\$ 51,971,892	\$ 53,992,094	\$ 55,922,661
Valuation	2,977,260,980	3,008,461,828	3,124,421,943	3,309,246,661	3,540,971,736	4,203,242,707	4,756,198,966	4,723,247,190	5,138,242,458	5,554,323,071	5,953,606,850	6,313,134,648	6,599,651,909	6,937,700,461	7,363,556,697	7,706,994,093
Levy Rate	0.009262091	0.009561858	0.009625028	0.009513184	0.009583647	0.008795733	0.008009907	0.008430433	0.008169475	0.007944939	0.007757162	0.007604321	0.007549620	0.007491227	0.007332339	0.007256092
Parcel Valuation							20,000,000	19,861,437	21,606,508	23,356,143	25,035,146	26,546,975	27,751,791	29,173,298	30,964,040	32,408,207
20,000,000 Parcel Tax Amount							\$ 160,198	\$ 167,441	\$ 176,514	\$ 185,563	\$ 194,202	\$ 201,872	\$ 209,515	\$ 218,544	\$ 227,039	\$ 235,157

Calculation Analysis Assumptions

1. The land, land improvements, & structures value at 20,000,000 when completed
2. Trend function was applied to drive subsequent years property tax levy, and valuation
3. Because trend was used it assumes the same market growth over the past 7 years will be the same



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Tuesday, July 21, 2020

RE: Purchase Backup Storage System

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approve the quote received from Transource Services Corporation to purchase a Cohesity backup storage system for a total of \$164,047.78 (or take other action deemed appropriate).

Description, Background Information & Purpose

As the City continues to grow, it is essential the City have adequate and reliable technology storage. This purchase request is for hardware and professional services to install a backup storage system to provide scalable storage solutions to ensure the reliability of storing city-wide data. City IT was able to receive a very favorable pricing from the vendor though the State of Idaho contract PADD18200544.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The purchase of backup storage system supports the good governance community oriented result by providing reliable and scalable storage for City data.

Interdepartmental Coordination

Not applicable.

Fiscal Impact

Funds to purchase the backup storage hardware and professional services are budgeted within the 2019/20 Municipal Services Department, Information Technology division budget.

Legal Review

Legal concurs the Council action desired is within State Statute.



Transource Services Corp

2405 West Utopia Road
Phoenix AZ 85027

SALES QUOTATION Original

Quotation No.: 343356
Quotation Date: 07/16/20
Due Date: 08/16/20
Customer No.: C990560
Customer Ref. No.:
Page No.: Page 1 of 2

BILL TO
City of Idaho Falls 308 Constitution Way Idaho Falls ID 83405

SHIP TO
City of Idaho Falls PO BOX 50220 308 Constitution Way Idaho Falls ID 83405

Account Rep: Curtis Wescott
Contact Name: Joseph Nilsson
Terms: Net 30

Ship Via:
FOB: FOB Destination

Line	Item No.	Description	Qty	Unit Price	Total
1	NVP	NASPO ValuePoint MPA# MNWNC-130	1		
2	NVP-ID	State of Idaho PA# PADD18200544	1		
3	TSC-ITEM MFR# C4500-SFP-4	C4500-SFP FOUR -4 NODE BLOCK WITH 96 TB SECURE ERASE HDD, 6.4 TB PCI-E FLASH, 256 GB RAM, 16X 10GBE SFP+, 4X IPMI; HARDWARE ONLY	1	\$ 18,652.50	\$ 18,652.50
4	TSC-LABOR MFR# CS-P-C4500-SFP-4	PREMIUM (24X7) SUPPORT FOR C4500-SFP-4; SUBJECT TO THE COHESITY SUPPORT MAINTENANCE TERMS AND CONDITIONS.	1	\$ 6,649.27	\$ 6,649.27
5	TSC-LABOR MFR# SUBDATAPLATSTD3Y R	COHESITY DATAPLATFORM STANDARD EDITION SUBSCRIPTION (1TB). INTELLIGENT WEB-SCALE SOFTWARE FOR CONSOLIDATING SECONDARY DATA WITH MULTI-PROTOCOL ACCESS (NFS, S3 & SMB), REPLICATION, ACCESS MANAGEMENT, MONITORING, REST API, ENCRYPTION, SNAPSHOTS/CONES, GLO	64	\$ 569.81	\$ 36,467.84
6	TSC-ITEM MFR# CBL-10G-SFP-005	CABLE, 10G, SFP+, TWINAX, 5M	8	\$ 67.50	\$ 540.00
7	TSC-LABOR MFR# SUBDATAPROTECT3Y R	COHESITY DATAPROTECT ADD-ON SUBSCRIPTION (1 TB). BACKUP SOFTWARE FOR VIRTUAL AND PHYSICAL ENVIRONMENTS. SUBSCRIPTION PER TB OF BACKEND STORAGE USED FOR BACKUP.	44	\$ 759.74	\$ 33,428.56
8	TSC-LABOR MFR# SUBCLDACHVPROMO	COHESITY CLOUDARCHIVE ADD-ON SUBSCRIPTION PROMOTION (1 TB). PROVIDES ABILITY TO ARCHIVE DATA TO SUPPORTED EXTERNAL ARCHIVE TARGETS. SUBSCRIPTION PER TB OF DATA STORED IN SUPPORTED EXTERNAL ARCHIVE TARGET AFTER DEDUPE/COMPRESSION. CUSTOMER MUST SEPARATELY	20		
9	TSC-ITEM MFR# C4500-SFP-4	C4500-SFP FOUR -4 NODE BLOCK WITH 96 TB SECURE ERASE HDD, 6.4 TB PCI-E FLASH, 256 GB RAM, 16X 10GBE SFP+, 4X IPMI; HARDWARE ONLY	1	\$ 18,652.50	\$ 18,652.50
10	TSC-ITEM MFR# CS-P-C4500-SFP-4	PREMIUM (24X7) SUPPORT FOR C4500-SFP-4; SUBJECT TO THE COHESITY SUPPORT MAINTENANCE TERMS AND CONDITIONS.	1	\$ 6,649.27	\$ 6,649.27



Transource Services Corp

2405 West Utopia Road
Phoenix AZ 85027

SALES QUOTATION Original

Quotation No.: 343356
Quotation Date: 07/16/20
Due Date: 08/16/20
Customer No.: C990560
Customer Ref. No.:
Page No.: Page 2 of 2

Line	Item No.	Description	Qty	Unit Price	Total
11	TSC-LABOR MFR# SUBDATAPLATSTD3Y R	COHESITY DATAPLATFORM STANDARD EDITION SUBSCRIPTION (1TB). INTELLIGENT WEB-SCALE SOFTWARE FOR CONSOLIDATING SECONDARY DATA WITH MULTI-PROTOCOL ACCESS (NFS, S3 & SMB), REPLICATION, ACCESS MANAGEMENT, MONITORING, REST API, ENCRYPTION, SNAPSHOTS/CONES, GLO	64	\$ 569.81	\$ 36,467.84
12	TSC-ITEM MFR# CBL-10G-SFP-005	CABLE, 10G, SFP+, TWINAX, 5M	8	\$ 67.50	\$ 540.00
13	TSC-LABOR MFR# ProServices-DC	Professional Services-Data Center Service	1	\$ 6,000.00	\$ 6,000.00

SBA certified "American Small Manufacturer"

Subtotal \$ 164,047.78
Shipping
Tax
Total Order Value \$ 164,047.78



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Monday, July 27, 2020

RE: Approval to Participate in Governor Little’s Public Safety Program

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approve the City’s participation in Governor Little’s Public Safety Program citing Coronavirus Relief Funds for the 2020/21 fiscal year budget.

Description, Background Information & Purpose

Governor Little’s Office announced a public safety proposal to use a portion of the state’s Coronavirus Relief Funds (from the CARES Act) to cover a portion of the city’s payroll costs for public health and public safety employees. This will result in passing the resulting budget savings to residents and business owners in the form of one-time property tax relief.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The public safety proposal is in support of the good governance community-oriented result by fostering innovative and sound fiscal management. It enables trust and transparency.

Interdepartmental Coordination

Not applicable for this program.

Fiscal Impact

Participating in the public safety program will impact the general fund in the amount of \$1,123,463 in forgone levying authority for the 3% statutory levy. It also will result in an increase of \$210,967.71 from the Public Safety coronavirus relief funds.

Legal Review

Legal concurs the Council action desired is within State Statute.



MEMORANDUM

FROM: Pam Alexander, Municipal Services Director
DATE: Monday, July 27, 2020
RE: Tentative Approval of 2020/21 Fiscal Year Budget

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Tentative approval of the 2020/21 fiscal year budget for a not to exceed amount and authorization to publish the Notice of Public Hearing.

Description, Background Information & Purpose

Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2020/21 fiscal year budget with publication dates set for August 2, 2020 and August 9, 2020. The Public Hearing is scheduled for 7:30 pm, Thursday, August 13, 2020 in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The tentative approval of the 2020/21 fiscal year budget is in support of the good governance community oriented result by fostering innovative and sound fiscal management and enables trust and transparency.

Interdepartmental Coordination

All City departments have participated in the budget process.

Fiscal Impact

The tentative approval of the 2020/21 fiscal year budget sets the maximum level of total expenditures that cannot be exceeded in the appropriations ordinance. This action also sets a limit on the City's property tax levy (in dollars).

Legal Review

Legal concurs this action is within Idaho Code §50-1002.



MEMORANDUM

FROM: Chris H Fredericksen, Public Works Director

DATE: Thursday, July 23, 2020

RE: Change Orders 1 & 2 – Idaho Falls Microsurfacing

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approval of change orders 1 and 2 and authorization for Mayor to sign the necessary documents.

Description, Background Information & Purpose

Attached for your consideration are change orders 1 & 2 for the Idaho Falls Microsurfacing project. The proposed changes allow additional microsurfacing and pavement markings to be constructed and provide better utilization of Federal funds established for this project.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

These change orders support the community-oriented result of reliable public infrastructure and transportation by increasing the quantity of paved street maintenance and corresponding pavement markings being constructed on city streets.

Interdepartmental Coordination

No interdepartmental coordination is required to implement the work proposed by these change orders.

Fiscal Impact

The total estimated cost of both change orders is \$114,741.84. There is no additional cost to the city for this work, as this is a Federal aid project and city match/in-kind service work has already been provided.

Legal Review

These change orders have been reviewed by the City Attorney.



Change Order

Idaho Transportation Department

ITD 0400 (Rev.05-14)
itd.idaho.gov

Paying Through: WinCaps SiteManager

See Contract Administration Manual Section 104.02

Key Number 13586	Project Number A013(586)	Contract Number 8598
Program Number T156050	Location Idaho Falls Citywide Microsurfacing	
Contractor's Name Intermountain Slurry Seal, Inc		Date of Contractor Authorization 7/22/20
		Change Order Number 1

You are ordered to perform the work described or incorporated below in accordance with the Contract or as amended by this change order. The cost to perform this work includes all labor, equipment, materials, overhead, and all other incidental costs associated with completing the work.

Description of Work If no description is provided herein, the work description found in other accompanying documents is incorporated by this reference. Further, even if a description is provided herein, the work description in other accompanying documents is incorporated by this reference.

CHANGE IN PLANS

1. **Description-** Provide for the work to install micro-surfacing of 15th East directed by the Engineer and the attached plan sheet.
2. **Materials-** No Change.
3. **Construction Requirement-** No Change.
4. **Method of Measurement-** No Change.
5. **Basis of Payment-** As shown below:

ESTIMATED INCREASE IN CONTRACT ITEMS AT CONTRACT PRICES

408-010A	Dil Emul Asph for Fog Coat	1373	Gal	@ \$2.56/ gal	=	\$ 3,514.88
415-006A	Micro Surfacing	236	Ton	@ \$95.00/ Ton	=	\$22,420.00
415-010A	Polymer Modified Emulsified Asphalt	28	Ton	@ \$725.00/ Ton	=	\$20,300.00
626-120A	Flagger Control	150	HR	@ \$85.00/ HR	=	\$12,750.00
630-020B	PAv Mkg Preformed Thermoplastic	1594	SF	@ \$11.00/ SF	=	\$17,534.00
<u>Total Estimated Increase</u>						<u>\$ 76,518.88</u>
<u>Net Estimated Increase</u>						<u>\$76,518.88</u>

6. **Contract Time:** No Change.

Change Order

Idaho Transportation Department

ITD 0400 (Rev.05-14)
itd.idaho.gov

Key Number 13586	Project Number A013(586)	Contract Number 8598
Program Number T156050	Location Idaho Falls Citywide Microsurfacing	
Contractor's Name Intermountain Slurry Seal, Inc	Change Order Number 1	Date of Contractor Authorization 7/22/20

By reason of this change, contract time will be adjusted by

Working Days
 Calendar Days

We agree that if this Change Order is approved, we will perform the work described or incorporated as shown above and be compensated at the prices specified.

Contractor's Signature	Date	
City, County, or Highway District Agency's Name City of Idaho Falls		
Authorized Representative's Signature	Title Mayor	Date

Approved for State of Idaho

Authorized Representative's Signature	Title Resident Engineer	Date
---------------------------------------	----------------------------	------



Change Order

Idaho Transportation Department

ITD 0400 (Rev.05-14)
itd.idaho.gov

Paying Through: WinCaps SiteManager

See Contract Administration Manual Section 104.02

Key Number 13586	Project Number A013(586)	Contract Number 8598
Program Number T156050	Location Idaho Falls Citywide Microsurfacing	
Contractor's Name Intermountain Slurry Seal, Inc		Date of Contractor Authorization 7/22/20
		Change Order Number 2

You are ordered to perform the work described or incorporated below in accordance with the Contract or as amended by this change order. The cost to perform this work includes all labor, equipment, materials, overhead, and all other incidental costs associated with completing the work.

Description of Work If no description is provided herein, the work description found in other accompanying documents is incorporated by this reference. Further, even if a description is provided herein, the work description in other accompanying documents is incorporated by this reference.

CHANGE IN PLANS

1. **Description-** Provide for the work to install pavement markings as directed by the Engineer.
2. **Materials-** Materials requirements shall be per Subsection 630.03 Waterborne Paint.
3. **Construction Requirement-** Construction Requirements shall be per Subsection 630.04.
4. **Method of Measurement-** Item C02A-630 Longitudinal Pavement Markings Waterborne will be measured by the foot in accordance with subsection 630.04. Asterisked (*) items identify work by subcontractor.
5. **Basis of Payment-** As shown below:

ESTIMATE OF EXTRA WORK AT AGREED PRICES

C02A	630 Longitudinal Pavement Markings Waterborne *	155,880 Ft	@ \$0.22 / FT	=	\$34,293.60
C02B	Prime's OH & Profit	1	CA	@ \$3,929.36	= \$ 3,929.36
<u>Total Estimated Increase</u>					= \$ 38,222.96
<u>Net Estimated Increase</u>					= \$38,222.96

6. **Contract Time:** No Change.

By reason of this change, contract time will be adjusted by

 -0- Working Days Calendar Days

We agree that if this Change Order is approved, we will perform the work described or incorporated as shown above and be compensated at the prices specified.

Contractor's Signature		Date
City, County, or Highway District Agency's Name City of Idaho Falls		
Authorized Representative's Signature	Title Mayor	Date
Approved for State of Idaho		
Authorized Representative's Signature	Title Resident Engineer	Date



MEMORANDUM

FROM: Duane A Nelson, Fire Chief

DATE: Thursday, July 16, 2020

RE: Service Agreements, Bonneville County Fire Protection District #1

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approve the Fire Protection Joint Services Agreement and Wildland Deployment Agreement by and between the City and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to sign the necessary documents.

Description, Background Information & Purpose

These Service Agreements allow the two agencies to continue to work together to provide efficient and cost-effective methods of firefighting to both the City and County residents as well as deploy resources as necessary during Wildland emergencies. These Service Agreements represent a one-year agreement for the FY 2020/2021 between our two agencies and builds upon the stability of a nearly three-decade relationship that has provided safety and security to our community.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

The Safety of our Community is consistent with our community-oriented goals and this agreement enhances the fire protection services to the residents of both the City and the Fire District through shared resources.

Interdepartmental Coordination

n/a

Fiscal Impact

The approval of these agreements will result in Fire Department funding of \$1,681,072 for FY 2020/2021.

Legal Review

Legal has reviewed and assisted the Fire Department in the development of these agreements.

**FIRE PROTECTION JOINT SERVICES AGREEMENT BY AND BETWEEN
CITY OF IDAHO FALLS, IDAHO AND
BONNEVILLE COUNTY FIRE PROTECTION DISTRICT NO. 1**

This FIRE PROTECTION JOINT SERVICES AGREEMENT BY AND BETWEEN CITY OF IDAHO FALLS, IDAHO, AND BONNEVILLE COUNTY FIRE PROTECTION DISTRICT NO. 1 (hereinafter "AGREEMENT"), is between City of Idaho Falls, Idaho, a municipal corporation, whose address is P.O. Box 50220, Idaho Falls, Idaho 83405 (hereinafter "CITY"), and the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho serving portions of Bonneville County, (hereinafter "DISTRICT").

WHEREAS, DISTRICT is a fire protection district duly and regularly organized pursuant to the provisions of Title 31, Chapter 14, Idaho Code, for the purpose of providing fire protection services within the boundaries of DISTRICT as established by law; and

WHEREAS, CITY is a municipal corporation organized under the laws of the State of Idaho; and

WHEREAS, CITY owns and operates the Idaho Falls Fire and Public Safety Division for the purpose of providing fire protection and public safety services within City limits; and

WHEREAS, pursuant to Idaho Code Title 50, Chapter 3 and Idaho Code Section 31-1430, the parties are authorized to enter into agreements for the mutually beneficial exercise of their respective powers;

WHEREAS, the parties believe the execution of this Fire Protection Joint Services Agreement to provide joint fire protection services to the residents of DISTRICT and CITY will avoid duplication of services, will improve the quality of fire protection within the respective

service areas of the parties and will reduce labor, equipment and maintenance costs incurred by the parties in providing such services; and

WHEREAS, this AGREEMENT is made in order to allow CITY to provide the services described in this AGREEMENT within the boundaries of the DISTRICT; and

WHEREAS, each party to this AGREEMENT desires to, and shall, retain all such party's authority within its jurisdiction, and

WHEREAS, nothing in this AGREEMENT is intended to or should be interpreted to be a Joint Powers Agreement allowed by Idaho Code.

NOW THEREFORE, in consideration of the premises, covenants and conditions set forth herein, the parties agree as follows:

1. Fire Protection Services. CITY agrees to provide fire protection services, as described herein, to DISTRICT in accordance with the terms and conditions of this AGREEMENT.

2. Services to Residents of DISTRICT. CITY will provide fire protection services for buildings, structures and real and personal properties located within the DISTRICT, as presently constituted and as shown on the map attached hereto as Exhibit "A," and incorporated herein, or such other additional area or areas reasonably and lawfully annexed hereafter to DISTRICT, following mutual agreement of the parties to do so.

3. Term. The term of this AGREEMENT shall commence on October 1, 2020, and shall terminate on September 30, 2021, unless extended for an additional term by written agreement.

4. Description of Fire Protection Services. CITY agrees to provide fire protection services, as described herein, to DISTRICT at the same, or similar, level and degree of fire protection services provided by CITY to DISTRICT under prior agreements between the parties for the same subject matter. Such fire protection services shall consist of the following services:

- a. The use of CITY equipment and labor to suppress fires occurring within the boundaries of DISTRICT;
- b. The use of DISTRICT equipment and property to suppress fires occurring within the boundaries of the DISTRICT;
- c. Performance of “pre-plan” inspections of all commercial and industrial buildings and structures located within DISTRICT, as necessary, in order to acquaint CITY fire protection officers with the layout of and fire protection measures within such buildings and structures, provided that CITY shall have no obligation to enforce violations of any DISTRICT fire or safety code, statute, law or ordinance, or of any other authority having jurisdiction thereof;
- d. Dispatch of fire suppression, personnel, and equipment to DISTRICT; and
- e. Promotion and use of public information programs for the purpose of encouraging fire prevention measures.

5. Limitations of Service. CITY shall have complete and sole discretion with respect to the delivery and allocation of such fire protection services in times of equipment or labor shortages or unavailability, force majeure, war, strike or other emergency.

6. Budget and Negotiation. In consideration for the delivery of such fire protection services pursuant to this AGREEMENT, DISTRICT agrees to pay CITY the sum of One Million Six Hundred Eighty-One Thousand Seventy-Two Dollars (\$1,681,072) for the 2020-2021 term of this Agreement. The 2020-2021 sum shall be paid in equal quarterly installments, each respectively due on October 10, 2020; January 10, 2021; April 10, 2021; and July 10, 2021.

On or before the last day of February, 2021, DISTRICT shall, DISTRICT shall notify CITY of its appointment of one (1) or more representatives to meet with CITY for the purpose of

negotiating a possible extension of this AGREEMENT for one (1) or more additional years following the expiration of this AGREEMENT. The parties shall provide to one another such information as may be reasonably obtained relating to the CITY fire protection budget; any change in the ratio between emergency calls originating from within the DISTRICT in comparison to such calls originating within the CITY; the number of staffing required to respond to emergencies originating from within the DISTRICT; in comparison to staffing for emergency calls originating from within the CITY; any increase in the cost of providing such services as a result of a State or federal mandate or change of law; increase in costs attributable to any increased level of service; or any other appropriate and reasonable factor which affects the cost of providing fire protection service to the DISTRICT. In the event the parties are unable to reach agreement before May 1 of 2021 during the term hereof, then this AGREEMENT shall automatically terminate at the expiration of the DISTRICT's fiscal year, unless the parties mutually agree in writing to extend the AGREEMENT for an additional period of time.

7. Lease of DISTRICT Equipment. DISTRICT agrees to lease to CITY, for the entire term of this AGREEMENT, certain Leased Equipment. The Leased Equipment includes tools and implements for firefighting, including but not limited to, engines, hoses supplied-air respirators, and other firefighting tools as presently provided by the District to the City, together with replacements of the same as requested by the City to adequately maintain each DISTRICT engine in a serviceable condition to respond to fires within the District. It shall be the responsibility of the District to maintain records of purchase or ownership of the District's Equipment sufficient to identify the same. The District shall maintain an inventory sheet of DISTRICT'S Leased Equipment and may conduct periodic inspections of DISTRICT'S Leased Equipment sufficient to maintain an accurate inventory of the same. The rental for the Leased Equipment shall be the sum

of One Dollar (\$1.00) per year. CITY agrees to keep and maintain the Leased Equipment in a good state of repair throughout the term hereof, and CITY further agrees to purchase and maintain property damage insurance for at least the actual cash value thereof, and shall provide DISTRICT with a certificate of such coverage from the Idaho Counties Risk Management Program (ICRMP). DISTRICT shall periodically replace and update its Leased Equipment, such that its age and serviceability is approximately equivalent to the age and serviceability of CITY's equipment having a similar function. In the event of any loss or damage to DISTRICT's equipment having a similar function, such that the Leased Equipment substantially loses its ability to operate in a safe, efficient or economical fashion, DISTRICT shall promptly replace such Leased Equipment with equipment of comparable or greater value and function. CITY agrees to insure the DISTRICT fire station property covered by this AGREEMENT under its property and liability coverage of CITY's ICRMP policy.

CITY agrees to forthwith surrender all Leased Equipment to DISTRICT, upon termination of this AGREEMENT.

8. Lease of DISTRICT Fire Station. DISTRICT agrees to lease, and does hereby lease, to CITY for the sum of One Dollar (\$1.00) per year, that certain property commonly known as the Lincoln Fire Station, located at 3475 Leihm, Idaho Falls, Idaho 83404. CITY shall purchase, and/or maintain, fire and extended coverage insurance insuring the interest of CITY and DISTRICT in the building and property described above, as their interests may appear, for the fair market value thereof, throughout the term of this AGREEMENT. The parties shall perform repair and maintenance on the DISTRICT fire station at 3475 Leihm, in accordance with the following: DISTRICT shall be responsible for major repairs to the DISTRICT fire station during the term of this AGREEMENT. For purposes of this AGREEMENT, "major repairs" shall be defined as 1)

structural repairs to the building, repair, maintenance or replacement of fixed building equipment, including but not limited to the elevator, HV AC, roof and plumbing, and repair and replacement of windows, sidewalks, and water, sewer and irrigation lines appurtenant to the building and 2) repairs that are estimated to cost more than \$5,000.

CITY shall be responsible for minor repairs to the DISTRICT fire station during the term of this AGREEMENT. For purposes of this AGREEMENT, "minor repairs" shall be defined as the repair, maintenance or replacement of, but not limited to, computers, telephone system, fire extinguishers, and electrical bulb fixtures and 2) repairs that are estimated to cost \$4,999.99, or less.

CITY shall be responsible for routine maintenance of the HV AC system. CITY shall be responsible for performing all general maintenance to the interior of the DISTRICT fire station, including, but not limited to, cleaning of carpets and other general janitorial services.

CITY shall be responsible for all general maintenance to the exterior and grounds of DISTRICT fire station, including, but not limited to, painting, mowing, weeding, irrigation, and general grounds maintenance. CITY shall be responsible for snow removal from DISTRICT fire station grounds, including all sidewalks on or adjacent to DISTRICT fire station grounds.

9. Termination. This AGREEMENT shall terminate at 11:59 p.m. local time on September 30, 2021 unless extended, in writing, by the parties. In the event of any termination as set forth above, CITY shall forthwith surrender possession of the leased real property described in Section 8 of this AGREEMENT, and any equipment described in Exhibit "B" of this AGREEMENT.

10. Construction. In the event of any ambiguity in the terms and conditions hereof, the parties agree that no adverse construction shall be drawn against the drafter hereof, it being their

intention that this AGREEMENT be construed solely in accordance with the parties' intentions as evidenced by any extrinsic circumstances demonstrating such intent.

11. Dispute Resolution. CITY and DISTRICT mutually endorse the use of partnering, negotiation, mediation and arbitration for the prevention and resolution of disagreements that may occur during the term of this AGREEMENT. The parties, through their respective staffs, commit to attempt, in good faith, to negotiate any disagreement quickly, fairly, and amicably. If such attempts fail to resolve the matter within fifteen (15) days of the first attempt to resolve the disagreement, the Chief for each entity and no more than one (1) Council member from CITY, and no more than one (1) DISTRICT commissioner shall meet to discuss and resolve the disagreement within fifteen (15) days of such failure to resolve the disagreement. If that fails to resolve the matter, the dispute shall be submitted to mandatory, non-binding mediation. Any dispute that cannot be resolved by mediation shall then be considered by the parties for submission to binding arbitration.

12. Venue and Jurisdiction. This AGREEMENT shall be governed by the laws of the State of Idaho. The venue for any action arising out of this AGREEMENT shall be exclusively in the District Court of the Seventh Judicial of the State of Idaho, Bonneville County or in the United States District Court for the District of Idaho.

13. Waiver. Any waiver of a party's rights with respect to any breach of this AGREEMENT, or with respect to any other matter arising in connection with this AGREEMENT, shall not constitute a waiver with respect to any other breach or matter arising in connection with this AGREEMENT. All waivers must be in writing and signed by an authorized representative of the party granting the waiver.

14. Nature of Relationship. Nothing herein shall be construed to be a Joint Powers Agreement, joint enterprise, joint venture, partnership, or joint undertaking between the parties. It is the sole intent of the parties that CITY shall be considered an independent contractor with respect to its fire protection services to DISTRICT pursuant to this AGREEMENT. Neither party shall have authority or a right to bind the other to any obligation, debt, or undertaking of any kind whatsoever, other than as contemplated in this AGREEMENT.

15. Complete Agreement. This writing evidences the complete and final agreement of the parties on the subject matter of this AGREEMENT, and no other statement, representation or understanding shall be binding except as expressly set forth herein. In particular, this writing supersedes all prior agreements between the parties regarding the delivery of fire protection and public safety services to the DISTRICT and the parties expressly acknowledge and agree to a full satisfaction and release of all claims, obligations or liabilities arising from said prior agreements. This AGREEMENT shall not obligate either party to any agreement a party makes with another person or entity.

16. Major Expenses for Replacements or Repair. The District agrees to be responsible for major expenses to replacement or repair District equipment or apparatus, not to include Class A pumpers. The Parties agree that major repair is defined to be non-aggregate expense of Five Thousand Dollars (\$5,000) or more.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

ATTEST:

CITY OF IDAHO FALLS

By _____

By _____

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

BONNEVILLE COUNTY FIRE
PROTECTION DISTRICT NO. 1

By *Ralph Isom*
District Commissioner, Ralph Isom

By *David H. Long*
District Commissioner, David Long

By *Dan Gubler*
District Commissioner, Dan Gubler

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

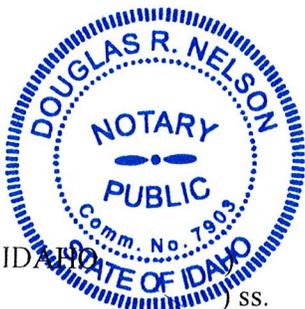
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: _____

(SEAL)

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Ralph Isom, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

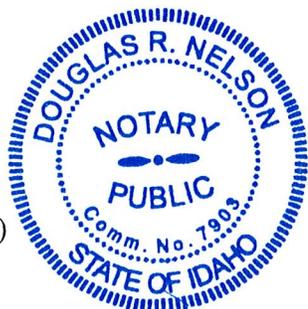


Douglas R Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4.29.2023

(SEAL)
STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared David Long, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



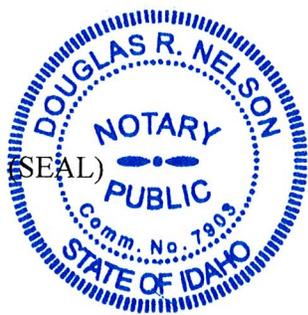
Douglas R Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4.29.2023

(SEAL)

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared David Gubler, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Douglas R Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4-29-2023

**WILDFIRE DEPLOYMENT AGREEMENT BY AND BETWEEN
CITY OF IDAHO FALLS, IDAHO AND
BONNEVILLE COUNTY FIRE PROTECTION DISTRICT NO. 1**

This WILDFIRE DEPLOYMENT AGREEMENT BY AND BETWEEN CITY OF IDAHO FALLS, IDAHO, AND BONNEVILLE COUNTY FIRE PROTECTION DISTRICT NO. I (hereinafter " Agreement "), is between City of Idaho Falls, Idaho, a municipal corporation, whose address is P.O. Box 50220, Idaho Falls, Idaho 83405 (hereinafter "CITY"), and the Bonneville County Fire Protection District No. I, a fire protection district organized under the laws of the State of Idaho serving portions of Bonneville County, (hereinafter "DISTRICT").

WHEREAS, the parties to this Agreement have entered into a Fire Protection Joint Services Agreement to provide joint fire protection services to the residents of DISTRICT; and

WHEREAS, this Agreement is made in order to address the allocation of costs and liabilities for the parties when and if CITY deploys DISTRICT equipment in response to a wildfire dispatch call; and

WHEREAS, each party to this Agreement desires to, and shall, retain all such party's authority within its jurisdiction, and

WHEREAS, nothing in this Agreement is intended to or should be interpreted to be a Joint Powers Agreement allowed by Idaho Code; and

WHEREAS, this agreement is not intended to replace the Fire Protection Joint Services Agreement.

NOW THEREFORE, in consideration of the premises, covenants and conditions set forth herein, the parties agree as follows:

1. Purpose of Agreement. The parties acknowledge that the terms of this Agreement are intended to govern the allocations of costs, revenues, and liabilities associated with CITY's use of DISTRICT's equipment's in responding to wildfire deployments requests from the Idaho Department of Lands, Bureau of Land Management, or other state or federal agencies. In all other cases, parties' intention is that the current Fire Protection Joint Services Agreement will control.
2. Wildfire Deployments. DISTRICT consents to CITY using DISTRICT's equipment for any wildfire deployment request issued by the Idaho Department of Lands, Bureau of Land Management, or another state or federal agency within the following two areas:
 - a. within the geographic boundaries of the State of Idaho, or
 - b. outside of the boundaries of the State of Idaho but within a three-hundred (300) mile radius of CITY.

For wildfire deployment requests outside of these areas, CITY shall contact DISTRICT for consent prior to using DISTRICT's equipment in the out of area deployment. The parties agree that DISTRICT equipment shall be listed in an in-state database as available for wildfire deployment.
3. Allocation of Revenues. For any revenues received for the reimbursement for costs incurred during a wildfire deployment for equipment use, CITY shall

receive thirty percent (30%) and DISTRICT shall receive seventy percent (70%). For any revenues received for the reimbursement for costs incurred during a wildfire deployment for personnel costs, CITY shall receive one hundred percent (100%).

4. Liability. During a wildfire deployment, CITY shall be responsible for vehicle damage on DISTRICT equipment that was sustained due to operator negligence. DISTRICT will be responsible for replacements and repairs associated with mechanical failures caused by wear and tear on DISTRICT's equipment.
5. Term. The term of this Agreement shall commence upon execution, and shall terminate on December 31, 2020, unless extended for an additional term by written agreement.
6. Dispute Resolution. CITY and DISTRICT mutually endorse the use of partnering, negotiation, mediation and arbitration for the prevention and resolution of disagreements that may occur during the term of this Agreement. The parties, through their respective staffs, commit to attempt, in good faith, to negotiate any disagreement quickly, fairly, and amicably. If such attempts fail to resolve the matter within fifteen (15) days of the first attempt to resolve the disagreement, the Chief for each entity and no more than one (1) Council member from CITY, and no more than one (1) DISTRICT commissioner shall meet to discuss and resolve the disagreement within fifteen (15) days of such failure to resolve the disagreement. If that fails to resolve the matter, the

dispute shall be submitted to mandatory, non-binding mediation. Any dispute that cannot be resolved by mediation shall then be considered by the parties for submission to binding arbitration.

7. Venue and Jurisdiction. This Agreement shall be governed by the laws of the State of Idaho. The venue for any action arising out of this Agreement shall be exclusively in the District Court of the Seventh Judicial of the State of Idaho, Bonneville County or in the United States District Court for the District of Idaho.
8. Nature of Relationship. Nothing herein shall be construed to be a Joint Powers Agreement, joint enterprise, joint venture, partnership, or joint undertaking between the parties. It is the sole intent of the parties that CITY shall be considered an independent contractor with respect to its fire protection services to DISTRICT pursuant to this Agreement. Neither party shall have authority or a right to bind the other to any obligation, debt, or undertaking of any kind whatsoever, other than as contemplated in this Agreement.
9. Complete Agreement. This writing evidences the complete and final agreement of the parties on the subject matter of this Agreement, and no other statement, representation or understanding shall be binding except as expressly set forth herein. In particular, this writing supersedes all prior agreements between the parties regarding allocations of costs, revenues, and liabilities associated with wildfire deployments and the parties expressly acknowledge and agree to a full satisfaction and release of all claims, obligations or liabilities arising from said

prior agreements. This Agreement shall not obligate either party to any agreement a party makes with another person or entity.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

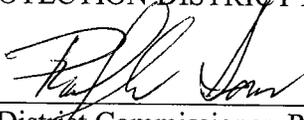
ATTEST:

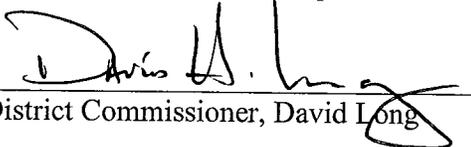
CITY OF IDAHO FALLS

By _____
Kathy Hampton, City Clerk

By _____
Rebecca L. Noah Casper, Mayor

BONNEVILLE COUNTY FIRE
PROTECTION DISTRICT NO. 1

By 
District Commissioner, Ralph Isom

By 
District Commissioner, David Long

By 
District Commissioner, Dan Gubler

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

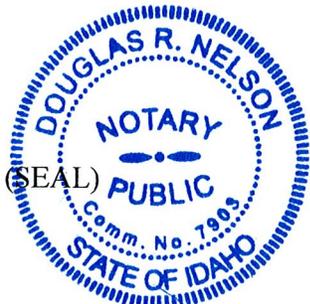
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: _____

(SEAL)

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared Ralph Isom, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Douglas R. Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4.29.2023

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared David Long, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

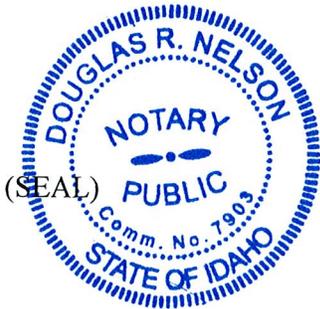


Douglas R Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4.29.2020

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 26th day of June, 2020, before me, the undersigned, a notary public for Idaho, personally appeared David Gubler, known to me to be a District Commissioner of the Bonneville County Fire Protection District No. 1, a fire protection district organized under the laws of the State of Idaho, the fire protection district that executed the foregoing document, and acknowledged to me that he is authorized to execute the same for and on behalf of said fire district.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Douglas R Nelson
Notary Public for Idaho
Residing at Idaho Falls
My Commission Expires: 4.29.2023



MEMORANDUM

FROM: Ryan Tew, Human Resources Director
DATE: Friday, July 24, 2020
RE: Approval of Resolution for a Self-Insurance Trust

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approve a resolution to create a medical self-insurance trust and transfer designated funds to the trust and give authorization for the Mayor and City Clerk to sign the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

In September of 2018, Council directed Municipal Services, Human Resources and Legal Departments to begin the process of creating a medical self-insurance trust. The necessary preparations for the creation of the trust have now been completed. By transferring reserved funds (of approximately \$4.2 million dollars) into the trust, the funds will be segregated from other City funds for the purposes of funding employee health insurance.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The approval of the resolution supports the good governance community oriented result by fostering and planning innovative and sound fiscal management practices for managing the funds for employee benefit purposes.

Interdepartmental Coordination

There has been close coordination between the Human Resources, Municipal Services, and Legal Departments.

Fiscal Impact

Impact will be the transfer of approximately \$4.2 million from the City's Health Insurance Fund into the Self-Insurance Trust. The funds have previously been approved and designated for employee benefits purposes.

Legal Review

Legal concurs that the desired Council action is within State Statute.



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Ryan Tew, Human Resource Department Director
DATE: July 26, 2020
RE: Self-Insurance Questions

At the July 20, 2020 Work Session, the Legal and Human Resources Departments were asked to obtain answers to the following questions:

1. Could funds in the self-insurance trust ever be used for any purpose other than providing employee health/dental/vision benefits?
2. How might the trust be affected in the event of a single-payer health care system?

John Simmons, a local benefits attorney was presented with these questions. Here is a summary of His answers:

1. It's unlikely that the Department of Insurance would approve a self-insurance trust that would allow providing non-health benefits. Even if the department approved a more flexible trust, it would make the self-insurance trust so complex that it might defeat the cost-saving goal of the self-insurance program. It's strongly recommended that the trust language limit the trust to providing health care benefits (includes dental and vision).
2. Because there are so many unknowns about what a single-payer system might look like (or function) it's going to be very difficult to predict how to instruct the trustees on what to do in that event. In some cases, the City might create a problem by specifying a specific course of action that is inflexible. The recommendation is to let the trust deal with that speculative event if and when it occurs so that it can be responsive as the develops.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE APPLICATION TO THE IDAHO DEPARTMENT OF INSURANCE FOR A SELF-FUNDED HEALTH CARE PLAN FOR THE CITY'S EMPLOYEES, DIRECTING THE ESTABLISHMENT OF APPROPRIATE FUNDS TO BE DESIGNATED AND A TRUST TO BE CREATED; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Idaho Falls, Idaho, currently participates in a fully insured group employee medical insurance program; and

WHEREAS, Chapter 40, of Title 41 of the Idaho Code governs the procedures and regulation of maintaining employer self-funded health care plan for employees; and

WHEREAS, the Council desires to implement an employer self-funded health care plan for the City's employees; and

WHEREAS, self-insuring health care benefits offers several advantages including lower administrative cost, greater control over the design of the benefits provided through the plan, improved health care cost evaluation, and improved flexibility to place cost containment measures; and

WHEREAS, it appears economically feasible and practicable for the City to institute a self-insurance health benefit program for City employees, their dependents, and other qualified individuals; and

WHEREAS, the Council finds that a self-insurance health benefit program will further the financial interests of the City;

NOW, THEREFORE, THE COUNCIL FOR THE CITY OF IDAHO FALLS, IDAHO, HEREBY ORDERS AS FOLLOWS:

1. That the Mayor and City staff are hereby authorized and directed to prepare and execute an application to the Idaho Department of Insurance for the registration of a self-funded health care plan and to execute any and all documents necessary to complete the application to implement a self-insured medical insurance program.
2. That the Mayor and City staff are hereby authorized and directed and prepare trust documents for the Council's approval for the creation of an irrevocable trust, as required by Idaho Code § 41-4004(1), to hold and administer the self-funded health care plan.

3. That the Controller place the funds designated for the self-funded health care plan, in the total amount of four million two hundred thousand dollars (\$4,200,000), apart from the City's other funds and insure that they are not spent or dispersed, until directed by the Council.

ADOPTED and effective this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk
(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO
HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, "A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE APPLICATION TO THE IDAHO DEPARTMENT OF INSURANCE FOR A SELF-FUNDED HEALTH CARE PLAN FOR THE CITY'S EMPLOYEES, DIRECTING THE ESTABLISHMENT OF APPROPRIATE FUNDS TO BE DESIGNATED AND A TRUST TO BE CREATED; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

(SEAL)

Kathy Hampton, City Clerk



MEMORANDUM

FROM: Randy Fife
DATE: Thursday, July 30, 2020
RE: City Bus Stop Bench Program

Council Action Desired

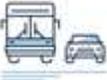
- Ordinance Resolution Public Hearing
 Other Action (Approval, Authorization, Ratification, etc)

Approve the Ordinance rescinding the bus stop bench program in the City Code under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose

By City Ordinance (IFCC8-8-11 through 8-8-35), the City currently licenses locations within City right-of-way for the placement of bus stop benches. Staff recommends rescission of the program because current locations of bus stop benches do not comply with the Code; currently suspended bus routes are being re-evaluated as part of a reorganization of Targhee Regional Public Transportation Authority (TRPTA); and there are concerns regarding regulation of advertising on City right-of-way.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Recommend rescission of the City bus stop bench program represents good governance. Public transportation systems are important to City values and goals.

Interdepartmental Coordination

Interdepartmental coordination included Community Development, Municipal Services, Public Works, and Legal.

Fiscal Impact

Loss of approximately six hundred dollars (\$600) yearly in bus stop bench licensing fees.

Legal Review

The Legal Department drafted the Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 8 TO DISCONTINUE THE CITY BUS BENCH PROGRAM BY RESCINDING CODE SECTIONS 8-8-11 THROUGH 8-8-25; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, in 1988, the City approved a comprehensive bus stop bench program to allow private bus stop benches to be placed in locations and a manner that supported of public transportation corridors in the City; and

WHEREAS, the City bus stop bench program was administered for many years and, with some adjustments, was effective and fulfilled its purposes; and

WHEREAS, the location of the bus stop benches and bus and public conveyance routes have changed to the point that the bus stop bench program has been reconsidered and is found to be ineffective; and

WHEREAS, changes in use, availability of public conveyance options, funding, ridership, advertising and signage laws, City collectors and arterials, and public transportation routes options provided by the Targhee Regional Planning Transportation Authority (TRPTA), suggest that the City bus stop bench program is no longer required to meet the needs of the community; and

WHEREAS, the transportation needs of the community for privately provided bus stop benches can be served better by Bonneville Metropolitan Planning Organization (BMPO), City planning, TRPTA or its agent or successors, and general intra-governmental cooperation than with the current City bus stop bench program; and

WHEREAS, the Council hereby wishes to discontinue the City bus stop bench program.

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

SECTION 1. Title 8, Chapter 8, Sections 11 through 25 of the City Code of the City of Idaho Falls, Idaho, are hereby rescinded:

~~8-8-11: BUS STOP BENCHES: Notwithstanding Sections 8-8-3 and 8-8-4 of this Chapter, bus stop benches may be installed or placed upon public sidewalks subject to the restrictions and standards set forth in Sections 8-8-12 through 8-8-25.~~

8-8-12: DEFINITIONS: For the purposes of Sections 8-8-12 through 8-8-25 hereafter, the following terms shall have the meanings set forth below:

(A) The term "downtown area" shall have the same meaning ascribed in Section 9-5-2, City Code.

(B) The term "residential area" shall mean all real property within the City zoned RP, RP-A, RSC-1, R-1, R-2, R-2A, R-3, R-3A and P-B.

(C) The term "main bus route streets" shall mean "arterial or collector streets" as defined in Section 9-5-2, City Code, and shall also include the following streets within the City: Sunnyside Road from Rollandet Avenue east to Hitt Road, Elm Street from Yellowstone Avenue southeast to South Boulevard, 1st Street from Northgate Mile east to Woodruff Avenue, Grandview Drive from Washburn east to North Skyline Drive, North Skyline Drive from Pancheri Drive north to Broadway, and South Boulevard from Sunnyside Road north to 1st Street.

(D) The term "dwelling" shall have the same meaning ascribed in the Zoning Ordinance of the City.

(E) The term "family" shall have the same meaning ascribed in the Zoning Ordinance of the City.

(F) The term "bus stop bench" shall be defined as a bench designed and intended for use by persons who use any bus service that provides transportation for the general public or any bus service operated by any governmental agency or any contractor of a governmental agency. (G) The term "location" shall mean a site upon a public sidewalk which is within fifteen feet (15') of a designated public bus stop or designated bus stop of buses operated by a governmental agency or contractor of a governmental agency.

8-8-13: PERMITS:

(A) Installation of Bus Benches Prohibited: No person shall install or place any bus stop bench upon any public sidewalk located within the City, except as provided in this section. Persons may install or place bus stop benches upon public sidewalks adjacent to streets in the downtown area of the City or adjacent to main bus route streets within the City only upon obtaining a permit from the City for each location at which a bus stop bench will be installed or placed.

(B) Application Fee: Any person who desires to obtain a bus stop bench permit shall file a written application with the City Clerk. The application shall state the name, address and telephone number of the person to whom the permit is to be used, the number of locations for which the permit is sought, and the street address of each such location. The number of benches at each location shall be limited to one (1) bench. Applications shall be accompanied by a non-refundable permit fee in an amount set from time to time by Resolution of the Council for each location for which the permit is sought. The application shall carry the written approval of the

Chief of Police. No bus stop bench permit shall be issued without the approval of the City Council.

~~(C) Term; Extension of Permit to Additional Locations; Fee: Bus stop bench permits shall be valid only for the location and the calendar year for which they are issued and shall expire on December 31 of the year for which they are issued. If the holder of a valid bus stop bench permit desires to install benches at locations not covered by his or her existing permit, he shall apply in writing to the City Clerk to have the existing permit extended to cover additional locations. The application shall state the name, address, and telephone number of the permit holder, the number of the existing permit, the number of additional locations to be covered by the permit the street address of each such new location and the number of benches to be installed at each such new location added to the permit. The application shall be accompanied by a nonrefundable fee in an amount set from time to time by Resolution of the Council for each additional location to be covered by the permit. Upon approval of the application by the Chief of Police and the City Council, the permit holder's existing permit shall be extended to cover the additional locations.~~

~~(D) Permits Nontransferable: Bus stop bench permits shall not be transferable.~~

~~(E) Renewal; Fee: Bus stop bench permits may be renewed annually upon written request of the permit holder and payment of a nonrefundable renewal fee in an amount set from time to time by Resolution of the Council for each location covered by the permit. Requests for renewal must be filed with the City Clerk prior to the date on which the existing permit expires. Requests for renewal shall be subject to the approval of the Chief of Police and the City Council. Requests for renewal may be denied, in whole or in part, by the Chief of Police or the City Council if the permit holder has failed to comply with the provisions of this Section or if the Chief of Police disapproves any location covered by the permit for the reasons set forth in Section 8-8-18(c) of this Chapter.~~

~~(F) Failure to Renew Permit; Effect: Unless a written request for a renewal permit has been made, any bus stop bench installed or placed pursuant to a permit issued by the City shall be removed by the permit holder, at the permit holder's expense, not later than the expiration date of the permit. If the permit holder fails to comply with the requirements of this paragraph, the City may cause the bench or benches to be removed and shall charge the cost of such removal to the permit holder.~~

~~(G) Installation on sidewalks maintained by City: If a person desires to install a bus bench on a sidewalk maintained by the City of Idaho Falls, e.g. Sunnyside Road, the head of the department which maintains the sidewalk shall give written consent to the installation of such bench. To reduce public maintenance costs, construction of pads for the benches or other measures may be required by the department. Such written consent shall accompany the application and be considered in the approval of the location by the Chief of Police and the Council.~~

~~8-8-14: NUMBER OF LOCATIONS: Except as otherwise provided in this Chapter, the total number of locations for which the City may issue bus stop bench permits, including renewal~~

permits, shall not exceed sixty (60) in any one calendar year. Upon recommendation by the Chief of Police, the City Council may, by Resolution duly passed and adopted, increase the total number of locations for which such permits may be issued.

~~8-8-15: PERMIT NOT A PROPERTY RIGHT: The issuance of any bus stop bench permit or any renewal permit shall not be construed to give the permit holder any vested interest in or right to use or occupy any public property within the City.~~

~~8-8-16: COMPLIANCE WITH CODE: Bus stop bench permit holders shall comply with all provisions of this Chapter concerning the installation, location, maintenance and use of any bus stop bench upon public sidewalks within the City.~~

~~8-8-17: INDEMNIFICATION: Bus stop bench permit holders shall indemnify and hold harmless the City, its agents, officials and employees from and against any and all claims for personal injury or for any loss or damage to property arising from the installation, placement, location or maintenance of any bus stop bench for which a permit is issued.~~

~~8-8-18: STANDARDS:~~

~~(A) Any bus stop bench installed or placed upon any public sidewalk as permitted by this Chapter shall comply with the regulations and standards set forth in this Section.~~

~~(B) No bus stop bench shall exceed eighty four inches (84") in length, forty inches (40") in height or twenty four inches (24") in depth. Any bus stop bench installed or placed in a "clear view zone" as defined in the Zoning Ordinance of the City, now in force or as subsequently amended, shall not exceed two feet (2') in height.~~

~~(C) Bus stop benches may be installed upon public sidewalks adjacent to streets in the downtown area of the City or adjacent to main bus route streets within the City only at locations approved by the Chief of Police. The Chief of Police shall have authority to disapprove any location that lies within any residential area of the City, whether or not such location is on a public sidewalk adjacent to a main bus route street. The Chief of Police also shall have authority to disapprove any location where the installation of a bus stop bench would unreasonably impede or interfere with the flow of pedestrian or vehicular traffic, endanger the safety of persons or property, or otherwise fail to comply with the provisions of this Section.~~

~~(D) No bus stop bench shall be installed upon any public sidewalk adjoining the front yard or side yard facing a street of any real property in the City on which a one-family or two-family dwelling is situated unless such owner or owners of the real property are notified of the request for installation of such bench at least fifteen (15) days prior to filing of the application with the City Clerk. A copy of the notice to the property owner and proof of receipt shall be presented to the City Clerk with his application.~~

~~(E) No bus stop bench shall be installed or placed in any manner that endangers the safety of persons or property, or at any location or site that is used for public utility purposes or other governmental use, or when such bench unreasonably interferes with or impedes the flow of~~

~~pedestrian or vehicular traffic, the ingress into or egress from any crosswalk, residence, place of business, or any legally parked or stopped vehicle or the use of any poles, posts, traffic signs or signals, hydrants, mailboxes, or other public structures or objects installed at said location.~~

~~(F) All bus stop benches shall be placed parallel to and along the inward edge of the sidewalk. Bus stop benches shall be located so that there is a clear space for pedestrian traffic of at least five feet (5') between the front edge of the bench and the curb line; however, if the sidewalk is less than seven feet (7') in width, the clear space may be reduced to not less than three feet (3').~~

~~(G) Bus stop benches shall be located within fifteen feet (15') of a designated public bus stop or designated bus stop for buses operated by a governmental agency or a contractor of a governmental agency.~~

~~(H) No bus stop bench shall be placed within fifteen feet (15') of any fire hydrant.~~

~~(I) No bus stop bench shall be placed within three feet (3') of any marked crosswalk, street light pole, utility pole, traffic sign pole, fire call box, police call box or other emergency facility, or designated loading or unloading zone.~~

~~(J) No bus stop bench shall be placed within three feet (3') of any display window abutting the sidewalk in a manner that impedes or interferes with the reasonable use of such window for display purposes.~~

~~(K) No bus stop bench shall project on or over or be located in any part of any public street or alley; nor shall any such bench rest upon the public sidewalk in any area where a public alley or private driveway exists into a public street.~~

~~(L) No bus stop bench shall have any spikes, decorations or protrusions which create an unreasonable risk of bodily injury or harm to pedestrians.~~

~~(M) No bus stop shall be affixed, anchored, bolted or otherwise attached to the public sidewalk; nor shall any such bench be chained, bolted or otherwise attached to any fire hydrant, pole, receptacle or other public fixture~~

~~8-8-19: MAINTENANCE: Each bus stop bench shall be maintained by its permit holder, at the permit holder's own expense, in a safe, clean, neat and attractive condition. Such maintenance shall include, but not be limited to, snow removal from the area in which each such bench is located. No bus stop bench may be painted in a garish or gaudy color or manner.~~

~~8-8-20: IDENTIFICATION: The name, address and telephone number of the permit holder and the permit number shall be affixed in a conspicuous place to each bus stop bench.~~

~~8-8-21: ADVERTISING: Bus stop benches may be used by the permit holder for advertising signs or publicity purposes. Such signs shall be securely fastened to the bench. No advertising~~

~~sign, advertising or publicity device or any other attachment shall extend beyond the dimensional requirements set forth in Section 8-8-18.~~

~~8-8-22: NOTICE OF VIOLATION: The chief of Police shall give notice in writing to the permit holder and owner, if known, of any bus stop bench that exists in violation of this Chapter. The notice shall be served by depositing it in the United States mail, first class postage prepaid, certified mail, return receipt requested, and addressed to the permit holder at the address shown on the permit or to the owner at the owner's last known address. The notice shall request the permit holder and owner of the bus stop bench remove such bench or bring it into conformity with the standards of this section within thirty (30) days of receipt of the notice. The notice shall be deemed received upon its deposit in the United States mail in the manner set forth in this section. Failure of a permit holder to comply with such notice shall be grounds for revocation of the permit. If any bus stop bench exists in violation of the provisions of this section and its permit holder or owner is unknown to the Police, such bench shall be deemed to be abandoned property and the Chief of Police shall have authority to confiscate such bench and to cause its immediate removal.~~

~~8-8-23: REVOCATION OF PERMIT: Upon complaint of the Chief of Police and upon thirty (30) days written notice to the holder of a bus stop bench permit, the City Council shall have the authority to revoke such permit, for all locations covered by the permit, for violations of the provisions of this Chapter or any regulations issued in connection therewith, or for any other good and sufficient cause. The decision of the City Council in the matter of such revocations shall be final. Any revoked permit shall be immediately surrendered to the City Clerk, and the permit holder shall, at his or her own expense, immediately remove benches from all locations for which the permit was revoked.~~

~~8-8-24: EMERGENCY REMOVAL OF BENCHES: The Police and the Fire Departments shall have the authority, without prior notice to the permit holder or owner, to cause the removal of any bus stop bench which wholly or in part rests on or projects over any part of a public street or alley, or which interferes with or impedes access to any fire hydrant, fire call box, police call box, utility pole or post, or other public fixture, or which unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, or which creates any unreasonable risk of bodily injury or harm to persons or damage to property.~~

~~8-8-25: DISCLAIMER: Nothing in this Section, including without limitation the approval of any bus stop bench location and the issuance of any permit as provided in this Chapter shall be construed as imposing upon the City, its agents, officials or employees any private duty or liability for any injury to persons, or for any loss or damage to property arising from the installation, placement or maintenance of any bus stop bench. Neither shall this Section be construed to create any liability or cause of action against the City, its agents, officials or employees for any injury to persons or for any loss or damage to property arising from the failure of any bus stop bench permit holder or owner to meet the standards of this Chapter.~~

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 8 TO DISCONTINUE THE CITY BUS BENCH PROGRAM BY RESCINDING CODE SECTIONS 8-8-11 THROUGH 8-8-25; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

FROM: Randall Fife
DATE: Thursday, July 30, 2020
RE: Door to Door Licensing

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

Approve the Ordinance amending the door-to-door licensing regulations to the City Code under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose

The First Amendment of the United States Constitution and Article I, Section 9 of the Idaho Constitution guarantee the public’s right to free speech. The amendments proposed to the City’s door-to-door licensing regulations are designed to balance an individual’s right to engage in free speech and to pursue an honest living while protecting the safety and privacy of the City’s residents in their homes. The amendments would prohibit individuals convicted of heinous felonies from obtaining a door-to-door license. Serious felonies involving dishonesty or moral turpitude would prohibit an individual from obtaining a license for ten (10) years. Other serious and violent crimes would prohibit an individual from obtaining a license for five (5) years. It would permit some individuals who have been convicted of crimes that did not involve violence or dishonesty to obtain door-to-door licenses, as required by the United States and Idaho constitutions.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amending the door-to-door licensing regulation supports good governance community oriented results by supporting City’s compliance with the law while balancing the health, safety, and general

welfare of the community. Supports the safe and secure and good governance community-oriented results by adopting regulations and practices that provide the regulatory framework for supporting a high quality community and providing responsive and accessible leadership, focused on community priorities.

Interdepartmental Coordination

Interdepartmental coordination for enforcement of this ordinance occurs between Police and Legal Departments.

Fiscal Impact

The action will have no known fiscal impact to City finance.

Legal Review

The Legal Department drafted this Ordinance.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE SECTIONS 4-8-4 AND 4-8-6 TO PROHIBIT THOSE CONVICTED OF HEINOUS FELONIES FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS AND SETTING NARROWLY TAILORED LIMITS ON THOSE CONVICTED OF CRIMES INVOLVING AN ELEMENT OF VIOLENCE, OR DISHONESTY FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City of Idaho Falls City Council desires to protect the health, safety, and welfare of the public from negative impacts associated with soliciting and door-to-door solicitation; and

WHEREAS, the regulation of door-to-door solicitation prevents crime and protects the privacy of the City's residents; and

WHEREAS, the Council desires to balance the protection of its residents with individual's First Amendment rights to engage in free speech and individual's right to pursue an honest living; and

WHEREAS, the Council finds that the City has a legitimate and compelling interest in protecting the safety of its residents in the most important place, the resident's home; and

WHEREAS, the Council finds that prohibiting those who have been convicted of the most heinous felonies from obtaining a door-to-door solicitation permit is narrowly tailored to promote the safety of the City's residents; and

WHEREAS, the Council finds that prohibiting those who have been convicted of serious felonies that involved an element of dishonesty from obtaining a door-to-door solicitation permit for ten (10) years from their conviction is narrowly tailored to promote the safety of the City's residents; and

WHEREAS, the Council finds that prohibiting those who have been convicted of certain misdemeanors that involve an element of violence, or dishonesty from obtaining a door-to-door solicitation permit for five (5) years from their conviction is narrowly tailored to promote the safety of the City's residents, and

WHEREAS, the Council finds that the regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests.

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

SECTION 1. Title 4, Chapter 8, of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

4-8-4: APPLICATION FOR DOOR-TO-DOOR SOLICITATION PERMIT: Each individual desiring a permit to engage in door-to-door solicitations shall file his or her application with the City Clerk. The application shall be in such form as may be determined by the City Clerk and shall be accompanied by a copy of the applicant's current driver's license, military identification card or other reliable form of photo identification. Upon completion of such application, delivery of the applicant's fingerprints in accordance with Section 4-8-5 hereof and payment of a permit fee in an amount set from time to time by Resolution of the Council, each eligible applicant shall be issued a permit and an identification badge containing a photograph of the applicant. Such permit shall be issued or denied within ~~five-fifteen~~ (15-5) business days after the date the fully completed application form and permit fee are submitted to the City Clerk.

...

4-8-6: ELIGIBILITY FOR PERMIT: No applicant shall be issued a permit if:

- (A) The applicant has been convicted or granted a withheld judgment for any felony of the following felonies: murder, manslaughter, kidnapping, rape, or sexual assault.
- ~~(B) The applicant has been convicted or granted a withheld judgment for any misdemeanor burglary within ten years prior to the date of the application.~~
- (B) The applicant is subject to registration as a sex offender under the provisions of Title 18, Chapter 83, Idaho Code.
- (C) The applicant has been convicted or granted a withheld judgment for any of the following felonies within the past ten (10) years: robbery, grand theft, burglary, fraud, breaking and entering, conspiracy to defraud, or obtaining money or property under false pretenses; aggravated assault, aggravated battery, felony domestic battery, felony stalking, or a felony that includes an element of violence.
- (D) The applicant has been convicted or granted a withheld judgment for any of the misdemeanor following crimes within five (5) years: involving possession of burglarious instruments, trespass by car, criminal trespass, petit theft, unlawful entry, misdemeanor assault, misdemeanor battery, of misdemeanor domestic violence, stalking, telephone harassment, any misdemeanor crime involving an element of violence, or any crime that includes an element of a controlled substance within ten years prior to the date of the application.
- (E) The applicant has a current active arrest warrant for a crime which, if convicted, would subject them to the limitations in this section. Nothing in this section shall be interpreted to disqualify any applicant who
 - a. Has had a disqualifying criminal charge dismissed; or
 - b. Has been found not guilty of a disqualifying crime.

(F) The applicant has been committed pursuant to Title 66, Chapter 3, Idaho Code, or similar provision in another jurisdiction, as a voluntary or involuntary patient for mental health within the past year from the date of application.

(G) The applicant falsifies, omits, or otherwise intentionally misrepresents any information on the application. An applicant who has falsified, omitted, or otherwise intentionally misrepresented any information on the application shall be ineligible to reapply for licensing for a period of forty-two (42) days.

(D)

~~The applicant has been convicted or granted a withheld judgment for any crime involving the sale, possession, or use of a controlled substance or the unlawful use or possession of drug paraphernalia, within five years prior to the date of the application.~~

...

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

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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE SECTIONS 4-8-4 AND 4-8-6 TO PROHIBIT THOSE CONVICTED OF HEINOUS FELONIES FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS AND SETTING NARROWLY TAILORED LIMITS ON THOSE CONVICTED OF CRIMES INVOLVING AN ELEMENT OF VIOLENCE, OR DISHONESTY FROM OBTAINING DOOR-TO-DOOR SOLICITATION PERMITS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE”
.”

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

FROM: Brad Cramer, Director

DATE: Friday, July 24, 2020

RE: CV CDBG Allocations and Substantial Amendments to CDBG Plan

Council Action Desired

- Ordinance
 Resolution
 Public Hearing
 Other Action (Approval, Authorization, Ratification, etc)

1. To approve the Resolution adopting a substantial amendment to the CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents.
2. To approve the Resolution amending the CDBG Program Year 2020 Citizen Participation Plan applicable to the 2016-2020 Five-Year Consolidated Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents.
3. To approve the Resolution approving CV CDBG funding allocations and including said allocations in the amended CDBG Program Year 2020 Annual Action Plan, and give authorization for the Mayor and City Clerk to execute the necessary documents.

Description, Background Information & Purpose

As part of the 2020 CARES Act, Idaho Falls was allocated additional CDBG funding. This funding was specifically intended to aid in the prevention of and recovery from COVID-19. Specific guidelines and requirements were given for the procedure for utilizing these funds. Following these guidelines and requirements, staff is recommending three actions. First, amend the citizen participation plan to allow for shorter advertising and public comment periods. Second, make a substantial amendment to the CDBG action plan to include CV CDBG funding. Third, approve the requests received so far for CV CDBG funding. At this point, there are still funds remaining in the City’s CV CDBG allocation and staff is planning for another round of applications in the fall.

Relevant PBB Results & Department Strategic Plan

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The CV CDBG funds are approved for the prevention of and recovery from COVID-19. Following the HUD requirements for approval and distribution of these funds is consistent with community-oriented goals for Good Governance, Safety, and a Livable Community.

Interdepartmental Coordination

n/a

Fiscal Impact

Appropriate approval of the process and funds will result in up to approximately \$250,000 in CV CDBG Funding.

Legal Review

Legal has reviewed the Resolutions.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, CDBG
PROGRAM FOR A SUBSTANTIAL AMMENDMENT TO THE
PROGRAM YEAR 2020 CDBG ANNUAL ACTION PLAN

WHEREAS, the City of Idaho Falls, Idaho has been designated as an entitlement city by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Idaho Falls, Idaho, has prepared a One-Year CDBG Annual Action Plan for Program Year 2020 as part of the requirements of entitlement status; and

WHEREAS, the U.S. Department of Housing and Urban Development has approved the 2016-2020 Five Year CDBG Consolidated Plan and the Impediments to Fair Housing prepared by the City of Idaho Falls as part of the requirements of entitlement status; and

WHEREAS, the City of Idaho Falls, Idaho, held a public hearing on the PY2020 CDBG Annual Action Plan, Substantial Amendment on June 22, 2020; and

WHEREAS, due to COVID-19 and the CARES act, HUD allowed jurisdictions to modify the normal thirty (30) day public comment period to a five (5) day public comment period; and

WHEREAS, the City of Idaho Falls, Idaho, had a five-day comment period until and through July 20, 2020; and

WHEREAS, the City of Idaho Falls, Idaho, has considered comments received during the five-day comment period: and

WHEREAS, the City of Idaho Falls, Idaho, reached a Resolution on July 30, 2020.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls, Idaho, as follows:

1. The PY2020 CDBG Annual Action Plan, Substantial Amendment, as prepared the Community Development Services Department, Planning Division, a copy of which is attached hereto and by this reference made a part of hereof, is hereby approved.
2. The Mayor is hereby authorized to sign the document for Federal assistance.

Rebecca L. Noah Casper, Mayor

ATTEST:

Date

Kathy Hampton, City Clerk

CITY OF IDAHO FALLS SUBSTANTIAL AMENDMENT TO THE PY 2020 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

1. Introduction

The City of Idaho Falls receives annual entitlement funds from the United States Department of Housing and Urban Development (HUD), which includes Community Development Block Grant (CDBG) funds.

Recognizing that changes may be necessary to Consolidated and Action Plans after approval, HUD allows for amendments to these plans.

Any substantial changes in funding, goals, or activities require a substantial amendment to the Consolidated Strategy Plan as set forth in 24 CFR Part 91.

Current Substantial Amendments Sections of the previous *2011-2015 CDBG Five Year Consolidated Plan*, and the current *2016-2021 CDBG Five Year Consolidated Plan* are as follows:

- a) Any changes in funding 10% or more than the annual block grant allocation to any City Council approved activity;
- b) And/or the addition of a new project or deletion of an existing project of any HUD eligible activity.

These potential activity changes must carry out the Consolidated Plan priorities. If an amendment is deemed necessary, the City will prepare the proposed changes and conduct a public hearing. A 30-day period will be established to receive comments on the amendment before documentation is submitted to HUD.

11. Description, Background Information & Purpose

With the passing of the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) on March 27, 2020 the City of Idaho Falls is expecting to receive \$250,072 in the first round of PY2020 CV CDBG grant funds from the federally funded CDBG Program available through Housing and Urban Development (HUD).

In order to receive these funds, the City is completing a Substantial Amendment to their *FY2020 Community Development Block Grant (CDBG) Annual Action* and *Citizen Participation Plan(s)*. These Plan amendments are being completed simultaneously with the CV CDBG funding opportunity process and schedule. A Notice of Amendment for the 2020 Community Development Block Grant Annual Action Plan and Citizen Participation Plan was advertised in the Post Register (July 12, 2020) and distributed by email to past CDBG recipients, community social service providers, presented during to the Region 6 housing Coalition via web meetings, and posted onto the City CDBG website.

No comments were received between July 12, and July 20, 2020.

111. Public Participation Summary

To expedite the distribution of CV CDBG funds, HUD lifted and modified current requirements to assist agencies and individuals that have been directly affected by COVID 19.

Some changes to current HUD guidelines included:

Suspending the 15% cap on public services activities;

30-day public comment reduced to 5-days;

Eliminating in-person public hearings and allowing grantees the option of virtual hearings.

New guidelines also allow HUD to waive further program requirements (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Schedule and method to participate was included in all notices.

Regarding the CV CDBG funding opportunity, a *Notice to Apply* for CV CDBG funds was advertised in the Post Register (July 12, 2020) and distributed by email to past CDBG recipients, community social service providers, presented during to the Region 6 housing Coalition via web meetings, conference calls, internet based meetings, other forms of consultations, and posted onto the City CDBG website.

Emails and phone calls were made to several service provider organizations and agencies that provide public service type activities to low and moderate income (LMI) individuals and families in the (3) census tracts in Idaho Falls.

Organizations and agencies providing direct services to LMI individuals, including elderly and disabled persons, affected by COVID 19, are the intended beneficiaries of CV CDBG funds.

Notices to apply were received May 31, 2020 thru June 14, 2020.

June 22, 2020, applicants and public were invited to participate through a live streamed Council Work Session. The meeting was held to review applications received, answer questions regarding the funding process and requests, and open the 5-day public hearing to receive comments.

Public hearing was held June 22 thru June 29, 2020.

No comments were received between July 12, and July 20, 2020.

After which time, the Council decided on activities/projects to fund.

A Resolution is pending for the July30,2020, 7:30 pm. Council Meeting which will be made available by live stream to applicants and the public.

Resolution(s) to be presented by Council on July30,2020:

CV CDBG Allocated Activities/Projects;

Amended 2020 CDBG Annual Action Plan;

Amended Citizen Participation Plan.

1V. Proposed Uses of CV CDBG:

Table of eligible activities/projects are consistent with CV CDBG requirements of allocating funds to activities and projects that assist, address, and prevent COVID 19/Infectious Disease.

Proposed activities/projects do not create a duplication of benefits.

In addition, the proposed activities/projects help struggling agencies and organizations plan and address the "Post Pandemic Period" as it relates to increased needs such as: food insecurities, unemployment, and housing needs due to not being able to make rent or house payments.

Applicant	Activity/Project	Beneficiaries: Low & Moderate Income (LMI) Census Tracts 9707, 9711, 9712	Amount Requested
Idaho Falls Senior Citizen Community Center	Assistance for increase in food costs/availability due to COVID 19. Funds to continue home delivered meals June-Oct.	LMI elderly/disabled individuals within CT neighborhoods.	\$12,000
New Day Lutheran	Summer Food Service Program for School Dist. 91 (July-Aug).	LMI children/youth in CT neighborhoods.	\$5000.00
EICAP Services Family/Emergency	Emergency, Rental Assistance, Haven operational Costs.	LMI homeless, at risk of being homeless, victims of domestic violence, and operational needs at Haven (temp emergency shelter).	\$25,000
Trinity United Methodist Church	Temporary Emergency Shelter for adult men. Provides overnight shelter and breakfast.	(6) LMI adult homeless men. Trinity Methodist Church located in CT 9711.	\$7,499.00
Idaho Falls Arts Council (IFAC)	Building Improvements to install permanent sneeze guards to ticket counters at ARTitorium and Willard Arts Center. Purchase health/safety supplies.	Nonprofit business in CT 9712 and Slum and Blight by area in Downtown Idaho Falls.	\$1,450.00
Community Food Basket Idaho Falls/Idaho Falls Soup Kitchen	Equipment to support sudden significant needs increase. Commercial gas stove, standing commercial dishwasher, (6) 8 ft. plastic sorting tables, and a 17 ft. utility dump trailer to move fruit/produce from their Urban Farm Program to those in need.	Nonprofit agency providing monthly meals to over 1200 families and individuals with food Insecurities.	\$16,000
IFP Utility Assistance	Utility assistance to LMI renters and homeowners March 2020 to present.	City Utility assistance for LMI individuals and families living within CT 9707, 9711, 9712.	\$15,000
Downtown Event Center (DEC)	Modifications of storefront with a parklet on Park Ave. Infrastructure to support a street pocket park for outdoor service that meets social distancing requirements.	Benefits economy and assists a downtown business in CT 9712 affected by COVID 19. Modifications will accommodate 20 people sitting and 32 people standing.	\$17,000
Administration of CV CDBG	Administration of COVID 19 Community Development Block Grant (CDBG) funds. CV CDBG/CARES Act.	Administration of CV CDBG to assist 70% LMI individuals in CTs: address, assist, prevent COVID 19/Infectious Disease.	\$31,347.00
TOTALS			\$130,296.00

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, CDBG PROGRAM, TO AMMEND THE CITIZEN PARTICIPATION PLAN OF THE 2019/2020 ANNUAL ACTION PLAN APPLICABLE TO THE 2016-2020 FIVE YEAR CONSOLIDATED PLAN

WHEREAS, the City of Idaho Falls, Idaho has been designated as an entitlement city by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Idaho Falls, Idaho, has prepared a One-Year CDBG Annual Action Plan for Program Year 2019/2020 as part of the requirements of entitlement status; and

WHEREAS, the U.S. Department of Housing and Urban Development has approved the 2016-2020 Five Year CDBG Consolidated Plan and the Impediments to Fair Housing prepared by the City of Idaho Falls as part of the requirements of entitlement status; and

WHEREAS, the City of Idaho Falls, Idaho, held a public hearing on the PY2020 CDBG Annual Action Plan, Substantial Amendment, on June 22, 2020; and

WHEREAS, due to COVID-19 and the CARES act, HUD allowed jurisdictions to modify the normal thirty (30) day public comment period to a five (5) day public comment period; and

WHEREAS, the City of Idaho Falls, Idaho, had a five-day comment period between July 12, through July 20, 2020; and

WHEREAS, the City of Idaho Falls, Idaho, has considered comments received during the five-day comment period.

WHEREAS, the City of Idaho Falls, Idaho, reached a Resolution on July 30, 2020.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls, Idaho, as follows:

1. The Substantial Amendment to the Citizen Participation Plan of the 2019/2020 Annual Action Plan Applicable to the 2016-2020 Five Year Consolidated Plan, as prepared by the Community Development Services Department, Planning Division, a copy of which is attached hereto and by this reference made a part of hereof, is hereby approved.
2. The Mayor is hereby authorized to sign the document for Federal assistance.

Rebecca L. Noah Casper, Mayor

ATTEST:

Date

Kathy Hampton, City Clerk

Current and Proposed Substantial Amendment of CPP Section of CDBG Five Year Consolidated Plan

Current Substantial Amendments Section of the *Idaho Falls Five Year Consolidated Plan, 2011-2015* and the current *2016-2021 Plan* are as follows:

Recognizing that changes may be necessary to Consolidated and Action Plans after approval, HUD allows for amendments to these plans.

The following criteria will be used in determining if any amendment is necessary.

- a) Any changes in funding 10% or more than the annual block grant allocation to any City Council approved activity;
- b) And/or the addition of a new project or deletion of an existing project of any HUD eligible activity.

These potential activity changes must carry out the Consolidated Plan priorities. If an amendment is deemed necessary, the City will prepare the proposed changes and conduct a public hearing.

A 30-day period will be established to receive comments on the amendment before documentation is submitted to HUD.

Substantial Amendments and changes to the *Idaho Falls Five Year Consolidated Plan, 2016-2021* for CDBG funding under fiscal year 2019, fiscal year 2020 and the Coronavirus Aid, Relief and Economic Security Act or CARES Act:

The City of Idaho Falls may provide a 5-day notice of a proposed change or substantial amendment beginning April 8, 2020 as allowed under a HUD waiver.

The City of Idaho Falls may provide a 5-day public comment period for citizens to participate and provide comments.

Comments received during that timeframe will be considered and included in the comment section of the Plan.

The following conditions are considered “Substantial Amendment Criteria”

1. Any changes in funding of 10% or more than the annual block grant allocation to any City Council approved activity;
2. And/or the addition of a new project or deletion of an existing project of any HUD eligible activity;
3. A Governor declared state of emergency where federal funds are reallocated to address the emergency;
4. Declared disasters or emergency events to include infectious diseases, such as the recent coronavirus 19 (COVID-19) pandemic, that may necessitate expedited substantial amendments;
5. Possible actions, including reprogramming of funding and types of possible activities, that may be undertaken in response to the COVID-19 pandemic;
6. Provisions relative to Consolidated Plan citizen participation and CDBG waivers made available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act;
7. Citizen participation in regards to minor edits and formatting that do not change current citizen participation policies.

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, AMENDED CDBG PROGRAM YEAR 2020 ANNUAL ACTION PLAN TO APPROVE CV CDBG ACTIVITIES AND PROJECTS AS PROVIDED IN ATTACHED TABLE

WHEREAS, the City of Idaho Falls, Idaho has been designated as an entitlement city by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Idaho Falls, Idaho, has prepared a One-Year CDBG Annual Action Plan for Program Year 2020 as part of the requirements of entitlement status; and

WHEREAS, the City of Idaho Falls, Idaho, has prepared an amendment of the Citizen Participation Plan applicable to the 2016-2020 CDBG Five Year Consolidated Plan and 2020 CDBG Annual Action Plan; and

WHEREAS, the U.S. Department of Housing and Urban Development has approved the 2016-2020 Five Year CDBG Consolidated Plan and the Impediments to Fair Housing prepared by the City of Idaho Falls as part of the requirements of entitlement status; and

WHEREAS, the City of Idaho Falls, Idaho, held a public hearing on the PY2020 CDBG Annual Action Plan, Substantial Amendment, on June 29, 2020; and

WHEREAS, due to COVID-19 and the CARES act, HUD allowed jurisdictions to modify the normal thirty (30) day public comment period to a five (5) day public comment period; and

WHEREAS, the City of Idaho Falls, Idaho, had a five-day comment period from July 12, through July 20, 2020; and

WHEREAS, the City of Idaho Falls, Idaho, has considered comments received during the five-day comment period; and

WHEREAS, the City of Idaho Falls, Idaho, reached a Resolution on July 30, 2020.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Idaho Falls, Idaho, as follows:

1. The Substantially amended CDBG Program Year 2020 Annual Action Plan with approved CV CDBG Activities and Projects, as prepared by the Community Development Services Department, Planning Division, a copy of which is attached hereto and by this reference made a part of hereof, is hereby approved.
2. The Mayor is hereby authorized to sign the document for Federal assistance.

Rebecca L. Noah Casper, Mayor

ATTEST:

Date

Kathy Hampton, City Clerk

**City of Idaho Falls - CV CDBG Allocation \$250,072
Activities/Projects Recommended for Funding**

Applicant	Activity/Project	Beneficiaries: Low & Moderate Income (LMI) Census Tracts 9707, 9711, 9712	Amount Requested
Idaho Falls Senior Citizen Community Cntr	Assistance for increase in food costs/availability due to COVID 19. Funds to continue home delivered meals June- Oct.	LMI elderly/disabled individuals within CT neighborhoods.	\$12,000
New Day Lutheran	Summer Food Service Program for School Dist. 91 for July - Aug.	LMI children/youth in CT neighborhoods.	\$5000.00
EICAP Services Family/Emergency	Emergency, Rental Assistance, Haven operational Costs.	LMI homeless, at risk of being homeless, victims of domestic violence, and operational needs at the Haven (temporary emergency shelter).	\$25,000
Trinity United Methodist Church	Temporary Emergency Shelter for adult men. Provides overnight shelter and breakfast.	(6) LMI adult homeless men. Trinity Methodist Church located in CT 9711.	\$7,499.00
Idaho Falls Arts Council (IFAC)	Building Improvements to install permanent sneeze guards to ticket counters at ARTitorium and Willard Arts Center. Purchase health/safety supplies.	Nonprofit business in CT 9712 and Slum and Blight by area in Downtown Idaho Falls.	\$1,450.00
Community Food Basket Idaho Falls/Idaho Falls Soup Kitchen	Equipment to support sudden significant needs increase. Commercial gas stove, standing commercial dishwasher, (6) 8 ft. plastic sorting tables, and a 17 ft. utility dump trailer to move fruit/produce from their Urban Farm Program to those in need.	Nonprofit agency providing monthly meals to over 1200 families and individuals with food Insecurities.	\$16,000
IFP Utility Assistance	Utility assistance to LMI renters and homeowners from March 2020 to present.	City Utility assistance for LMI individuals and families living within CT 9707, 9711, 9712.	\$15,000
Downtown Event Center (DEC)	Modifications of storefront with a parklet on Park Ave. Infrastructure to support a street pocket park for outdoor service that meets social distancing requirements.	Benefits economy and assists a downtown business in CT 9712 affected by COVID 19. Modifications will accommodate 20 people sitting and 32 people standing.	\$17,000
Administration of CV CDBG	Administration of COVID 19 Community Development Block Grant (CDBG) funds. CV CDBG through the CARES Act.	Administration of CV CDBG to assist 70% or more LMI individuals within (3) census tracts. Address, assist, prevent COVID 19/Infectious Disease.	\$31,347.00
TOTALS			\$130,296.00



MEMORANDUM

FROM: Brad Cramer, Director

DATE: Friday, July 24, 2020

RE: Request to extend deadline to record a plat, Rose Nielsen Division No. 101 4th and 5th amended.

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

To approve the request to extend the deadlines to record the plats for Rose Nielsen Division No. 101 4th and 5th amended to January 30, 2021.

Description, Background Information & Purpose

Attached is a request to extend the deadline to record a plat by an additional six months. The two plats for Rose Nielsen Division 101, 4th and 5th amended were approved by the Council on January 30, 2020. The Subdivision Ordinance requires plats to be recorded within 180 days of approval, which would be July 31, 2020 for these plats. Due to some ongoing issues between the applicant and City Departments regarding provision of easements and right-of-way, the plats are still not in a satisfactory condition to be recorded and accepted by the City. It is expected these issues will be resolved soon, but not before the deadline to record. The applicant is requesting a 6-month extension to record, putting the new deadline at January 30, 2021.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This request is most consistent with goals for Good Governance.

Interdepartmental Coordination

The plat issues are being coordinated with Public Works, Legal, Power, and Community Development

Fiscal Impact

NA

Legal Review

Legal has reviewed the request pursuant to applicable law.

Brad Cramer

From: Caden Fuhriman <cadenf@horrocks.com>
Sent: Friday, July 17, 2020 11:18 AM
To: Brad Cramer; Brent McLane; Kenny Roberts
Cc: Leith Sheets; Clint Boyle
Subject: Rose Nielsen Final Plat Extension Requests

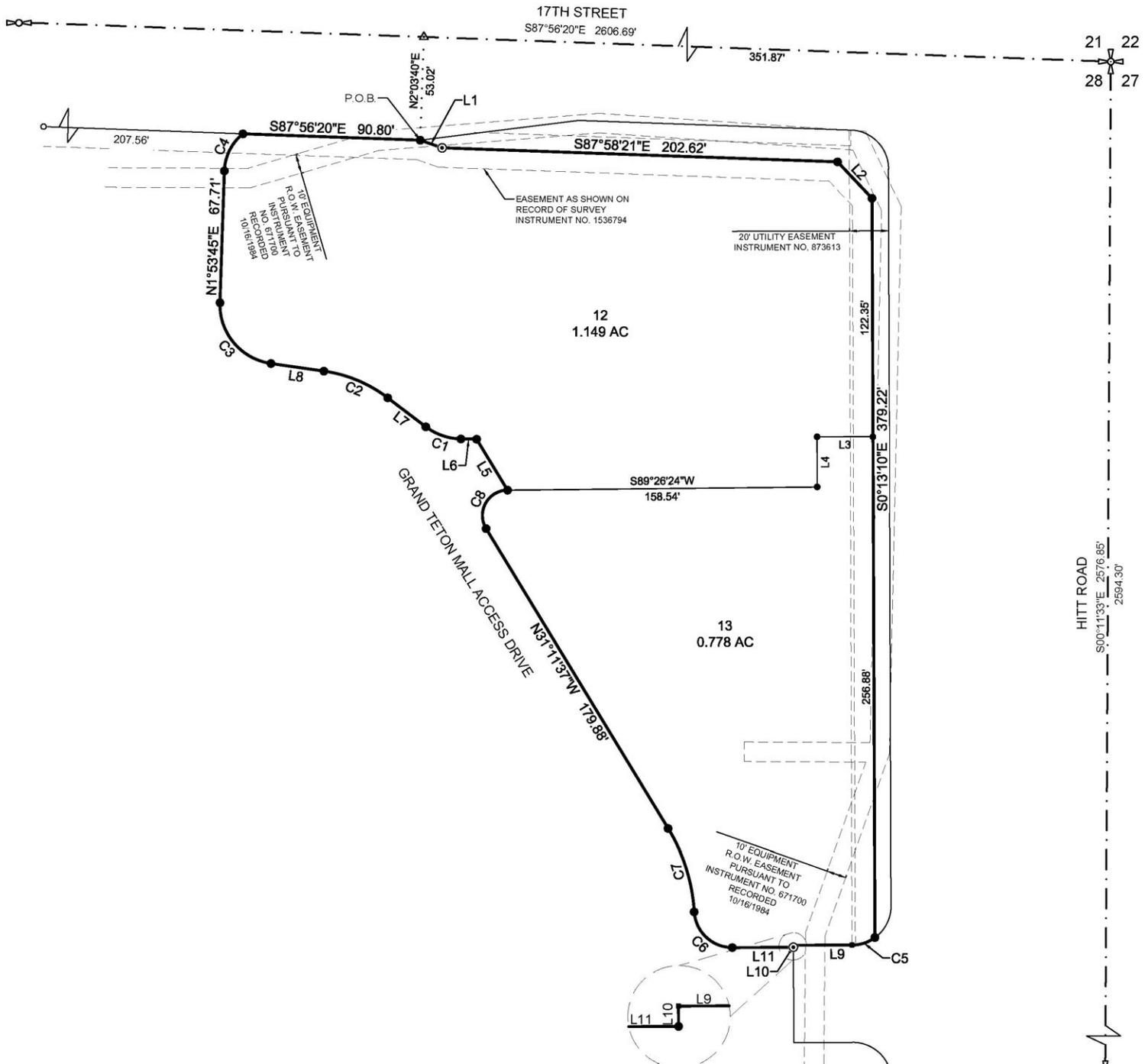
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

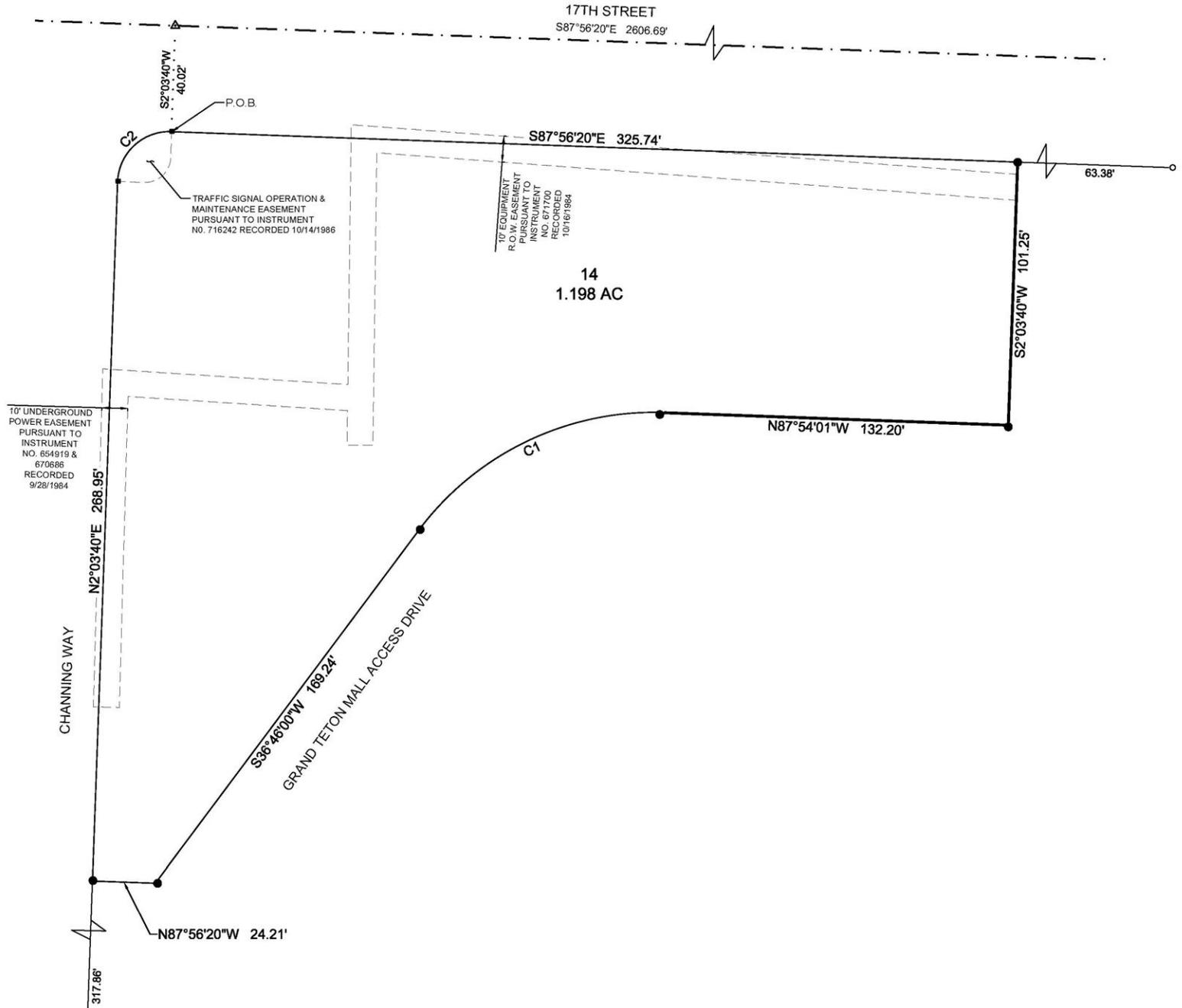
Brad,

Could we please put in front of City Council a 6-month Final Plat Extension for the Rose Nielsen 4th Amended and Rose Nielsen 5th Amended Final Plats? We are requesting this extension due to our timeline being stretched while working with our client and the City on easement and ROW requests. The 4th Amended Plat is being circulated for signatures and will likely be ready to record the latter part of next week but may need a little extra time to meet everyone's schedules for signature. The 5th Amended Plat is in the review process with the City and Owner working through easements. We are hoping this will be resolved soon. Please let me know if you have any questions or concerns.

Thanks,

Caden Fuhriman







MEMORANDUM

FROM: Brad Cramer, Director [Click or tap here to enter text.](#)

DATE: Monday, July 27, 2020

RE: Final Plat, Development Agreement and Reasoned Statement of Relevant Criteria and Standards, Clay Subdivision Division 1

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

1. Approve the Development Agreement for Clay Subdivision Division 1, and give authorization for the Mayor and City Clerk to execute the necessary documents.
2. Accept the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Clay Subdivision Division 1, and give authorization for the Mayor to execute the necessary documents.

Description, Background Information & Purpose

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards, M&B: Clay Subdivision Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Final Plat complies with the Subdivision Code. Per the Subdivision Code, if the plat complies with the requirements, the Council shall approve it. This is consistent with goals for

Good Governance. Plats are also associated with goals for Growth, Transportation, Sustainability, and Livable Communities.

Interdepartmental Coordination

The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, Water, Planning, Sewer, Engineering, Survey, and Parks and Rec.

Fiscal Impact

NA

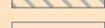
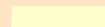
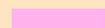
Legal Review

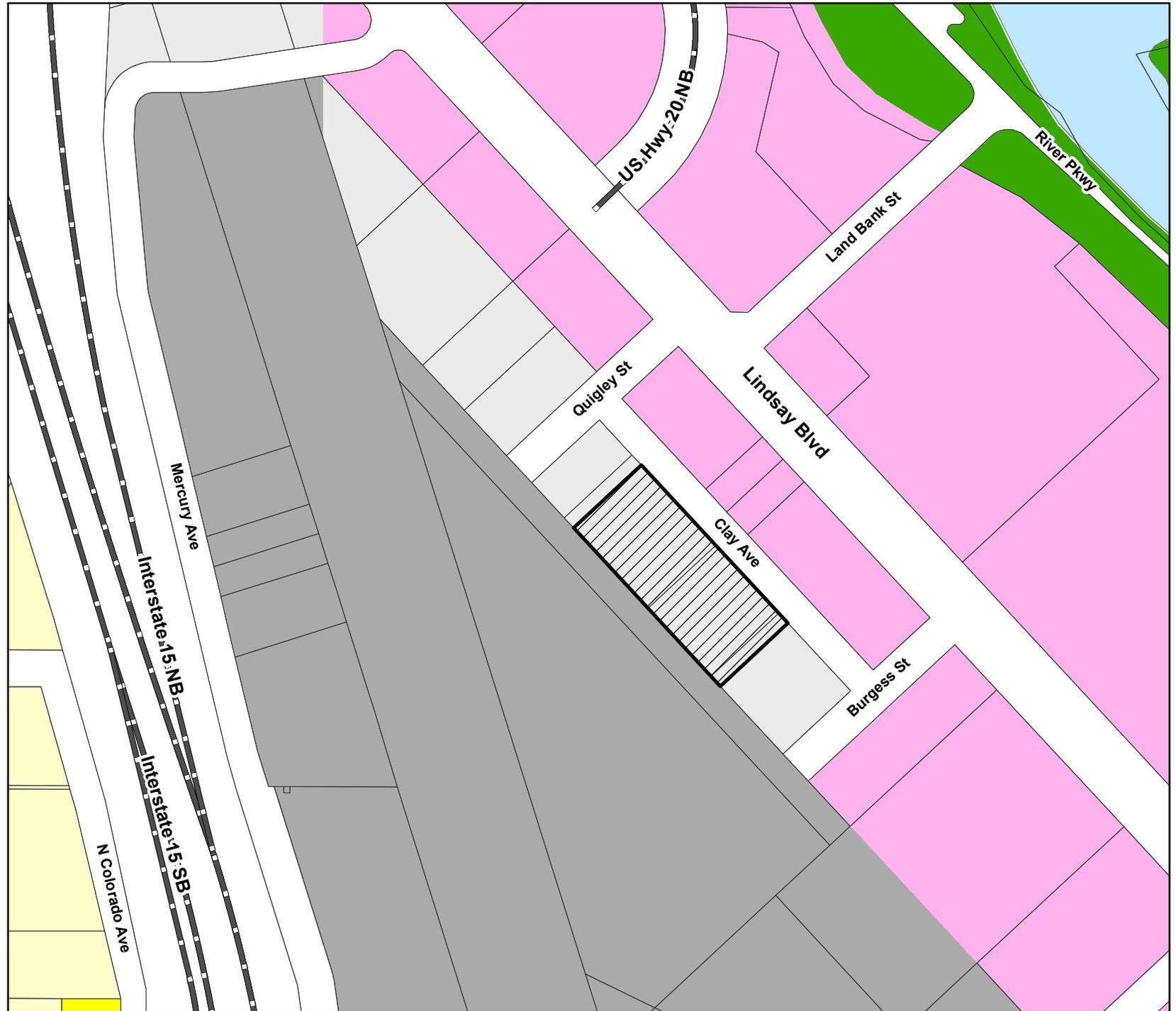
This application has been reviewed by Legal pursuant to applicable law.

Legend

-  Site - CP
-  City Limits
-  Area of Impact

Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P



Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276





TREASURER'S CERTIFICATE

I, the undersigned County Treasurer in and for the County of Bonneville, State of Idaho, pursuant to the requirements of I.C. § 50-1308, do hereby certify that all County property taxes due for the property included in the Boundary Description shown hereon are current.

Date: _____
 BONNEVILLE COUNTY TREASURER

SURVEYOR'S CERTIFICATE

I, Barry G. Whitson, a licensed professional land surveyor in the State of Idaho, do hereby certify that the survey of this subdivision, designated as CLAY SUBDIVISION, Division No. 1, was made under my direction, and that said subdivision is truly and correctly surveyed and staked as provided by law and in accordance with the accompanying plat as described hereon.

BARRY G. WHITSON, PLS _____ DATE _____

CLAY SUBDIVISION

DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS

LOCATED IN THE
 SE 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST, BOISE MERIDIAN

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that the undersigned Mercury Plastics Inc., a California Corporation, is the lawful OWNER of the tract of land included within the boundary description shown hereon and has caused the same to be platted and divided into blocks, lots, and streets, which plat shall hereafter be known as Clay Subdivision, Division No. 1, a subdivision of the City of Idaho Falls, Idaho, Bonneville County, Idaho.

BE IT FURTHER KNOWN, that OWNER does hereby dedicate grant and convey to the public, all streets and right-of-ways shown hereon, that OWNER also does hereby grant and convey to the City of Idaho Falls all public easements forever as irrevocable permanent non-exclusive public easements as shown and described hereon.

OWNER, or his heirs and assigns, agree they will construct no permanent structure within or upon any easement shown hereon, and the City of Idaho Falls and its successors, assigns, permittees or licensees shall also have the right, to remove, cut or trim any trees, brush, ornamental shrubbery or plant which may injure or interfere with the use thereof for its intended purposes, such right may be exercised without prior notice to OWNER or his heirs, successors or assigns.

OWNER or his heirs, successors or assigns further agree that they shall not plant any trees, brush, ornamental shrubbery or plants which may hinder the safe and efficient utilization of said easements.

OWNER or his heirs, successors or assigns hereby releases the City of Idaho Falls and its successors, assigns, permittees or licensees from any claim for damages, based upon concealed or undisclosed private improvements constructed or permitted to be constructed by OWNER or his successors or assigns within any public easements, subsequent to recording this subdivision, that may be incurred as a result of the City of Idaho Falls and its successors, assigns, permittees or licensees ordinary use of the public easements with due care.

OWNER or his heirs, successors or assigns do hereby warrant and shall defend such dedication and conveyances in the quiet and peaceful possession of the public or the City of Idaho Falls, as the case may be, against said OWNER and his heirs, successors and assigns, and against every person whomsoever who lawfully holds or who later claims to have lawfully held any rights in said estate as of the date hereof.

IN WITNESS WHEREOF, OWNER has hereunto subscribed his seal and signature this _____ day of _____, 2020.
 Mercury Plastics, Inc., OWNER., a California Corporation

 Benjamin Deutsch, President

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____)

On this _____ day of _____, 2020, before me, a notary public in and for said state, personally appeared Benjamin Deutsch, known or identified to me to be the President of Mercury Plastics, Inc., and the officer who subscribed said corporation's name to the foregoing OWNER'S Dedication and the Drinking Water System Certificate and acknowledged to me that he is authorized to execute the same for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and the year in this certificate first above written.

 Notary Public for the State of Idaho
 Residing at: _____
 Commission Expiration Date: _____

DRINKING WATER SYSTEM CERTIFICATE

Pursuant to I.C. § 50-1334, the OWNER does hereby, certify that all lots shown on this plat are eligible to receive water from the City of Idaho Falls municipal water system, and said City has agreed in writing to provide culinary water service to said lots pursuant to the provisions of Title 8, Chapter 4 of the Idaho Falls City Code as amended from time to time.

IN WITNESS WHEREOF, OWNER has hereunto set its signatures this _____ day of _____, 2020.

 Benjamin Deutsch, President

BOUNDARY DESCRIPTION

Part of the SE 1/4 of Section 13, Township 2 North, Range 37 East, B.M. Bonneville County, Idaho also being part of the unrecorded Taylor Addition to the City of Idaho Falls described as;

Commencing at a the South 1/4 Corner of said Section 13 from which the Meander Corner on the southerly line of said Section 13 bears S89°52'34"E, 2539.26 feet, run thence S89°52'34"E along said southerly line of said Section 13, 895.61 feet, thence leaving said southerly line N00°07'26"E, 1594.53 feet to the intersection of Burgess Street and Clay Avenue monumented with a 1/2" iron rod and plastic cap stamped PLS 10786, thence N42°51'22"W 180.00 feet along the centerline of Clay Avenue, thence S47°08'38"W 25.00 feet to the Southwesterly Right-of-Way of Clay Avenue said point being the true Point of Beginning;
 Thence S47°08'38"W 150.00 feet; thence N42°51'22"W 350.00 feet; thence N47°08'38"E 150.00 feet to said Right-of-Way of Clay Avenue; thence along said Right-of-Way S42°51'22"E 350.00 feet to the Point of Beginning.
 Parcel contains 1.205 acres

COUNTY SURVEYOR'S VERIFICATION

I certify that I am a licensed professional land surveyor in the State of Idaho and that I have examined this plat and find that it complies with I.C. § 50-1305.

Date: _____
 BONNEVILLE COUNTY SURVEYOR, Shane C. Remer P.L.S. No. 12222

CITY'S ACCEPTANCE

The accompanying plat was duly accepted and approved by the City Council of Idaho Falls adopted this _____ day of _____, 2020.

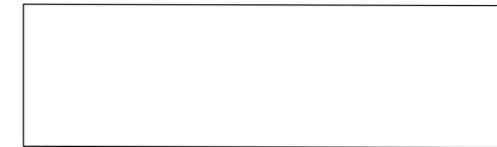
 MAYOR CITY CLERK

 CITY ENGINEER, Kent J. Fugal, PE 9247 CITY SURVEYOR, Kenneth Baldwin Roberts, PLS 9755

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat Clay Subdivision, Division No. 1, was filed in the Office of the Recorder of Bonneville County, Idaho

 BONNEVILLE COUNTY RECORDER DATE _____



IRRIGATION WATER RIGHTS STATEMENT

Water rights and assessment obligations are not appurtenant to the lands included within this plat. Lots within this subdivision will not receive a water right.

HEALTH DEPARTMENT CERTIFICATE OF APPROVAL

Sanitary restrictions as required by I.C. § 50-1326 have been satisfied based on the Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with I.C. § 50-1326, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.
 EASTERN IDAHO PUBLIC HEALTH DISTRICT

 ENVIRONMENTAL HEALTH SPECIALIST, REHS Date: _____

FLOOD NOTE

Parcel lies in Zone C as per FIRM Community Panel Number 160029 0005 B, effective dated October 5, 1982.

Subdivision Title and Guarantee Report was provided by Commonwealth Land Title Insurance Company, Guarantee No. 7195-44-368333-2017.81075-212175534

CLAY SUBDIVISION
DIVISION NO. 1

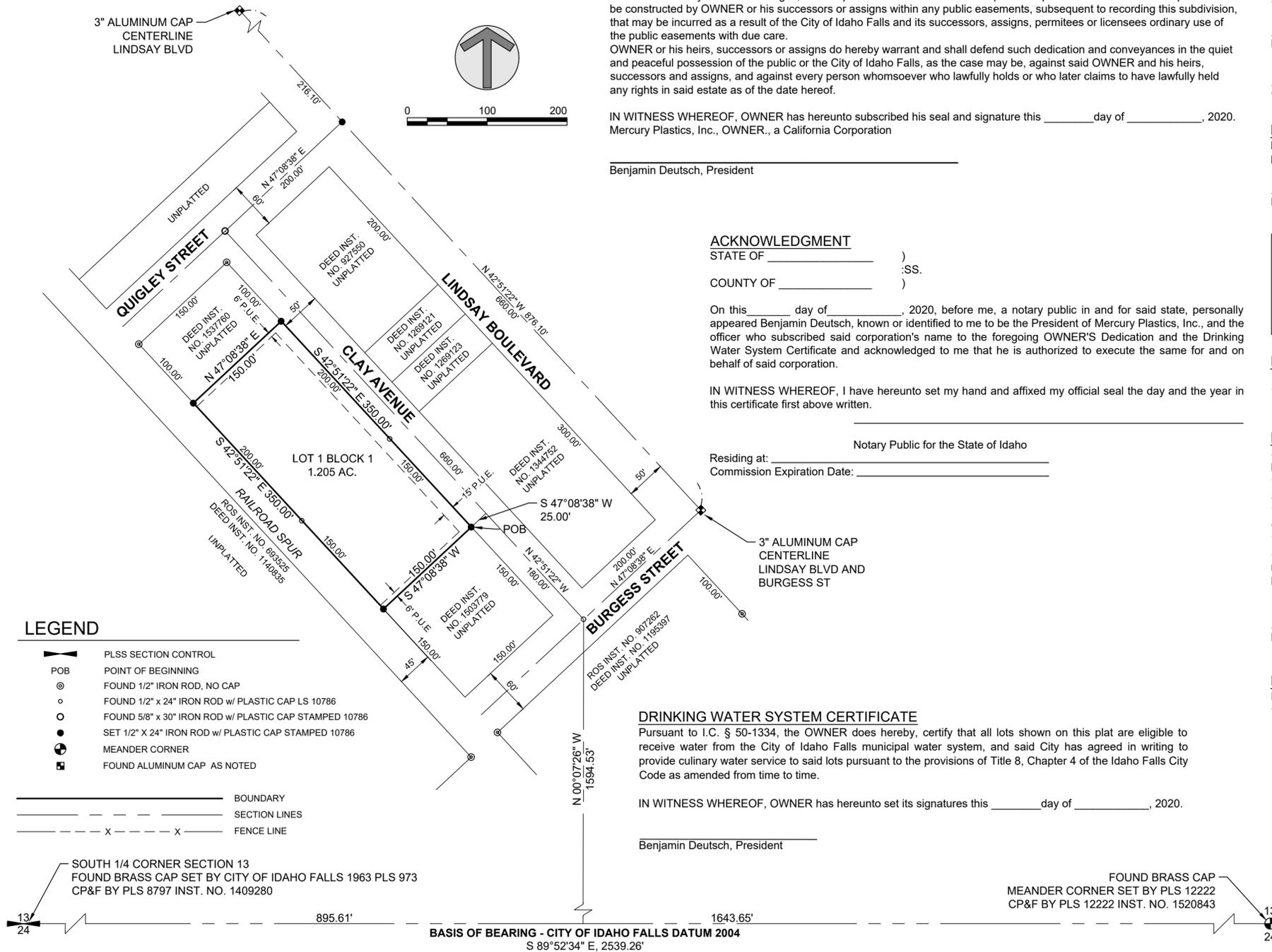
A SUBDIVISION OF THE CITY OF IDAHO FALLS
 BONNEVILLE COUNTY, IDAHO

LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST, BOISE MERIDIAN

SCALE: 1"=60'	DRAWN: JAM	JOB #: 217030
Date: 06/16/2020	CHECKED: BGW	SHEET: 1 OF 1
DRAWING FILE: Y:\PROJECTS_PROJECTS 2017\217030 - MP CLAY BUILDINGS\IC_DESN\CAD\217030 CLAY PLAT CITY.DWG		



3153 McNeil Drive
 Idaho Falls, Idaho 83402
 Ph: (208) 542-6120
 Fax: (208) 542-6287



LEGEND

- PLSS SECTION CONTROL
- POB POINT OF BEGINNING
- FOUND 1/2" IRON ROD, NO CAP
- FOUND 1/2" x 24" IRON ROD w/ PLASTIC CAP LS 10786
- FOUND 5/8" x 30" IRON ROD w/ PLASTIC CAP STAMPED 10786
- SET 1/2" x 24" IRON ROD w/ PLASTIC CAP STAMPED 10786
- MEANDER CORNER
- FOUND ALUMINUM CAP AS NOTED

- BOUNDARY
- SECTION LINES
- FENCE LINE

SOUTH 1/4 CORNER SECTION 13
 FOUND BRASS CAP SET BY CITY OF IDAHO FALLS 1963 PLS 973
 CP&F BY PLS 8797 INST. NO. 1409280

FOUND BRASS CAP
 MEANDER CORNER SET BY PLS 12222
 CP&F BY PLS 12222 INST. NO. 1520843

BASIS OF BEARING - CITY OF IDAHO FALLS DATUM 2004
 S 89°52'34" E, 2539.26'

IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
Final Plat
Clay Subdivision
July 7, 2020



Applicant: Keller Associates Inc

Project Manager: Kerry Beutler

Location: Generally located south of US Hwy 20, west of Lindsay Blvd., north of W Broadway and east of Interstate 15.

Size: Approx. 1.205 acres
Lots: 1

Existing Zoning: LM
North: LM
South: LM
East: HC
West: I&M

Existing Land Uses:
Site: Vacant
North: Industrial
South: Industrial
East: Commercial
West: Industrial

Future Land Use Map:
Highway Related
Industrial/Employment Center

Attachments:
1. Maps and Aerial Photos
2. Letter

Requested Action: To recommend to the Mayor and City Council approval of the final plat for Clay Subdivision.

History: This property was annexed into the city in 1940. The property has been vacant since the 1940 annexation. Most of the buildings in this area were constructed in the 50's and 60's. This property has never been platted. Platting is required to allow for development of the property. The applicant began the platting process in 2018. The Planning and Zoning Commission had recommended approval of the plat to City Council at that time, but the applicant chose not to proceed with completing the plat at that time. The applicant now wishes to proceed with platting of the property.

Staff Comments: The plat includes a single commercial lot of just over an acre. Access to the property will come from Clay Avenue, an unimproved local street. As part of development the Lot's frontage onto Clay Ave. will be improved to city standards, including curb, gutter and sidewalk. Street improvements will also need to be extended back to existing asphalt. The developer is proposing to provide asphalt improvements south down Clay Avenue to Burgess Street and then back to the existing asphalt, just off of the intersection of Lindsey Blvd. and Burgess Street. This will be required at the time of site plan approval in conjunction with development.

Platting and street improvements will promote redevelopment of this area which complies with the principles of the Comprehensive Plan. Specifically, encouraging development in areas served by public utilities or where extension of facilities are least costly.

Staff Recommendation: Staff has reviewed the final plat and finds that it complies with the subdivision ordinance and the development standards of the LM Zone. Staff recommends approval of the plat.

Subdivision Ordinance: Boxes: with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	NA
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1)The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection ; and 5) The developer or owner agrees to provide all improvements , such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access.	NA
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	NA
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150ft except where the use of berms, vegetation , and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical , existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	NA
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular and pedestrian safety, and population density.	No new roads proposed

Comprehensive Plan Policies:

Lands served by railroad/airport facilities and near or adjacent to State highways shall be retained for industrial development. To protect our economy, we need to protect those lands offering railroad access or airport access adjacent to major arterial highways. (p.52)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. Not only is a compact city convenient but the provision of public facilities is less expensive.

Growth does not always occur at the fringe of a community. (p.67)

Zoning:

11-3-7: PURPOSE OF INDUSTRIAL ZONES

(A) LM Light Manufacturing and Heavy Commercial Zone. This zone provides a light industrial zone in which the primary use of land is for non-nuisance industries, and heavy commercial establishments. This Zone is characterized by a wide variety of businesses, warehouses, equipment yards, and light manufacturing and industrial uses, and located convenient to transportation systems.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks – Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	
*See explanations, exceptions and qualifications that follow in 11-3-8A (1-2) of this Zoning Code.		

July 7, 2020

7:00 p.m.

Planning Department
Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

MEMBERS PRESENT: Commissioners Natalie Black, Joanne Denney, Gene Hicks, Brent Dixon, George Morrison.

MEMBERS ABSENT: Arnold Cantu, Lindsey Romankiw, Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: The Minutes for June 2, 2020 were tabled to be revisited at the next meeting. Dixon requested a re-listen to Item 4 to include additional comments he had.

1. PLAT 20-019: FINAL PLAT. Clay Subdivision Division 1.

Applicant: Barry Whitson, Keller Associates, 3153 McNeil Drive, Idaho Falls, Idaho.

Whitson indicated that this is a one lot subdivision plat that has come to P&Z before but then it got tabled at the owners request and then they missed their time frame. They are now bringing this back to P&Z for approval to move forward to City Council.

Beutler presented the staff report, a part of the record.

Dixon asked how come the land on either side is developed, but not platted. Beutler indicated that the land was developed in the 50's and 60's and platting was likely not required at that time. Beutler stated that the area along Clay is more historic type development and the newer development has occurred elsewhere and the City's current standard is to require platting. Dixon asked if the applicant is required to put in Curb and gutter and sidewalk on his side of the street. Beutler indicated that they do a full width street with curb and gutter on both sides to manage storm water and then sidewalk on the applicant's side of the street and the east side of Clay would be the responsibility of the properties as they redevelop. Dixon asked about Clay and Burgess before the asphalt and whether they are doing sidewalk further down or just curb and gutter and paving to the existing asphalt on Burgess.

Barry Whitson indicated that he knows they are improving Clay from the north end of his property to the existing asphalt on Burgess, but he cannot recall the rest of the details, but would assume they are only doing sidewalk in front of their property.

Dixon stated that the final plat seems to be in order and makes sense.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Clay Subdivision Division 1, Hick seconded the motion and it passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF CLAY SUBDIVISION LOCATED GENERALLY SOUTH OF US HWY 20, WEST OF LINDSAY BLVD., NORTH OF W BROADWAY AND EAST OF INTERSTATE 15.

WHEREAS, the applicant filed an application for a final plat on May 18, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on July 30, 2020 and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 1.205 acres parcel located generally south of US Hwy 20, west of Lindsay Blvd., north of W Broadway and east of Interstate 15. The subdivision includes 38 residential lots.
3. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance for the LM Zone.
4. The property has never been platted and platting is required to allow for development of the property.
5. Platting and street improvements will promote redevelopment of this area which is consistent with the City's Comprehensive Plan.
6. The Idaho Falls Planning and Zoning Commission recommended approval of this Final Plat as presented.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat of Clay Subdivision.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca L. Noah Casper, Mayor



MEMORANDUM

FROM: Brad Cramer, Director

DATE: Monday, July 27, 2020

RE: Rezone from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 3, Block 2, Sayer Business Park Division 1

Council Action Desired

- Ordinance
- Resolution
- Public Hearing
- Other Action (Approval, Authorization, Ratification, etc)

1. Approve the Ordinance Rezoning Lot 3, Block2, Sayer Business Park Division 1 from LM to LC under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary.
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from LM to LC Lot 3, Block 2, Sayer Business Park Division 1, and give authorization for the Mayor to execute the necessary documents

Description, Background Information & Purpose

Attached is the application for Rezoning from LM to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, for Lot 3, Block 2, Sayer Business Park Division 1. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consideration of the rezone must be done consistent with the principles of the Comprehensive Plan, which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

n/a

Fiscal Impact

n/a

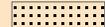
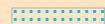
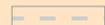
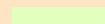
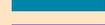
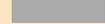
Legal Review

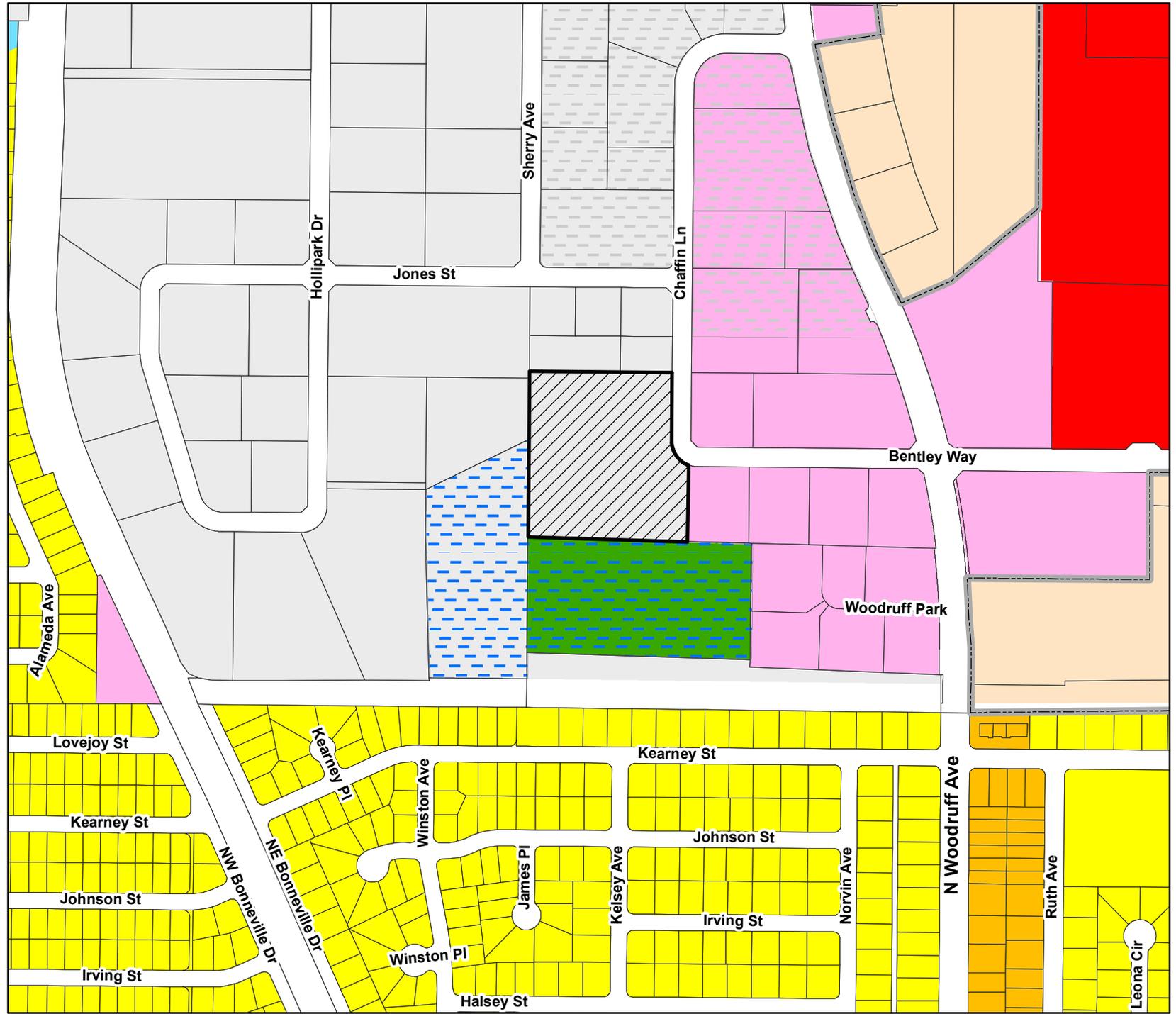
This application and ordinance have been reviewed by Legal pursuant to applicable law.

Legend

-  Site - CP
-  City Limits
-  Area of Impact

Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P



Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276





Sherry Ave

Jones St

Chaffin Ln

Hollipark Dr

Bentley Way

Jones St

Woodruff Park

N Woodruff Ave

NE Bonneville Dr

Kearney Pt

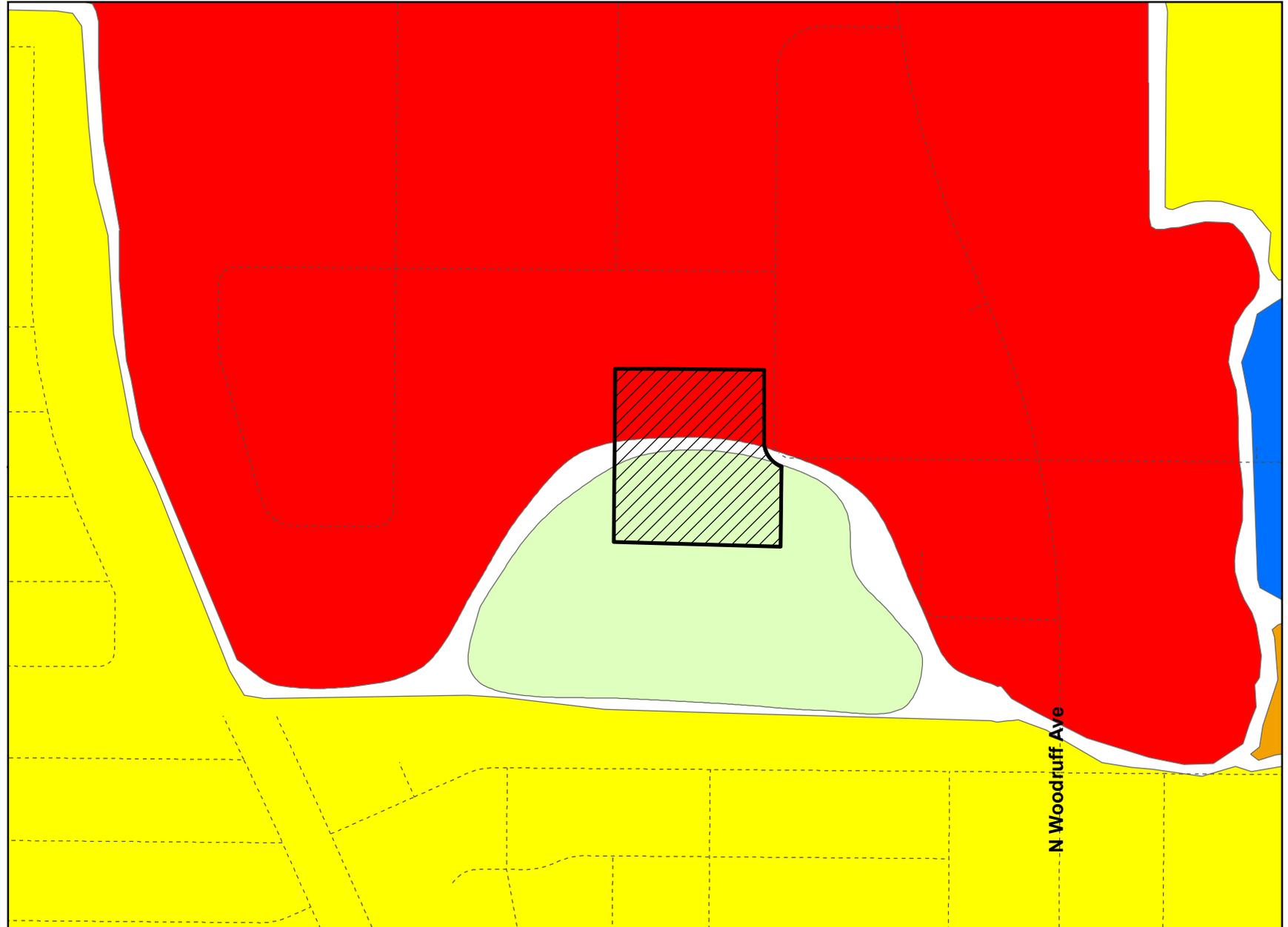
Kearney St

Rezone LM to LC

RZON20-006 ~ Lot 3 Block 2 Sayer Business Park Division 1

- | | | | | |
|---|--|---|--|---|
|  Estate |  Greenbelt Mixed Uses |  Commercial |  Higher Education Centers |  Railroad Related Industrial |
|  Low Density |  Parks, Recreation |  Employment Centers |  Planned Transition | |
|  Higher Density |  Public Facilities, Open Spaces |  Medical Services Center |  Highway Related Industrial | |

Comprehensive
Plan



IDAHO FALLS

Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276



IDAHO FALLS PLANNING AND ZONING COMMISSION
 STAFF REPORT
REZONE FROM LM to LC
Lot 3 Block 2 Sayer Business Park Division 1
July 7, 2020



Community
 Development
 Services

Applicant: Brandon Lee

Project Manager: Kerry Beutler

Location: Generally located North of E 1st St, East of Hollipark Dr, South of Lincoln Rd, West of N Woodruff Ave

Size: 5.504 acres

Existing Zoning:

Site: LM
 North: LM
 South: P
 East: HC
 West: LM

Existing Land Uses:

Site: Vacant
 North: Commercial
 South: Storm Pond
 East: Commercial
 West: Well Site

Future Land Use

Map:
 Commercial/Public Facilities, Open Space

Attachments:

1. Zoning Ordinance Information
2. Comprehensive Plan Policies
3. Maps and aerial photos

Requested Action: To **recommend** approval of the rezone from LM, Light Manufacturing and Heavy Commercial to LC, Limited Commercial to the Mayor and City Council.

Staff Recommendation: The LC Zone is consistent with the policies of the Comprehensive Plan and existing land uses in the area when developed for commercial uses. Residential development of the property, also allowed in the LC Zone, aligns with some Comprehensive Plan policies and conflicts with others.

History: The property was annexed in 1979 and zoned C-1, Limited Business Zone as part of the Chaffin Addition, Division No. 2. The C-1 designation was assigned to the entire subdivision. The C-1 Zone is the same as the current LC, Limited Commercial Zone. When the city updated the zoning ordinance in 2018 it changed the C-1 designation to be LC. The property was rezoned from C-1 to HC-1, Highway Commercial (the same as HC currently) in 2006, accompanying a subdivision plat. The property was replatted in 2006 as part of the Sayer Business Park. In 2018 the city rezoned this area from HC-1 to LM as part of the zoning ordinance update because LM seemed to be more consistent with the heavier commercial uses that had developed in the area. Aside from agricultural use the property has never been developed.

Staff Comments: The Future land use map shows this area as Commercial/Public Facilities, Open Space. The requested LC Zone is consistent with the commercial designation. Existing land uses in the area are mixed between general commercial (office uses), heavy commercial (vehicle sales, vehicle repair, storage units, wholesale businesses) and light industry (publishing & contractor shops). Commercial uses within the LC Zone would be in keeping with the existing land uses in this area.

The Comprehensive Plan encourages allowing for a number of modestly sized sites to offer a greater choice of locations for industry and employers. Removing the LM designation reduces the number of properties available for heavier commercial and light industrial uses. It also restricts the number of potential commercial uses, since the LC Zone is more limited than other commercial zones. The property has also been rezoned (C-1, HC-1, HC, LM) several times since 1979 and the property has yet to develop.

(continued on next page)

The LC Zone would also allow residential development where other commercial designations would not. Residential development here would most likely be higher density development. The Comprehensive Plan provides for higher density housing to be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors. Bentley Way is a 60 foot wide local street, but within close proximity to Woodruff Ave., a Minor Arterial.

If this property were developed for residential purposes it would be near basic services (grocery, banking, etc.) as well as employment centers. Public facilities (well site and storm pond) immediately to the west and south would buffer a large portion of the property from adjacent commercial uses. If residential were developed here there is also the potential for heavy commercial traffic to now move through a partial residential area. This has the potential to create conflicts or nuisances where there is now a mix of traffic types, where before there wasn't. Effective design, including development standards currently required by the zoning ordinance, can minimize negative impacts, but it remains a concern.

The development of Costco at Lincoln and 25th is changing the development patterns for this area. The city is now seeing more requests for both general commercial and residential development. As a mixed zone the LC designation would meet this demand.

Comprehensive Plan Policies:

Create a node of higher density housing and mixed uses to provide a ready market and to add interest to our arterial streets. If a failing retail environment still includes or is near grocery stores, drug stores, small restaurants, and recreational amenities, encouraging redevelopment to higher density housing with limited retail may be an alternative which revitalizes the commercial strip. Effective design can minimize the negative impacts of traffic, and the ugliness of an older commercial strip can be reduced or eliminated by architectural quality, landscaping and trees including median landscaping, street lamps and furniture, wide sidewalks, and placement of restaurant, retail, and two or three story buildings near the street right-of-way. (p. 34)

Understand the demand for industrial uses in our community. There are many types of heavy commercial or industrial uses in a community. Just as the retail market has demanded new types of facilities in different locations, the industrial market has changed. In most communities, the demand has moved to a campus like setting for manufacturing, warehousing and distribution, and research and development. The North Boulevard – Technology Drive area was created to provide this type of environment but the remaining land is limited. University Boulevard in northern Idaho Falls may provide this type of facility for research and development. The area south of York Road was annexed and zoned for light industry but the need has not materialized on this site. Land in the northeast of the City near Yellowstone Highway also has railroad access. We need to identify our industrial potential as a community, develop criteria for the sites needed, identify the applicable locations, and protect those areas. (p. 34)

Arterial corners shall support higher density housing, quasi-public services, or community/neighborhood commercial services. (p.41)

Higher density housing should be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors, with access only to the collector street. Apartments and townhouses are located adjacent to arterial and collector streets for two reasons. Larger lots necessary for higher density housing offer opportunities for building layout, setbacks, and buffering with berms and fences to minimize the impact of street noise. If apartments and townhouses are located close to arterial streets, traffic from apartments will not move through neighborhoods. However, higher density housing should still be clustered: it should not be used to line arterial streets. (p. 43)

Plan for different commercial functions within the City of Idaho Falls. Private developers recognize there are different types of commercial development serving different customers. In our planning, we need to understand these different functions and require different site standards. (p. 46)

Revise the zoning ordinance to encourage the creation of employment centers. Employment centers are an extension of industrial and office parks carefully planned to facilitate interaction between light industrial uses, offices, and limited commercial activities. Such centers offer services for the employee and visitor, such as day care centers, restaurants, and business services. The zones which have been used for employment centers are M-1, R&D-1, and C-1 as well as PB. Again, we need to monitor the results of development to determine if these zones promote the mix of land uses envisioned in this comprehensive plan. (p.52)

Encourage a number of locations in the City for industry and large employers. There should be a number of modestly sized sites to offer employers a greater choice of locations and convenience to employees. (p. 52)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. Not only is a compact city convenient but the provision of public facilities is less expensive. Growth does not always occur at the fringe of a community. Vacant lands or underutilized parcels may redevelop to more intensive uses which use existing utilities. (Page 67)

Commercial Retail shops, restaurants, and offices.

Higher density residential Homes, apartments, and condominiums developed at densities of 8 to 35 units per acre.

Rezoning

Considerations: Because the comprehensive plan provides only general guidance for zoning decisions, the Planning Commission shall also take the following considerations into account:

Criteria for Rezoning Section 11-6-5(I) of Ordinance	Staff Comment
The Zoning is consistent with the principles of City's adopted Comprehensive Plan, as required by Idaho Code.	The Comprehensive Plan shows this area as commercial. The requested LC Zone is consistent with the commercial designation.
The potential for traffic congestion as a result of development or changing land use in the area and need that may be created for wider streets, additional turning lanes and signals, and other transportation improvements.	Uses and traffic generation from LM to LC should be very similar and not require street widening, etc. The transportation network in this area is very could with access to multiple arterials. The LC Zone would also allow residential development. Although the traffic patterns would be different if residential development were built here it would not overwhelm the street network. When justified, the intersection of Bentley Way and Woodruff Ave. will be signalized offering a safe connection for future traffic.
The potential for exceeding the capacity of existing public services, including, but not limited to: schools,	Rezoning to LC will not have an impact on infrastructure in the area.

<p>public safety services, emergency medical services, solid waste collection and disposal, water and sewer services, other public utilities, and parks and recreational services.</p>	
<p>The potential for nuisances or health and safety hazards that could have an adverse effect on adjoining properties.</p>	<p>Staff is unaware of specific nuisances or hazards related to the rezone if the property is developed commercially. If the property is developed for a residential use there could be the possibility of nuisances from existing adjacent heavy commercial uses.</p>
<p>Recent changes in land use on adjoining parcels or in the neighborhood of the proposed zoning map amendment.</p>	<p>Recently approximately 41 acres of ground across Woodruff Avenue was annexed and zoned LC. An additional 20 acres has been requested for annexation and zoning of LC north of Lincoln Road. The development of Costco in this area has changed the development patterns for this neighborhood. The city is now seeing more requests for both commercial and residential development.</p>
<p>Zoning Application Questions:</p>	<p>Applicant’s response:</p>
<p>Explain how the proposed change is in accordance with the City of Idaho Falls Comprehensive Plan.</p>	<p>I have reviewed the City’s Comprehensive Plan in detail and found several ways in which this proposed change is directly in line with the Plan. First, in combination with the LC parcels directly on the east side of Woodruff and the planned multi-family projects there, this will create a node of higher density housing and mixed uses to provide a ready market and to add interest to our arterial streets.</p> <p>Additionally, as stated in the Plan, “With careful site planning, higher density housing and offices may be a buffer between commercial and industrial land adjoining residential uses.” This project facilitates that objective.</p> <p>Further, the Plan states that “Higher density housing should be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors, with access only to the collector street.” This objective is also met with our proposed change. Additionally, this property is very close to two Arterial corners, which as the Plan calls out, should support higher density housing.</p> <p>The Plan also states, the city wants to “Encourage development in areas served by public utilities or where extensions of facilities are least costly.” As the infrastructure has already been built and public utilities are present, this change would obviously take a long term vacant property and utilize the existing infrastructure and investment that the city has made without extensive additions.</p> <p>The Plan makes several comments regarding the need for a variety of housing types. One such comment said “Neighborhoods should contain a variety of housing types and, with good site planning, apartments and townhouses can be near arterial streets, be directly served by collector streets, and provide an opportunity for all residents of the City to have</p>

	<p>housing which meets their needs.” Our project will do exactly that.</p> <p>Lastly, and perhaps the most relevant statements from the Plan were these: “Not only is a compact city convenient but the provision.</p>
<p>What changes have occurred in the area to justify the request for rezone?</p>	<p>Within the not too far distant past, the parcels adjacent to this parcel were actually previously zoned LC and would have allowed this use. With the continued need in our community to provide a variety of housing needs, Residential development should reflect the economic and social diversity of Idaho Falls. The proposed use for this parcel helps achieve that objective.</p> <p>As development has continued to occur within the city, a comment from the Plan stood out to me, “People told us we should be concerned with how well things work. We need to be less concerned about how many acres of commercial land we need and more concerned about how the commercial land use works.” As you will see, the plan we will produce for this rezone truly works and is the highest and best use of this land for the city’s residents today.</p> <p>As previously mentioned, this rezone will help create a node and provide a buffer in the same manner as is being planned on the East side of the Woodruff arterial.</p>
<p>Are there existing land uses in the area similar to the proposed use?</p>	<p>Yes there are existing land uses in the area similar to the proposed use. The combination of this site along with the future development on the east side of Woodruff, which provides the same commercial buffer, together creates a node of multi-family offerings to meet the growing and varied housing needs within our community.</p>
<p>Is the site large enough to accommodate required access, parking, landscaping, etc. for the proposed use?</p>	<p>Yes, the site is large enough to accommodate the required access, parking, and landscaping for the proposed use.</p>

Zoning Ordinance:

11-3-5: PURPOSE OF COMMERCIAL ZONES

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City’s residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	

*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.

11-3-7: PURPOSE OF INDUSTRIAL ZONES

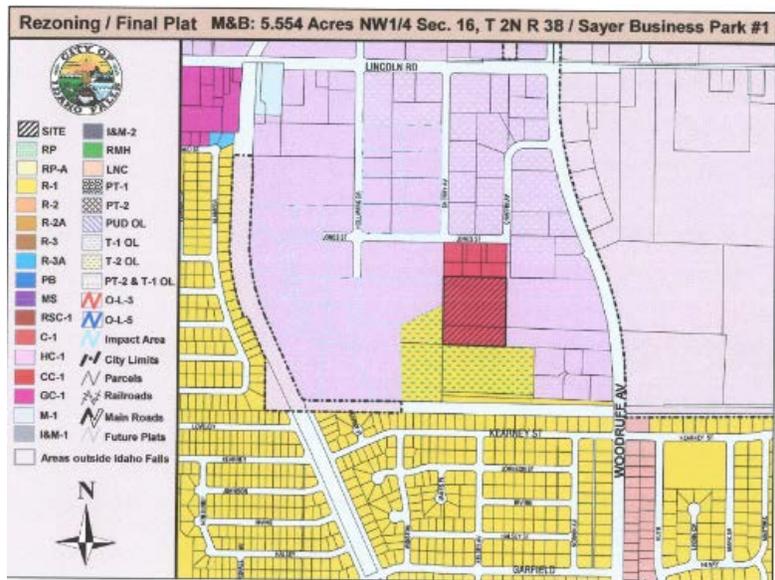
(A) LM Light Manufacturing and Heavy Commercial Zone. This zone provides a light industrial zone in which the primary use of land is for non-nuisance industries, and heavy commercial establishments. This Zone is characterized by a wide variety of businesses, warehouses, equipment yards, and light manufacturing and industrial uses, and located convenient to transportation systems.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks – Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	

*See explanations, exceptions and qualifications that follow in 11-3-8A (1-2) of this Zoning Code.

2006 Zoning Map



July 7, 2020

7:00 p.m.

Planning Department

Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

MEMBERS PRESENT: Commissioners Natalie Black, Joanne Denney, Gene Hicks, Brent Dixon, George Morrison.

MEMBERS ABSENT: Arnold Cantu, Lindsey Romankiw, Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: The Minutes for June 2, 2020 were tabled to be revisited at the next meeting. Dixon requested a re-listen to Item 4 to include additional comments he had.

Public Hearing(s):

4. RZON 20-006: REZONE. Rezone from LM to LC, Lot 3, Block 2, Sayer Business Park Division 1.

Black opened the public hearing.

Applicant: Brandon Lee, 120 Stonehaven Court, Idaho Falls, Idaho. Lee is a Commissioner on the City's Parks and Recreation Commission, and thanked the Commissioners for their service. Lee introduced himself, born and raised in IF, involved in commercial and residential real estate for 15 years across the US and this will be the first project in Idaho Falls. Lee indicated that their intent is to construct a multi-family residential project within the LC Zoning. Lee understands that they have to look at the zoning change. Lee has attached a site plan as an appendix to the presentation. Lee understands that the Comprehensive Plan might need to be reviewed and changed to recognize the highest and best uses to parcels when they differ from the current designation. Lee outlined items from the Comprehensive Plan ways that the rezone supports the Comprehensive Plan. Lee stated that there is a current need and demand for multi-family residential in the community. Lee believes the demand will grow into the foreseeable future. Lee stated that the rezone facilitates development in an area that already has public utilities. Lee stated that the Comprehensive Plan wants the residential offerings to reflect the economic and social diversity of Idaho Falls, and foster inclusiveness and connectivity through mixed housing types. Lee stated that higher density should be located close to service areas and arterial streets, and this proposal is close to Woodruff and Lincoln, close to services such as grocery, schools, golf course, Costco, health clinics. Lee stated that this proposal provides the transitional buffer from HC across Woodruff and does provide the highest and best use to the piece of land. Lee stated that if the project doesn't move forward, the LC designation would

blend and transition well from the HC on Woodruff. Lee pulled quotes from the Comprehensive Plan and had a slide illustrating them. Lee read “ Neighborhoods should contain a variety of housing types and with good site planning apartments and townhouses can be near arterial streets, be directly served by collector streets, and provide an opportunity for all residents of the City to have housing which meets their needs.” Lee stated that is their intent with this project. Lee performed a neighborhood outreach and contacted 11 property owners with a introduction letter, and as much as possible hand delivered the letters to the property owners and had good conversations. Lee stated that 3 property owners were excited and supportive and Dean Mortimer has provided a written statement for today’s hearing. Lee stated that the other two are on the line to provide public comment. Lee spoke with Jake Durtsche regarding this project to get further confirmation with his expertise on the need and demand for this type of product in the market. Lee stated that Durtsche confirmed that the need and demand are there for this product.

Blake Jolley, Connect Engineering 1150 Hollipark, Idaho Falls, Idaho. Jolley stated that the history of this area is as follows: Property was annexed in 1979 with an initial zoning of C1 and since that date there have been multiple changes in zoning including C1, HC1 (during platting), LM (During change in zoning ordinance). Jolley stated that the change from HC1 to LM was due to what was expected to be developed in the area. Jolley stated that change does bring different aspects of the property that could be developed in a different way than what was anticipated. Jolley indicated that the property has been vacant, and as change happens the market drives good aspects to the area, and develop the vacant parcels to utilize the existing arterials and access points.

Hicks complimented the applicant on a well prepared presentation.

Dixon asked if the applicant wishes to develop housing in the area, why didn’t they request R3.

Lee stated that their requested designation came after a conversation with City staff and looking for an appropriate designation for the use they want, but also a use that would fit, if they are unable to move forward and the LC zoning would comply with the Comp Plan and fit and blend well with the other uses.

Beutler presented the staff report, a part of the record.

Support/Opposition for Application:

Jake Durtsche. Durtsche is in support of this application because he believes our town needs more multi-family and likes the area that this gives more opportunity for people to live in this area. Durtsche is seeing demand for this and this will be a good thing for Idaho Falls.

MaKay Wallace. Wallace represents Kelly Sayer who is the owner of the subject property and also owns other parcels in the area. Wallace indicated that Sayer is in support for the rezone and the intended project. Wallace conveyed that Sayer feels the rezone would allow uses like the multi-family residential to promote a healthy well balanced transitional neighborhood. Wallace believes the rezone out weighs the long standing vacant parcel.

David Adams. Adams owns the contractors rental shops off of Jones Street that would be adjacent to the property. Adams is in favor of the rezone and the land is long over due to be developed. Adams has no issues with multi-family development.

Beutler read a letter from **Dean Mortimer**. Mortimer is in support of the rezone. Mortimer is a nearby property owner and has a vested interest in the neighborhood and the rezone would allow multi-family residential to support a healthy well balanced and well transitioned neighborhood. Mortimer believes the rezone would continue the transition and development of this vacant ground which would enhance the property values in the City and provide additional safety to have people engage in the community in which they live and work.

Black closed the public hearing.

Black is familiar with the area and has spent 3 weeks in a large city and has seen wonderful developments of mixed use with commercial mixed with housing. Black feels that residential is not out of the question for this area. Black feels a good mixed use development could give the whole area a shot in the arm.

Morrison believes it is an excellent change of zoning and the property could be a boom for the area. Morrison believes this is the perfect place for multi-family housing.

Dixon stated that his comment has nothing to do with the merit of whether this makes sense for an area of high density residential. Dixon stated that there is some difficulty in getting on Woodruff, or west on Anderson. Dixon stated that his main concern is that they are using a loophole in a commercial zone to enable a residential zone instead of using a residential zone, when the stated purpose and all comments are all relative to developing this for residential, not commercial. Dixon has a problem with using a commercial zone as a backdoor to provide for residential through a zone that shows the primary purpose is "A", but it also allows B,C,D, so we will ask for zone A because we want D.

Black believes any of the uses for the suggested zone would fit in this area. Black stated that if residential will make sense in this area. Black is comfortable with all uses in this area and that is what she likes about the LC Zone in this area. Black stated that this area is close to a grocery store, close to other amenities so there is a chance that they wouldn't have to drive. Black is comfortable with residential and commercial on this spot.

Dixon is looking at the zoning application question that was answered by the applicant and it explains how the proposed changes comply with the Comp Plan and the applicants response has all to do with housing.

Dixon stated that if they put a housing unit in this area, it is close to arterials, close to a park that the City could develop with amenities and putting residential next to a park is attractive. Black indicated that it is just a storm pond. Dixon indicated that they could develop a storm pond with grass and adding a swing set.

Hicks indicated that this could be the opening of filling in that entire area with some commercial and a lot of housing which would be good for the area.

Morrison moved to recommend to the Mayor and City Council approval of the rezone of Lot 3, Block 2 Sayer Business Park Division 1 from LM to LC as presented, Hicks seconded the motion and it passed 3-1. Dixon opposed the motion.

Dixon opposed the application because he doesn't feel the zone is appropriate for the intended use and they should look at a residential zone because all the discussion has been about using the property for residential and the applicant has stated that is their intention.

Dixon pointed out that it's not the first time that they have the applicant using a loophole in the zone, and they've seen it with TN as well. Dixon stated that when they evaluate the final plat they need to be based on what is written in the zone as what is allowed and what is not allowed, rather than the general statements from the Comprehensive Plan about the intent of the zone. Dixon stated that the intent is not what covers legally and legally is covered what is specifically allowed and not allowed. Dixon stated that given that he feels they are doing a disservice to themselves to have zones that are intended for A, but allow B, C, D. Dixon suggested having a single zone that allows everything and then it will be simpler. Dixon stated that he feels on the previous item that the staff's reasoning for why it fits the Comprehensive Plan is because LC can allow low density housing and so it "was consistent with the low density designation of the comprehensive Plan". Dixon wants this cleaned up so that when they get to the point of what is allowed and not allowed they are able to clearly support what is there because what is there clearly supports the earlier planning, instead of being a loophole as an additional allowed use that has nothing to do with the Comprehensive Plan, or nothing to do with other properties in the area. Dixon wants them to tighten and say commercial zone is for commercial and manufacturing is for manufacturing, residential is for residential. Dixon stated that it's the same problem with R3A will it be an office or an apartment. Dixon believes they need to have the developer identify the zone they want for the development they want to do and let them present their reasoning as to why that development is appropriate in that area, and let the Commission decide on the basis rather than picking something because it has a third or fourth use that fits what is really desired. Dixon feels that this sort of thing is what causes the stresses between the staff and the Commission. Dixon feels that the staff advises the applicant to choose a zone where the purpose is the 3rd or 4th use, not the primary use of the zone.

Michael Kirkham Esq. stated that as a policy if the City would like to adopt zones that have specific uses that refer back to a title, that is something the City can do. Kirkham stated that it is not illegal to have a zone that permits multiple types of uses. Kirkham stated that the history of zoning was that in the very beginning you had restricted zones that permitted fewer uses, than less restricted zones, until you got to an unrestricted zone that allowed all uses. Kirkham stated that historically zoning goes the opposite direction of Dixon's policy preference. Kirkham stated that he would encourage the Commission to not use the term "loophole" when you have a use that is permitted in the zone. Kirkham stated that the uses, when they are permitted in the zone, are not "loopholes" they are permitted uses. Kirkham stated that the Comprehensive Plan is not a zoning document, but it is a planning document and it helps the Commission and the City with a vision of how the City thinks it is going to grow. Kirkham stated that just because the designation on a map is adopted, it doesn't restrict the land area to only the use that the Comp Plan has envisioned.

Dixon agreed with Loophole, as it is a legally authorized use. Dixon stated that he's trying to state that they need to tighten the zone because the public looks at the zone and they have an expectation and then they find out that the Commission's hands are tied because the zone also allows other uses that are not in the zone description, but are allowed uses per the details of the actual ordinance, so they are legally allowed uses. Dixon stated that they need to determine where to apply the control and the place seems to be to tighten the ordinance so they don't allow so many different uses. Dixon knows that the most negative comments from the public is when they have a zone that allows multiple things. Dixon knows the developers love it and they can

develop whatever comes along, but the public wants certainty and want to know what is going to be developed next to existing residential. Dixon feels that the developer needs to pick a zone that is the use the developer wants, instead of a 2nd, 3rd, 4th legally allowed use. Dixon knows the public is looking for certainty. Dixon stated that the actual application of the ordinance would be very straight forward because the ordinance does not allow 14 different uses, and only allows 2 or 3 closely related uses. Dixon stated that the description is not the legally binding item, and the ordinance and the actual lines in the ordinance are the legally binding item and so when we are making a decision we have to make it based upon what is legally allowed, but in a lot of cases that is too flexible to provide certainty that the public is looking for.

Kirkham stated that the City could change its zoning ordinance if that is what is wanted.

Dixon is wanting the City to reassess. Dixon stated that the things that have happened with TN have proposals coming in that are having TN used in a way that has nothing to do with the description of TN. Dixon suggested that the planning staff in discussion with City Council talk about tightening some of the zones.

Black suggested discussing that when they have the meeting with the missing middle.

Cramer agreed with Black. Cramer sent a meeting invite for the phone call with Opticoast Design because those are the questions that need to be discussed in general. Cramer stated that any time they get higher density housing any where near low density housing it is always filled with concerns about what are you getting and how does it function. Cramer stated that they know they need housing but it hard to get anything approved other than a single family home, until it is in a spot and there is no obvious answer and there aren't standards that everyone is trusting. Cramer encouraged the Commissioners to jump on the call and be a participate in the project to look at the Codes. Cramer stated that the point of the call is to ask what the concerns are. Cramer stated that he understands that they are concerned with mixed use zones and what does it really mean. Dixon stated that he and Cramer have been in discussion about do the current ordinances give them what they think they are going to get when they have multi-family housing, or does it give things that help reinforce the publics opinion about multi-family housing. Dixon has taken pictures of recent developments and some are nice, and some need to be left to the judgement of someone else. Dixon suggested using that as a guide, stating that "I like 'A', but don't care for 'B' is there something in the specifics of the ordinance that if it were changed it would encourage for of 'A' and discourage 'B'.

Next meeting is scheduled for July 21, 2020.

Black adjourned the meeting at approximately 9:00 p.m.

Respectfully Submitted

Beckie Thompson, Recorder

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 5.504 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LM ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed zoning district of lands described in Section 1 is LC Zone for such annexed lands and such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation “Commercial/Public Facilities, Open Space;” and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with the City of Idaho Falls Comprehensive Plan; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on July 7, 2020, and recommended approval of zoning the subject property to LC Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on July 30, 2020.

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

SECTION 1: LEGAL DESCRIPTION:

This ordinance shall apply to the following described lands in Idaho Falls, Idaho, Bonneville County, to-wit:

5.504 Acres of Lot 3, Block 2, Sayer Business Park Division No. 1

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned “LC” and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

SECTION 3. 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 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho

Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF 5.504 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LM ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REZONE FROM LM TO LC OF LOT 3, BLOCK 2, SAYER BUSINESS PARK DIVISION NO. 1

WHEREAS, the applicant filed an application for rezoning on May 27, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on July 30, 2020 and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 5.504 acre parcel generally located north of E 1st St, east of Hollipark Dr, south of Lincoln Rd, west of N Woodruff Ave
3. The Comprehensive Plan designation for this area is Commercial/Public Facilities, Open Space.
4. The requested LC Zone is consistent with the commercial designation. Commercial uses within the LC Zone would be in keeping with the existing land uses in this area. Residential development of the property, also allowed in the LC Zone, aligns with some Comprehensive Plan policies and conflicts with others.
5. The Planning and Zoning Commission recommend approval of the rezone from LM to LC Zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Rezone.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca L. Noah Casper, Mayor



MEMORANDUM

FROM: Brad Cramer, Director [Click or tap here to enter text.](#)

DATE: Monday, July 27, 2020

RE: Annexation and initial zoning of HC and LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, HC & LC, M&B: 44 Acres, Section 9, T2N, R38E

Council Action Desired

Ordinance Resolution Public Hearing

Other Action (Approval, Authorization, Ratification, etc)

1. Approve the Ordinance annexing 44 Acres, Section 9, T2N, R38E under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 44 Acres, Section 9, T2N, R38E and give authorization for the Mayor to execute the necessary documents.

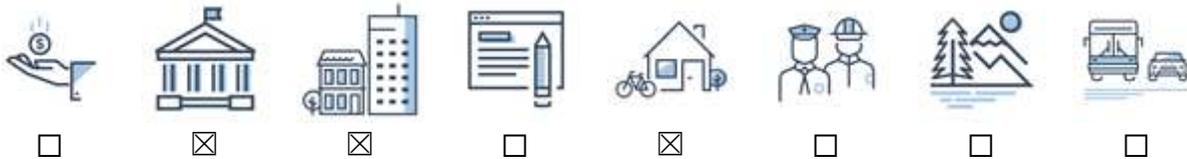
3. Assign a Comprehensive Plan Designation of "Commercial and Low Density" and approve the Ordinance establishing the initial zoning for HC and LC under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate) .

4. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for HC and LC and give authorization for the Mayor to execute the necessary documents.

Description, Background Information & Purpose

Attached is the application for Annexation/Initial Zoning to HC and LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 44 Acres, Section 9, T2N, R38E. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a vote of 3-1. Staff concurs with this recommendation.

Relevant PBB Results & Department Strategic Plan



Annexation and initial zoning decisions must be consistent with the principles of the Comprehensive Plan, which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities./

Interdepartmental Coordination

The annexation legal description has been reviewed by the Survey Division.

Fiscal Impact

NA

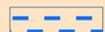
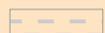
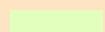
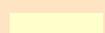
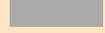
Legal Review

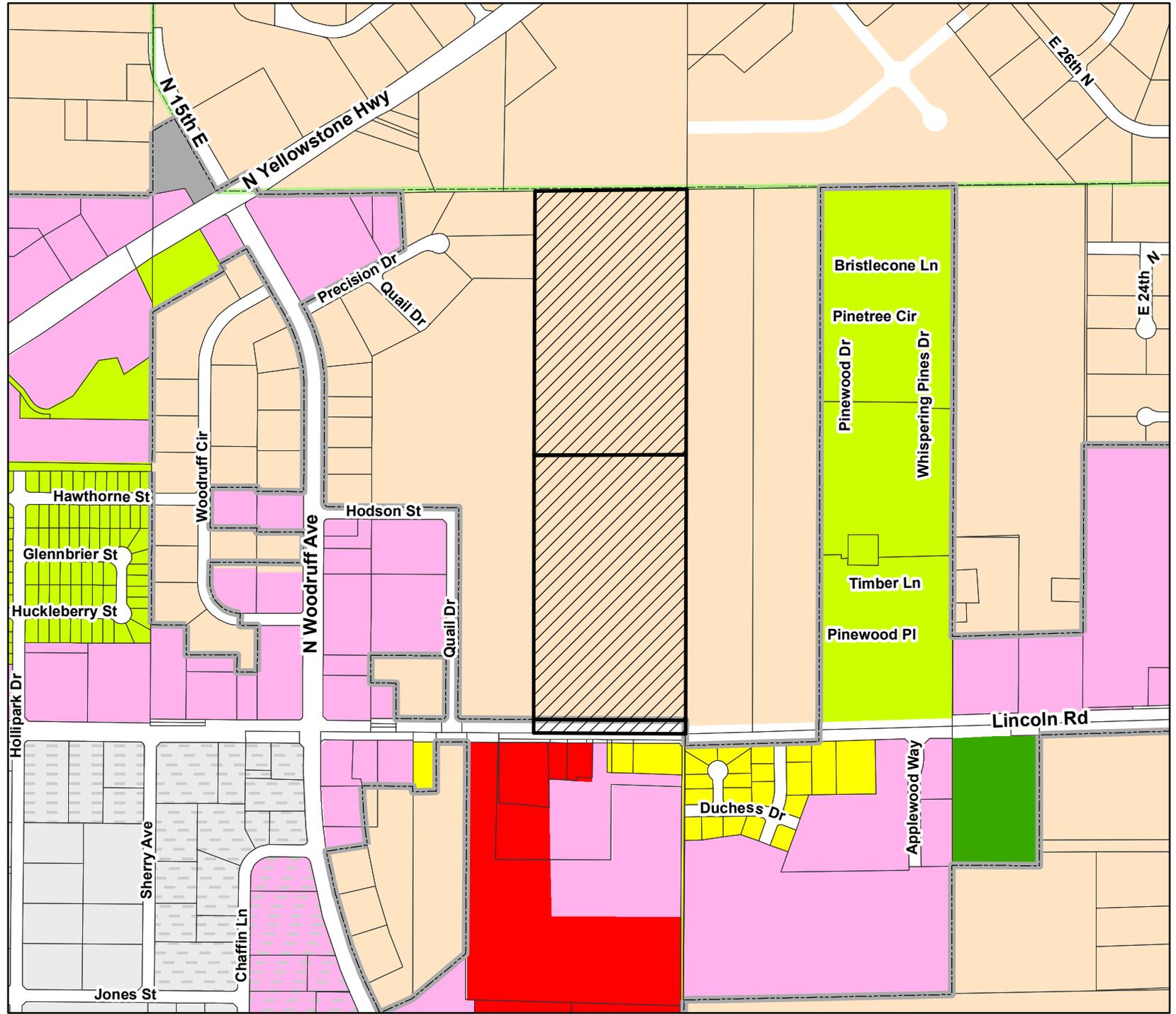
This application and ordinance have been reviewed by Legal pursuant to applicable law.

Legend

-  Site - CP
-  City Limits
-  Area of Impact

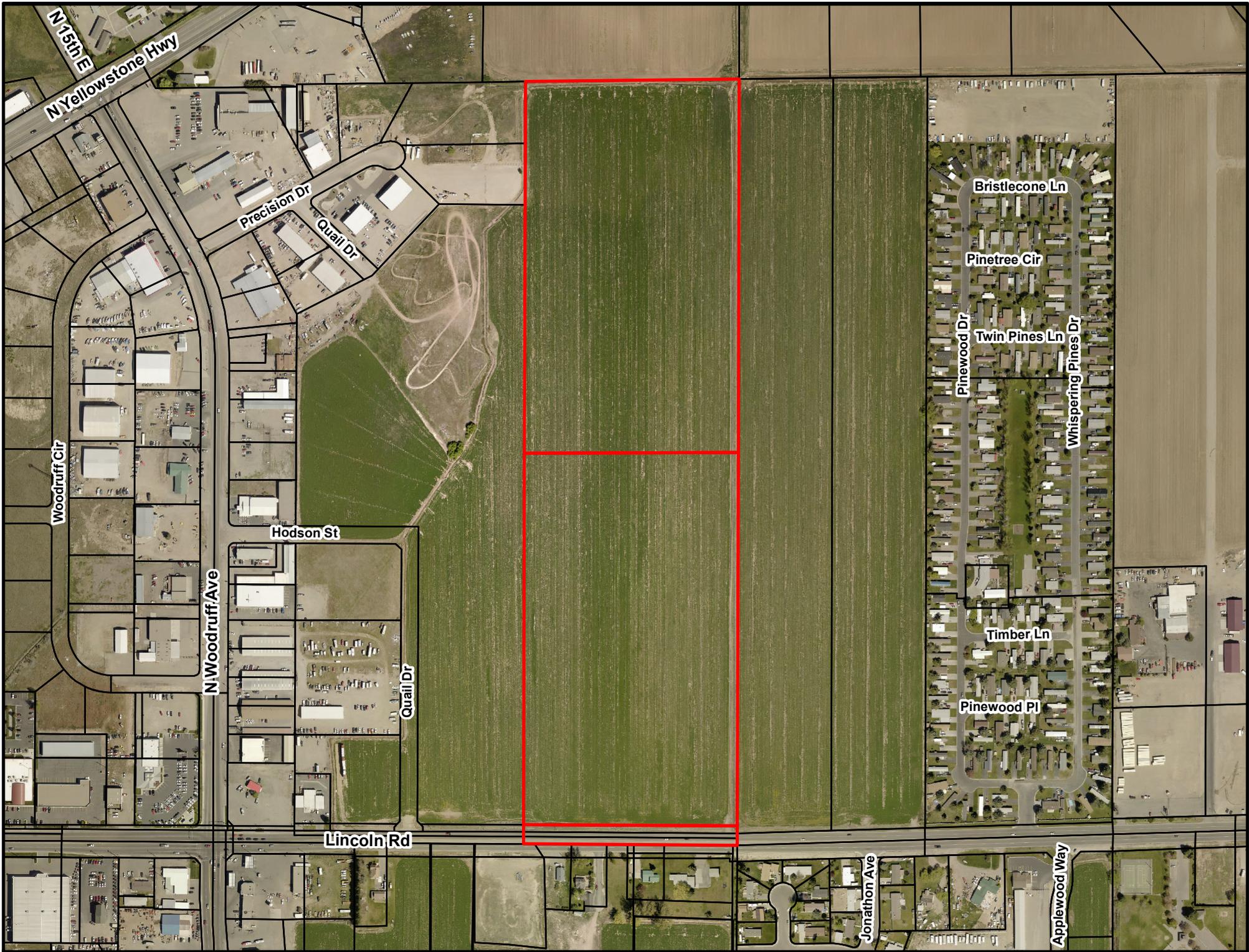
Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P



Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276





N 15th E
N Yellowstone Hwy

Precision Dr
Quail Dr

Bristlecone Ln
Pinetree Cir
Twin Pines Ln
Whispering Pines Dr

Woodruff Cir

Hodson St

Timber Ln
Pinewood Pl

N Woodruff Ave

Quail Dr

Lincoln Rd

Jonathon Ave

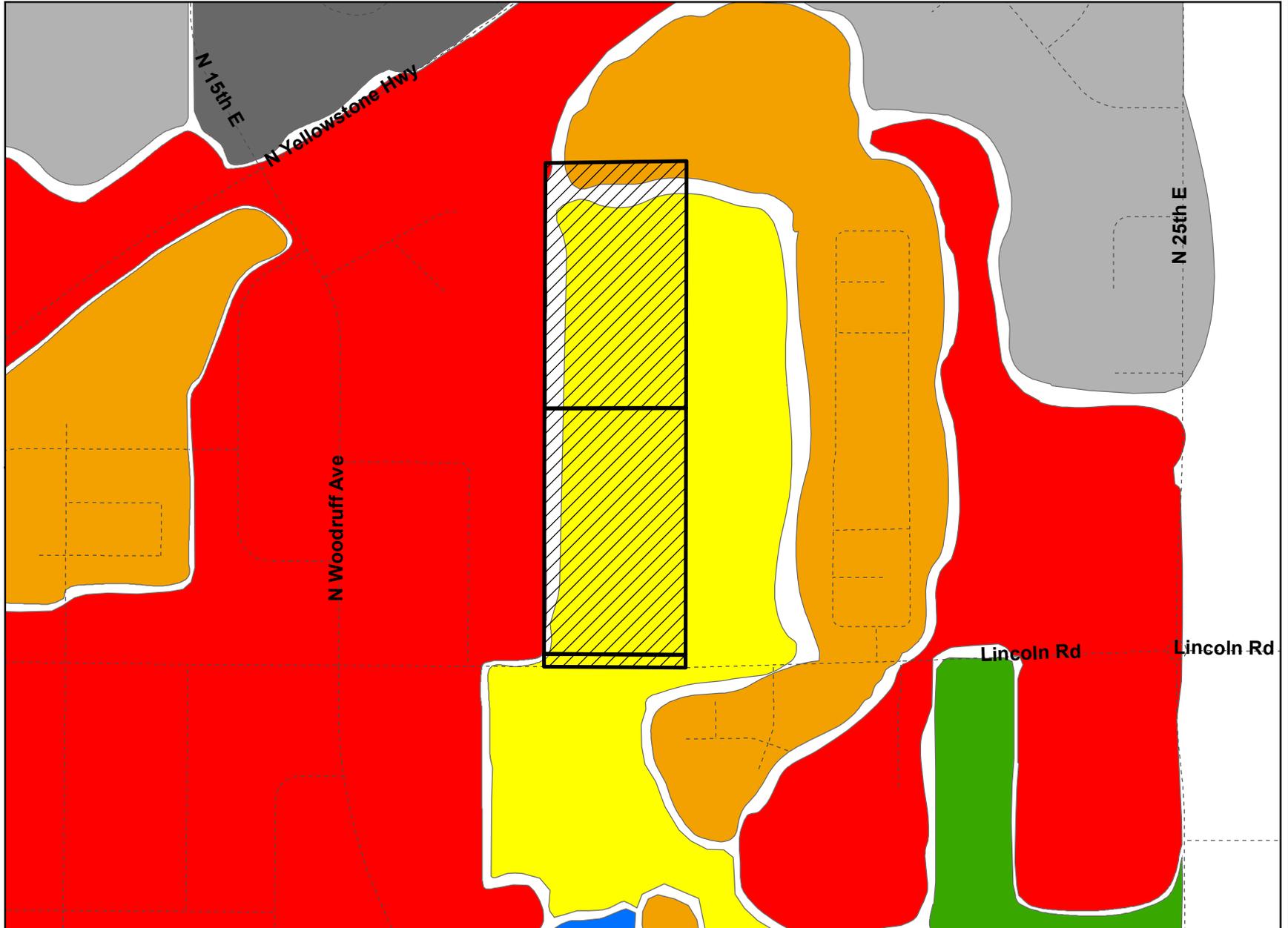
Applewood Way

Annexation

Faye Ward Living Trust - 44 acres Sec 9 T2N R38E

- | | | | | |
|---|--|---|--|---|
|  Estate |  Greenbelt Mixed Uses |  Commercial |  Higher Education Centers |  Railroad Related Industrial |
|  Low Density |  Parks, Recreation |  Employment Centers |  Planned Transition | |
|  Higher Density |  Public Facilities, Open Spaces |  Medical Services Center |  Highway Related Industrial | |

Comprehensive
Plan



Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276



IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
ANNEXATION AND INITIAL ZONING OF HC & LC
44 ACRES, SECTION 9, T 2N, R 38E
July 7, 2020



Community
Development
Services

Applicant: Ellsworth & Associates, PLLC

Project Manager:
Kerry Beutler

Location: Generally located North of Lincoln Rd, East of N 25th E, South of N Yellowstone Hwy, West of N Woodruff Ave

Size: 44 acres

Zoning:
Existing: RA-1 County
North: C-2 County
South: HC/R1
East: RA-1 County
West: RA-1 County

Proposed Zoning: HC & LC

Existing Land Uses:
Site: Agricultural
North: Agricultural
South: Commercial
East: Agricultural
West: Agricultural

Future Land Use Map: Commercial & Low Density

Attachments:
1. Comprehensive Plan Policies
2. Zoning Information
3. Maps & Aerials

Requested Action: To recommend approval of annexation and initial zoning of HC and LC to the Mayor and City Council.

Staff Comments: The property is located north of and adjacent to Lincoln Road. The property has been used for agricultural purposes, but is in an area of transition. The property is within 1000 feet of the intersection of Woodruff Ave. and Lincoln Road, both principal arterials.

Annexation: This is a Category "A" annexation as it is requested by the property owner. The property is within the Area of Impact and contiguous to the south. Annexation of the property is consistent with the City's Comprehensive Plan.

Initial Zoning: The proposed zoning is HC, Highway Commercial and LC, Limited Commercial. The Comprehensive plan identifies this area as Commercial and Low Density residential. The HC Zone is consistent with the commercial designation. The LC Zone allows for commercial uses and all types of residential, including low density. The applicant has requested splitting the property, approximately in half, between the two zoning designations. Because of the size of the property staff advised the applicant that it would be unlikely for the property to develop completely as highway commercial. It made more sense to have a mix of zoning designations.

The Comprehensive plan also identifies the need to plan for varied commercial functions within the city. Regional commercial centers, which this has the potential to function as with the construction of Costco to the east, are recommended to be located near existing arterials with excess capacity. This area also has the potential to become an employment center which the plan recommends LC as an appropriate zoning designation.

Staff Recommendation: Staff recommends approval of the annexation and initial zoning of HC and LC as it is consistent with the policies of the Comprehensive Plan.

Comprehensive Plan Policies:

Plan for different commercial functions within the City of Idaho Falls. Private developers recognize there are different types of commercial development serving different customers. In our planning, we need to understand these different functions and require different site standards. (p. 46)

Cluster community commercial centers and highway commercial rather than encourage strip commercial along arterial streets. Strip commercial development reduces the traffic carrying capacity of arterial streets, encourages both commercial and residential property to deteriorate, scatters commercial services, and requires more parking facilities. (p. 48)

Regional commercial centers, as other major traffic generators, should be located approximately at or within one-half mile from major state thoroughfares and be served by existing arterial streets. Convenient access and visual exposure are important to the success of regional commercial centers. Utilizing existing state highways and arterial streets with excess capacity will reduce future public costs. (p. 48)

Buffer commercial development, including services, from adjacent residential development. (p. 49)

Revise the zoning ordinance to encourage the creation of employment centers. Employment centers are an extension of industrial and office parks carefully planned to facilitate interaction between light industrial uses, offices, and limited commercial activities. Such centers offer services for the employee and visitor, such as day care centers, restaurants, and business services. The zones which have been used for employment centers are M-1, R&D-1, and C-1 as well as PB. Again, we need to monitor the results of development to determine if these zones promote the mix of land uses envisioned in this comprehensive plan. (p.52)

Encourage a number of locations in the City for industry and large employers. There should be a number of modestly sized sites to offer employers a greater choice of locations and convenience to employees. (p.52)

Assure there are sufficiently large vacant areas within and adjacent to the City to accommodate new industry. Modern one-story buildings with loading and storage facilities may require 50 to 100 acres. Working with Bonneville County and neighboring communities, we need to monitor our supply of vacant industrially zoned land near railroads and major highways with available utilities to assure sites are available to new employers.

Commercial Retail shops, restaurants, and offices.

Employment center Offices including technology related businesses, research and development laboratories, and limited retail uses as restaurants and business support services.

Higher density residential Homes, apartments, and condominiums developed at densities of 8 to 35 units per acre.

Low density residential Single family homes on individual lots at a density of 7 units or less per net acre. This area may include detached homes or homes which share a common wall, open space, or other common facilities. (p. 63)

Encourage development in areas served by public utilities or where extensions of facilities are least costly (p. 67)

Zoning Ordinance:

11-3-5: PURPOSE OF COMMERCIAL ZONES

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City’s residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

(D) HC Highway and General Commercial Zone. This zone provides a commercial zone for retail and service uses serving the traveling public. Characteristics of the Zone are buildings set back from the right-of-way line to promote safety on the highway and maintain maximum use of highway right-of-way for travel purposes, and a wide variety of architectural forms and shapes. This Zone should be located at specific locations along highways leading into the City.

Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.				

July 7, 2020

7:00 p.m.

Planning Department

Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

MEMBERS PRESENT: Commissioners Natalie Black, Joanne Denney, Gene Hicks, Brent Dixon, George Morrison.

MEMBERS ABSENT: Arnold Cantu, Lindsey Romankiw, Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: The Minutes for June 2, 2020 were tabled to be revisited at the next meeting. Dixon requested a re-listen to Item 4 to include additional comments he had.

Public Hearing(s):

3. ANNEX 20-007: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of HC & LC, Approximately 44 Acres, Section 9, Township 2 North, Range 38 East.

Black opened the public hearing.

Applicant: Leslie Folsom. Folsom indicated that this is 44 acres, west of Hitt Road and north of Lincoln Road. Folsom stated that the southern portion is requested to be zoned HC and the northern portion zoned LC. Folsom believes this zoning is consistent with the Comprehensive Plan and have positioned it to be in the best possible division of the zones between HC and LC for future development and connection for a Hodson Road, and possibly Yellowstone Highway. Folsom stated that the annexation and zoning will allow the family to best position themselves for future commercial entities.

Beutler presented the staff report, a part of the record.

Black asked if there is a road that goes to the back portion that would be zoned LC. Beutler stated that there is currently not a road extension to the northern end of the property. Beutler stated that it could and it should and there would be a preliminary plat as the property develops. Beutler stated that there could be connection to Lincoln, some type of connection the west to Hodson and Quail Drive and some sort of stub road to the north and to the west.

Morrison asked what the zoning for Costco is. Beutler indicated that Costco is HC.

Dixon stated that when this area was last reviewed for Comprehensive Plan, there is some residential County development along Lincoln Road, and the idea was that the residential further

to the south would grow north and there was a large area identified for low density residential. Dixon stated that these two lots are in the low density residential area, and saying that they are on the transition is stretching. Dixon stated that there is area to the south of Lincoln Road that is identified for low density residential and some activity in the last few years have bitten off chunks so now it is LC and HC and the only residential that is left is the original County development in there. Dixon feels that if this particular annexation with the requested zones goes forward there will be so little of the remaining land that is in the area identified as low density residential that we need to revisit the Comprehensive Plan in this area, especially given the development that occurred before Costco, and now with Costco going in there is a good reason to revisit the Comprehensive Plan in this area, and look at whether low density residential still makes sense in the area at all or whether it should be converted to high density residential or commercial. Dixon asked about the proper order, whether it be amend the Comprehensive Plan first or look at individual annexation and zones that are inconsistent with the existing Comprehensive Plan first.

Beutler clarified that the Comprehensive Plan is large bubbles and not intended to follow property lines or be specific to one parcel or another parcel, and should be a general concept and idea of how the area should develop, and then they review the policies within the comprehensive plan to see how properties meet those policies. Beutler stated that it is not fair to say that this parcel is just lower density parcel and that is its only designation. This parcel is in an area that has both lower and higher density residential designations. Beutler stated that the intent was to show that this area could develop for those purposes.

Michael Kirkham, Esq., indicated that the Comprehensive Plan is not a zoning code, and the aspirational ideas that are contained within the Comprehensive Plan do not bind what the property can be ultimately zoned as. The Comprehensive Plan instead provides a touchstone on where the City sees uses and anticipated needs. Kirkham suggested looking around to see what is around that idea and see if it is consistent with the Comprehensive Plan and not necessarily say that the 4 corners of the parcel is not in the right color, because that is not what they should be doing, because that would be applying a zone designation, which the Comprehensive Plan is not.

Beutler answered Dixon and stated that staff agrees that the Comprehensive Plan needs addressed and things have changed, but the Commission can proceed tonight with the recommendation to City Council on this property without modifying the Comprehensive Plan.

Dixon understands the broad strokes, but when the Comprehensive Plan was updated last in this area, the broad stroke stated that there should be a large area of low density residential, and that has already had 1/3 chipped away, and with this development the 1/2 of the remaining would be gone, and then what remains would not be sufficient size to support low density residential, so we are saying that the Comprehensive Plan is wrong and we need to get rid of the low density residential. Dixon stated that maybe the Comprehensive Plan is out of date and the low density doesn't belong there.

Support/Opposition to Application:

Jake Durtsche. Durtsche founded Jacob Grant Property Management and his firm manages residential properties in Idaho Falls, Pocatello, and Rexburg and have been in business for 15 years and manage 800 units in town. Durtsche stated that there have been many multi-family properties and the absorption rates have not declined. Durtsche stated that the Kartch properties

on 1st Street, Snake River Landing has expanded, and these properties are market and absorbing the units, which means they are renting out quickly when they do the original lease. Durtsche stated that in markets that they are seeing too many units the absorption rate increases and it becomes difficult to lease the properties out. Durtsche stated that the townhouse properties near Pancheri, Ammon, behind Smiths, 1st Street, these properties are seeing substantial absorption. Durtsche believes the market in general has a need for the properties as rental properties. Durtsche stated that recently they have had a lot of demand for people employed with Costco and seeing people putting deposits to hold property throughout Idaho Falls. Durtsche stated that when they market a property it rents out as quickly as they can get the property ready. Durtsche stated that Costco has increased the demand.

Black closed the public hearing.

Morrison is not surprised with this zoning request, and believes they will see a lot more in this area with Costco going in, and it seems like a natural fit. Morrison believes there will be a big expansion of business in this area.

Black stated that she thought this area would be good for high density housing, but if the market is calling for more commercial. Black stated that the northern lot being designated as LC would allow for higher density housing. Black stated that the market is asking for more housing and hopefully the LC zone could allow them to put more housing there and with Costco coming there will be a need for more business and more housing needs. Black believes HC and LC can accommodate both of those.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation for 44 acres, Section 9, T 2N, R 38 E, with an initial zoning of HC and LC as presented, Hicks seconded the motion and it passed 3-1. Dixon opposed the motion.

Dixon opposed the motion and stated that he has no problem with the initial zoning or the annexation, but feels that the zoning requested is consistent with the surrounding zoning, is totally inconsistent with the Comprehensive Plan. Dixon understands the Comprehensive Plan is out of date, but he feels the proper order is to Amend the Comprehensive Plan first and then look at the annexation of the property. Dixon believes that the annexation is inconsistent with the comprehensive plan as it currently stands.

Hicks asked when the Comprehensive Plan was last updated. Cramer indicated that the Comprehensive Plan was adopted at the end of 2013. Cramer stated they are currently working on the background information now, and will be starting public out reach in the fall for an updated version of the Plan.

Morrison stated that generally they don't do the Comprehensive Plan piece by piece.

Dixon stated that there was a time when they commonly did amendments to the Comprehensive Plan and they would make an amendment to the Comprehensive Plan and shortly thereafter they would entertain an application that was consistent with the amended comprehensive plan, with the idea that as long as the Mayor and City Council agreed to the amendment of the Comprehensive Plan that the items could go forward. Dixon stated that it used to be standard practice to update portions of the Comprehensive Plan through amendments as needed.

Beutler agreed with Dixon and stated that they have stepped back intermittently as necessary and they could still do that if the request was completely inconsistent they would usually ask the applicant to submit a comprehensive plan amendment request, but in this case they didn't see that the request was inconsistent with the plan.

Black questioned HC from low density housing and asked if that is not a big change. Beutler stated that commercial is adjacent, and the Comprehensive Plan is not meant to run along property boundaries.

Dixon stated that through this change, they are making what was a large low density residential area on the Comprehensive Plan, no longer viable because of previous zoning and now cutting it in half. Dixon feels like if they are going to make an area of the Comprehensive Plan no longer viable they need to make sure that is consistent with what they want to do with the Comprehensive Plan.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 44.858 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

- 1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;
- 2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and
- 3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. 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 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2020.

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 44.858 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

Kathy Hampton, City Clerk

(SEAL)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF APPROXIMATELY 44.858 ACRES LOCATED GENERALLY NORTH OF LINCOLN RD, EAST OF N 25TH E, SOUTH OF N YELLOWSTONE HWY, WEST OF N WOODRUFF AVENUE.

WHEREAS, the applicant filed an application for an application for annexation on May 18, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on July 30, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Subdivision and Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 44.858 acre parcel located generally North of Lincoln Rd, East of N 25th E, South of N Yellowstone Hwy, West of N Woodruff Avenue.
3. The Comprehensive Plan designates this area as Commercial & Low Density.
4. This is a category “A” annexation requested by the applicant.
5. The proposed annexation is consistent with the purposes set forth within the Comprehensive Plan of the City of Idaho Falls.
6. Annexation of the area will allow for orderly development and efficient, equitable and economical delivery of municipal services within the urbanizing areas.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria and Standards, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY THE CITY OF IDAHO FALLS CITY COUNCIL

THIS _____ DAY OF JULY, 2020

Rebecca L. Noah Casper, Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 44.858 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS HC AND LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is HC and LC Zone for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation “Commercial”; and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as “Commercial and Low Density”; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on July 7, 2020, and recommended approval of zoning the subject property to HC and LC Zones; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on July 30, 2020.

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

SECTION 1: Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of Commercial.

SECTION 2: Legal Description. The lands described in Exhibit A are hereby zoned as HC and LC Zones.

SECTION 3. Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned “HC and LC Zones” and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

SECTION 4. 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 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 44.858 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS HC and LC ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

Kathy Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF I&M OF APPROXIMATELY 44.858 ACRES LOCATED GENERALLY NORTH OF LINCOLN RD, EAST OF N 25TH E, SOUTH OF N YELLOWSTONE HWY, WEST OF N WOODRUFF AVENUE.

WHEREAS, the applicant filed an application for an application for initial zoning of HC and LC on May 18, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on July 30, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Subdivision and Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 44.858 acre parcel located generally North of Lincoln Rd, East of N 25th E, South of N Yellowstone Hwy, West of N Woodruff Avenue.
3. The Comprehensive Plan designates this area as Commercial and Low Density.
4. The proposed HC and LC Zones are consistent with the principles of the Comprehensive Plan and other zoning and uses in the area.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria and Standards, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY THE CITY OF IDAHO FALLS CITY COUNCIL

THIS _____ DAY OF JULY, 2020

Rebecca L. Noah Casper, Mayor



MEMORANDUM

FROM: Brad Cramer

DATE: Monday, July 27, 2020

RE: Annexation and Initial Zoning of RP, Annexation and Zoning Ordinance, and Reasoned Statements of Relevant Criteria and Standard Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1.

Council Action Desired

Ordinance

Resolution

Public Hearing

Other Action (Approval, Authorization, Ratification, etc)

1. Approve the Ordinance annexing Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1 and give authorization for the Mayor to execute the necessary documents.

3. Assign a Comprehensive Plan Designation of "Estate" and approve the Ordinance establishing the initial zoning for RP under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate) .

4. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for RP and give authorization for the Mayor to execute the necessary documents.

Description, Background Information & Purpose

Attached is the application for Annexation/Initial Zoning to RP, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, Lot 2 Block 2 of the Second Amended Plat of Kinsmen Country Estates. The Planning and Zoning Commission considered this item at its July 7, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Relevant PBB Results & Department Strategic Plan

							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consideration of the annexation/initial zoning must be done consistent with the principles of the Comprehensive Plan, which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

The annexation legal description has been reviewed by the Survey Division.

Fiscal Impact

NA

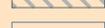
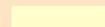
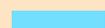
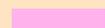
Legal Review

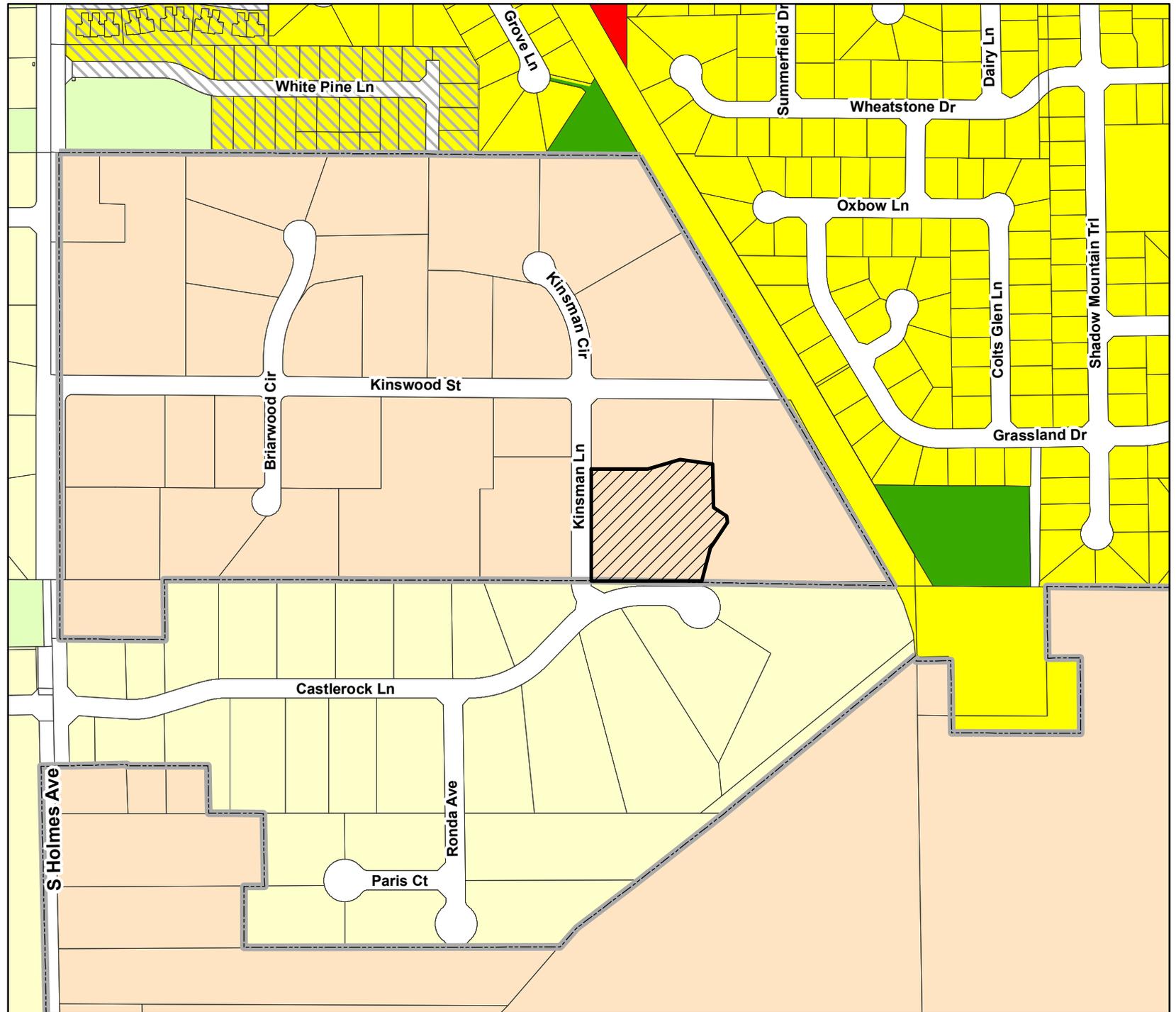
This application and ordinance have been reviewed by Legal pursuant to applicable law.

Legend

-  Site - CP
-  City Limits
-  Area of Impact

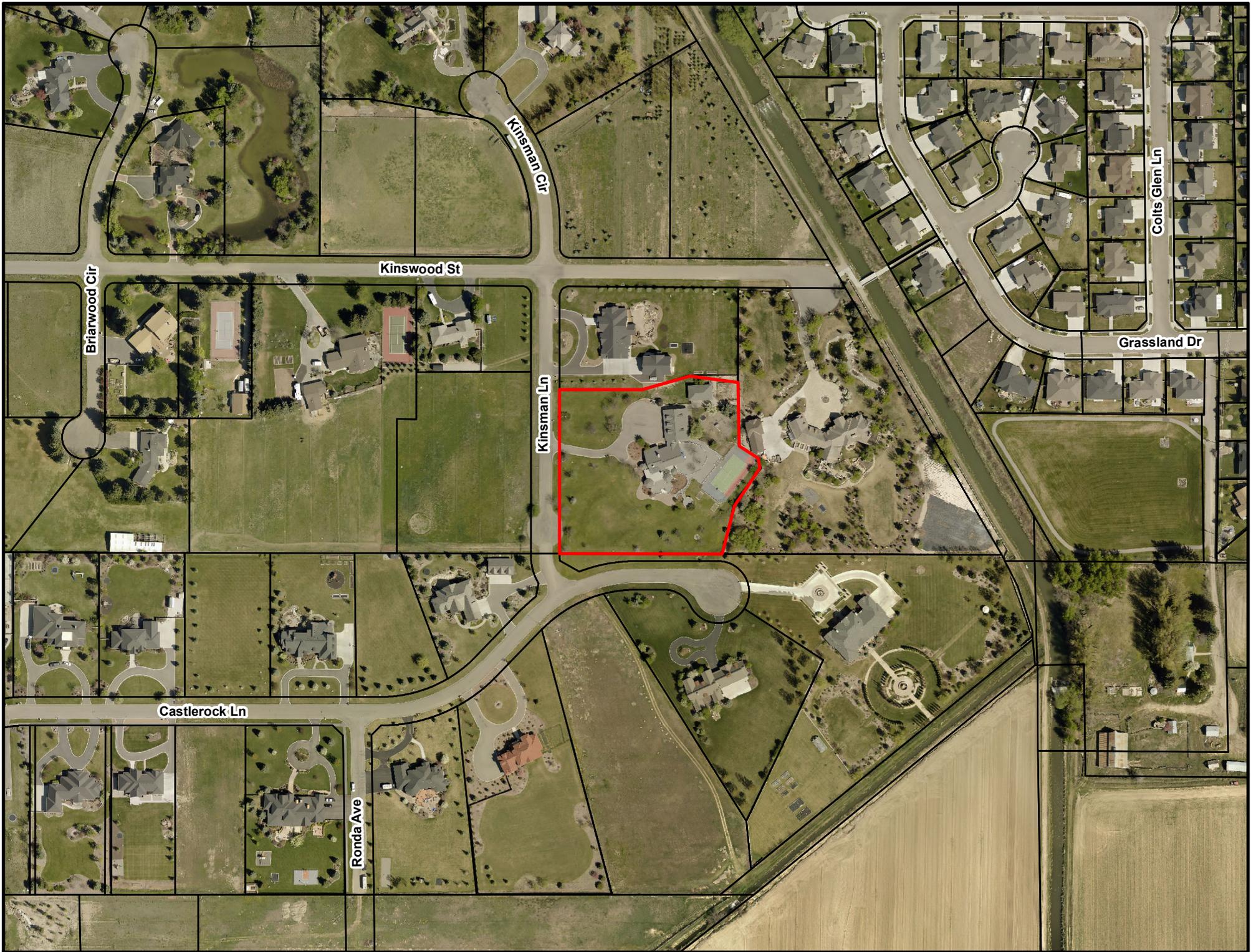
Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P



Planning Division
 City Annex Building
 680 Park Ave.
 Idaho Falls, ID 83402
 (208) 612-8276





Briarwood Cir

Kinsman Cir

Kinswood St

Kinsman Ln

Colts Glen Ln

Grassland Dr

Castlerock Ln

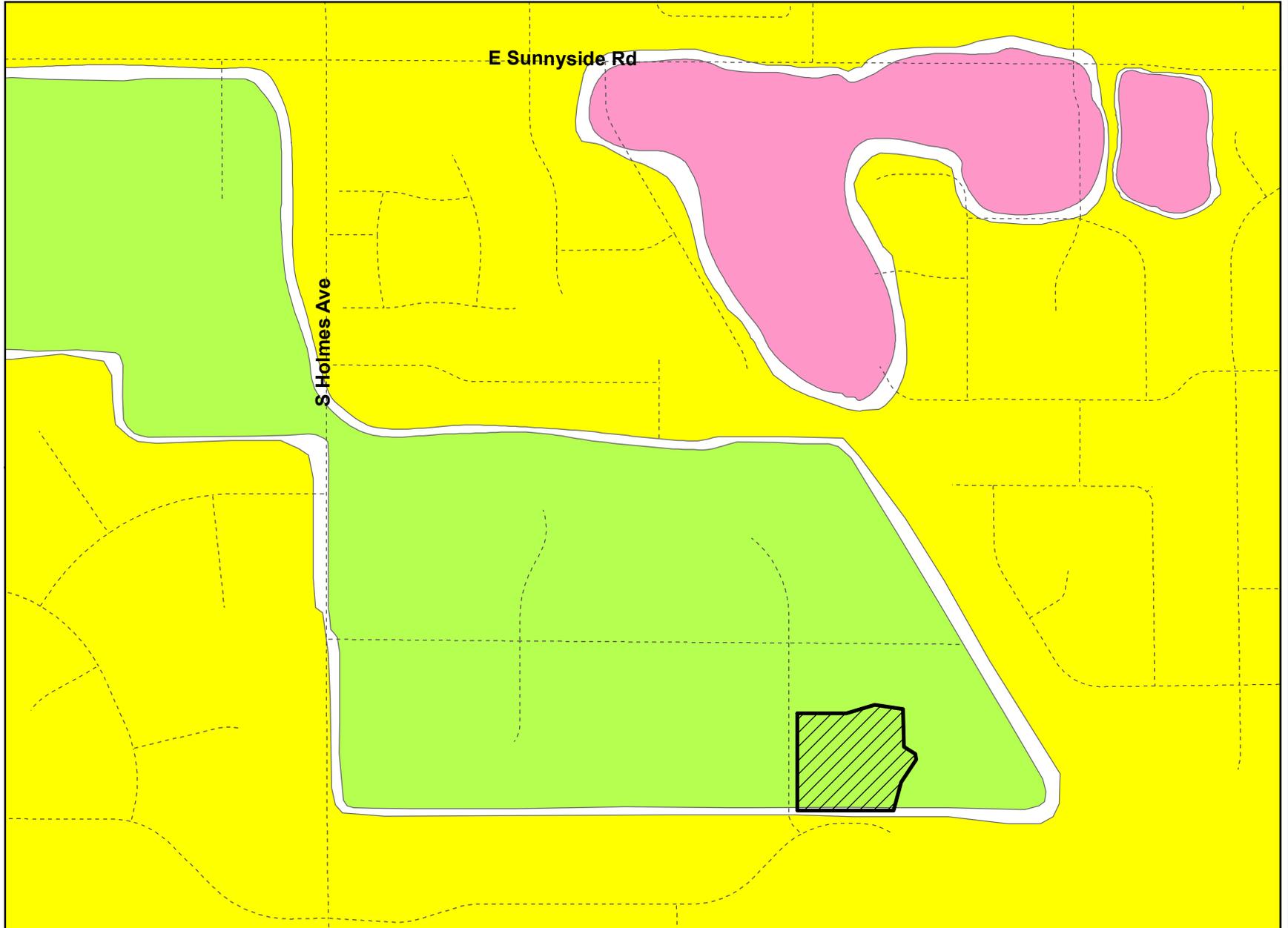
Ronda Ave

Annexation

ANNX20-010 ~ Lot 2 Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1

- | | | | | |
|---|--|---|--|---|
|  Estate |  Greenbelt Mixed Uses |  Commercial |  Higher Education Centers |  Railroad Related Industrial |
|  Low Density |  Parks, Recreation |  Employment Centers |  Planned Transition | |
|  Higher Density |  Public Facilities, Open Spaces |  Medical Services Center |  Highway Related Industrial | |

Comprehensive
Plan



Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276



IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
ANNEXATION AND INITIAL ZONING OF RP LOT 2, BLOCK
2 OF THE SECOND AMENDED PLAT OF KINSMEN
COUNTRY ESTATES, DIV. 1
JULY 7, 2020



Community
Development
Services

Applicant: Connect
Engineering

Project Manager: Naysha
Foster

Location: Generally located
north of S 49th E, east of S
Holmes Ave., south of E
Sunnyside Rd., west of S 15th
E.

Size: 3.07 acres

Existing Zoning: County
RA-1
North: RA-1
South: RP
East: RA-1
West: RA-1

Proposed Zoning: RP

Existing Land Uses:
Site: Residential
North: Residential
South: Residential
East: Residential
West: Residential

Future Land Use Map:
Estate

Attachments:

1. Comprehensive Plan
Policies
2. Zoning Information
3. Maps and Aerial Photos

Requested Action: To recommend approval of annexation and
initial zoning of RP to the Mayor and City Council.

Annexation: This is a Category “A” annexation as it is requested
by the property owner. City limits are contiguous to the south
property line. Annexation of the property is consistent with the
policies of City’s Comprehensive Plan.

History: The application was submitted on June 1, 2020. The
property is located in a County subdivision called Kinsmen Country
Estates, which lies in an area that is surrounded by City limits.

Staff Comments: The proposed annexation and initial zoning is
compatible with the surrounding use and consistent with the
surrounding zoning. The property is accessed from local streets.
The local streets connect to S Holms, a principle arterial, on the
west side of Kinsmen Country Estates.

Initial Zoning: The proposed zoning is RP, Residential Park. The
Comprehensive plan identifies this area as Estate. The RP Zone is
categorized as a low density in the zoning ordinance. The RP zone
has limited allowed uses. The primary purpose is residential, only
allowing for Single Unit detached housing. The minimum lot
requirement is 12,000 square feet. The density allowed in the RP
zone is four units per acre.

Staff Recommendation: Staff recommends approval of the
annexation and initial zoning of RP.

Comprehensive Plan Policies:

Residential development should reflect the economic and social diversity of Idaho Falls. (pg. 40)

To reduce land use conflicts, existing land uses are recognized as starting points for future development patterns. (pg. 66)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (pg. 67)

Zoning Ordinance:

11-3-3: PURPOSES OF RESIDENTIAL ZONES.

(B) RP Residential Park Zone.

This zone provides a residential zone which is representative of an automobile-oriented, suburban development pattern and characterized by large lots. The principal use permitted in this Zone shall be single unit dwellings.

See land use table below:

11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

Table 11-2-1: Allowed Uses in Residential Zones

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

Proposed Land Use Classification	Low Density Residential			Medium Density Residential			High Density Residential	
	RE	RP	R1	R2	TN	RMH	R3	R3A
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C ₂	P	P		P	P
Day Care, Group*	C ₁		C ₁	P	P	C ₁	P	P
Day Care, Home	C ₁		C ₁	P	P	C ₁	P	P
Dwelling, Accessory Unit*	P			P	P		P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			
Food Processing, Small Scale					P*			
Food Store					P*			
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C ₁		C ₁	C ₁	C ₁	C ₁	C ₁	C ₁
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C ₁			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						C ₂		C ₂
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C ₃	C ₃	C ₃	C ₃		C ₃	C ₃	C ₃
Professional Service								P
Public Service Facility*	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P
Recreational Vehicle Park*						C ₂		

Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Religious Institution*	C ₂							
Residential Care Facility							P	P
Retail					P*			C ₂
School*	C ₂							
Short Term Rental*	P	P	P	P	P	P	P	P
Transite Station								P

(Ord. 3218, 9-13-18)

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Lot Area								
Lot Area Minimum in ft ²	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft ²			13,500*					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.					20*			
Side	20	7.5/10*	6	6	5	6	6	10
Rear	40	25	25	25	10	25*	25*	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	24	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code.								

(Ord. 3218, 9-13-18)

(A) Minimum and Maximum Lot Area.

- (1) In the R1 Zone, the maximum lot size shall be thirteen thousand five hundred square feet (13,500 ft²), except for corner lots, wedge-shaped lots in cul-de-sacs, or other unusual shaped lots. This shall also not apply to conditional uses such as schools and religious institutions.
- (2) In the R2 zone, seven hundred and fifty square feet (750 ft²) shall be added to the minimum required area for each additional dwelling unit.
- (3) In the TN Zone, the maximum average lot area for subdivisions approved after the adoption of this Code, April 12, 2018, shall be six thousand two hundred and fifty square feet (6,250 ft²) in order to encourage a mix of lot sizes and dwelling types. (Ord. 3210, 8-23-18)

July 7, 2020

7:00 p.m.

Planning Department

Council Chambers

Notice: Due to Governor Little's proclamation on March 19, 2020 and the Stay-At-Home Order given on March 25, 2020, the doors to the meeting were locked, but notice was given to the public on how to participate via any of the following ways: Submit comments in writing; participate via internet through a Webex meeting; participate via phone through Webex meeting; and watch the meeting via live stream on the City's website.

MEMBERS PRESENT: Commissioners Natalie Black, Joanne Denney, Gene Hicks, Brent Dixon, George Morrison.

MEMBERS ABSENT: Arnold Cantu, Lindsey Romankiw, Margaret Wimborne

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Brent McLane; Brian Stephens; Naysha Foster and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: The Minutes for June 2, 2020 were tabled to be revisited at the next meeting. Dixon requested a re-listen to Item 4 to include additional comments he had.

Public Hearing(s):

2. ANNEX 20-009: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of RP for Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division No. 1.

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark Drive, Idaho Falls, Idaho. Jolley indicated that this property is near the Castlerock Subdivision that is south of Holmes. Jolley indicated this is a Category A Annexation and his client is asking to be annexed into the City so he can hook up to City Utilities.

Foster presented the staff report, a part of the record.

Dixon asked if they need to plat this as a separate action. Foster indicated that they will need to plat this property.

No one appeared in support or opposition of the application.

Black closed the public hearing.

Dixon indicated that he finds the annexation and zoning to be compatible with the existing City properties to the south as well as the existing development on the subject property and the size of the lot is appropriate for the zone, and everything is in order.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation of Lot 2, Block 2 of the Second Amended Plat of Kinsmen Country Estates Division 1, with initial zoning of RP, Morrison seconded the motion and it passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 3.07 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

- 1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;
- 2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and
- 3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. 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 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2020.

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 3.07 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

Kathy Hampton, City Clerk

(SEAL)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF LOT 2, BLOCK 2, OF THE SECOND AMENDED PLAT OF KINSMEN COUNTY ESTATES, DIVISION 1, LOCATED GENERALLY NORTH OF S 49TH E, EAST OF S HOLMES AVENUE, SOUTH OF E SUNNYSIDE ROAD, AND WEST OF S 15TH E.

WHEREAS, the applicant filed an application for annexation on June 1, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on July 30, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 3.07 acres located generally North of S 49th E, East of S Holmes Ave., South of E Sunnyside Road, West of S 15th E.
3. This property is within the city’s area of impact.
4. The application is a Category “A” annexation.
5. The property is contiguous to City limits along the south property line.
6. The Comprehensive Plan designates this area Estate.
7. Idaho Falls Planning and Zoning Commission recommended approval of annexation.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca Casper - Mayor

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 3.07 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS RP ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is RP Zone for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Estate"; and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Estate"; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on July 7, 2020 and recommended approval of zoning the subject property to RP Zone; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on July 30, 2020.

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

SECTION 1: Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of Estate.

SECTION 2: Legal Description. The lands described in Exhibit A are hereby zoned as RP Zone.

SECTION 3. Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned "RP Zone" and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

SECTION 4. 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 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 3.07 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS RP ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF RP ZONE, LOT 2, BLOCK 2 OF THE SECOND AMENDED PLAT OF KINSMEN COUNTRY ESTATES, DIVISION 1, GENERALLY LOCATED NORTH OF S 49TH E, EAST OF S HOLMES AVENUE, SOUTH OF E SUNNYSIDE ROAD, AND WEST OF S 15TH E.

WHEREAS, the applicant filed an application for annexation on June 1, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 7, 2020; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on July 30, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 3.07 acres located generally North of S 49th E, East of S Holmes Ave., South of E Sunnyside Road, West of S 15th E.
3. The Comprehensive Plan designates this area as Estate.
4. The proposed zoning of RP is consistent with the Comprehensive Plan map and policies and existing Zoning in the area.
5. Idaho Falls Planning and Zoning Commission recommended approval of zoning the subject property to RP Zone

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2020

Rebecca Casper - Mayor