IDAHO FALLS



City Council Agenda

City of Idaho Falls
Regular Council Meeting
680 Park Avenue

Thursday
August 11, 2022
7:30 p.m.

Mayor

Rebecca Casper

City Council

Michelle Ziel-Dingman
Council President

Tom Hally
Council Seat 3

John Radford
Council Seat 5

Jim Francis
Council Seat 4

Jim Freeman
Council Seat 6

Lisa Burtenshaw
Council Seat 2

Livestream at www.idahofallsidaho.gov/429/Live-Stream

PUBLIC PARTICIPATION



Welcome to the Idaho Falls City Council Meeting. Regularly scheduled Council meetings are open to any member of the general public either in person or via live stream on the City website and are archived on the City website (idahofalls.gov). Please be aware that the meeting agenda may differ at times because amendments to the agenda may be made by the Council during the meeting.

The Council encourages public input. While general public comment is not required by Idaho law, the Council welcomes general public comment as part of the City Council meeting. General public comment will be allowed for up to 20 minutes on the agenda. The public is always welcome to contact their Council representatives via e-mail or telephone, as listed on the City website. The Council is committed to an atmosphere that promotes equal opportunity and is free from discrimination or harassment.

All those who wish to address City Council during the public comment period are encouraged to adhere to the following guidelines.

Public Comment Guidelines

Speakers are encouraged to:

- *State their name and address.*
- *Focus comments on matters within the purview of the City Council.*
- *Limit their comments to three (3) minutes or less.*
- *Refrain from repeating information already presented in order to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the whole group.*
- *Practice civility and courtesy. The Council has the right and the responsibility to maintain order and decorum during the meeting. Time may be altered for those speakers whose comments are profane or disruptive in nature.*
- *Refrain from comments on issues involving matters currently pending before the City's Planning and Zoning Commission or other matters that require legal due process including public hearings, City enforcement actions, and pending City personnel disciplinary matters.*
- *Comments that pertain to activities or performance of individual City employees should be shared directly with the City's Human Resources Director (208-612-8248), the City's Legal Department (208-612-8178) or with the Office of the Mayor (208-612-8235).*

Public Hearing Guidelines

- *In-person Comment. Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address your comments directly to the Council and try to limit them to three (3) minutes.*
- *Written Comment. The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at IFClerk@idahofalls.gov. Comments will be distributed to the members of the Council and become a part of the official public hearing record. Written testimony must be received no later than forty-eight (48) hours prior to the date of the hearing to ensure inclusion in the permanent City record.*
- *Remote Comment. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to VirtualAttend@idahofalls.gov no later than twenty-four (24) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony. Please note that the remote option will not be available for all meetings.*

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 ADA Coordinator Lisa Farris at 208-612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, August 11, 2022 **7:30 PM** **City Council Chambers**

City Council Agenda:

1. Call to Order.

2. Pledge of Allegiance.

3. Public Comment.

Please see guidelines above.

4. Consent Agenda.

Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.

A. Mayor's Office

1) Appointments to City Boards, Committees and Commissions **21-603**

Attached please find communication from Community Development Services Director Brad Cramer regarding the citizen volunteers being re-appointed to serve on the Idaho Falls Business Assistance Corporation (IFBAC):

Name	Board, Commission, Committee	Term Expires	Status
Jeff Osgood	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
David Noack	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
Kari Campos	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint

These citizens have a desire to continue their service and come recommended by Director Cramer. The Mayor's Office has reviewed the re-appointment request and concur with Director Cramer's recommendation. We are confident these citizen volunteers meet the criteria set forth in City Code and anticipate that they will make positive contributions to the good work of the city.

Your vote is requested giving consent to these re-appointments at the regular City Council Meeting on Thursday, August 11, 2022. If you have questions, please feel free to contact Chief of Staff Bud Cranor or Director Cramer.

Attachments: Memo to Re-appoint IFBAC.docx

B. Municipal Services

1) Treasurer's Report for June 2022 **21-582**

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending June 2022, total cash, and investments total $148.8M. Total receipts received and reconciled to the general ledger were reported at $33.6M, which includes revenues of $31.6M and interdepartmental transfers of $2M. Total distributions reconciled to the general ledger

were reported at $29.8M, which includes salary and benefits of $6M, operating costs of $21.8M and interdepartmental transfers of $2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at $142.2M. Additional expenditure and revenue reports are being included to provide more detailed information for the monthly reporting.

Attachments: June 2022 Treasurer's Report.pdf

2) Bid IF-22-H, Purchase one CAT 308 Excavator for Parks and Recreation **21-596**

This purchase will replace unit #6808, a 2009 JCB Backhoe that has reached its useful life and is scheduled for replacement. The purchase includes a 60-month, 2500-hour warranty.

Attachments: MS_Bid IF-22-H Purchase One CAT 308 Excavator for Parks and Recreation.pdf

3) Minutes from Council Meetings **21-600**

July 12, 2022 City Council Budget Session; July 19, 2022 City Council Budget Session; July 25, 2022 City Council Work Session; and July 28, 2022 City Council Meeting

Attachments: 20220712 Budget Session - Unapproved.pdf
20220719 Budget Session - Unapproved.pdf
20220725 Work Session - Unapproved.pdf
20220728 Council Meeting - Unapproved.pdf

4) License Applications, all carrying the required approvals

Action Item:

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

5. Regular Agenda.

A. Municipal Services

1) Public Hearing for Sale of Real Property **21-589**

This property is a 10-acre parcel purchased by the City for the purpose of constructing, operating and maintain a 161kV transmission line and associated towers, poles, equipment, and facilities. Idaho Falls Power and Municipal Services have determined that creating a utility easement for the power line is adequate going forward and recommend auctioning the remaining property interest at a price no less than $400,000. The Notice of Public Hearing was published on Tuesday, July 19, 2022. The public hearing is scheduled for Thursday, August 11, 2022, at 7:30 pm in the Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho. At the conclusion of the hearing, Council will have met the notice and hearing requirements to auction this property.

Action Item:

Pursuant to Idaho Code §50-1402, Municipal Services requests that the Council conduct a public hearing and subsequently determine whether to auction city property with an easement for powerline, located at Beginning at a point that is East along the Section line 1528.90 feet and South 12°01’00” East 3149.40 feet from the Northwest Corner of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, said point being on the Easterly Right-of-Way line of West

River Road; running thence South 12°01’00” East along said Easterly Right-of-Way line 356.79 feet; thence North 74°51’18” East 1326.40 feet to the ordinary high water mark of the Snake River; thence along the meandering ordinary high water mark of the Snake River the following four (4) courses: North 21°19’43” West 52.16 feet; thence North 42°17’27” West 101.96 feet; thence North 27°27’59” West 76.11 feet; thence North 29°54’53” West 119.73 feet; thence South 75°58’15” West 1208.25 feet to the **POINT OF BEGINNING**. A strip of land 60.00 feet in width, being 30.00 feet on each side of the following described centerline, said strip lying in a portion of the South ½ of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows: **COMMENCING** at the Northwest Corner of said Section 24, and running THENCE N 89°47'49" E 1528.35 feet along the north line of said Section 24; THENCE S 12°13'34" E 3240.17 feet to a point of intersection of the easterly right-of-way line of West River Road and an existing overhead powerline, from which an existing power pole bears S 75°40’59” W 2.96 feet, said point of intersection being the **TRUE POINT OF BEGINNING** of said 60.00 foot strip of land, and running THENCE along the centerline of said 60.00-foot strip and along said powerline the following two (2) bearings and distances: (1) THENCE N 75°40'59" E 1136.57 feet to an existing power pole; (2) THENCE continuing along said powerline, N 75°40'59" E 96.64 feet to a point on the right bank, (WEST BANK), of the Snake River, said point being the **POINT OF TERMINATION** of said 60.00-foot strip of land. The sidelines of said strip of land to be lengthened or shortened to begin said strip coincident with said easterly right-of-way line of West River Road, and end said strip coincident with the right bank, (WEST BANK), of the Snake River (or take other action deemed appropriate).

Attachments: City Property Discussion 7-11-22.pptx
Map.pdf

2) Public Hearing for the Tentative 2022/23 Fiscal Year Budget **21-583**

Pursuant to Idaho Code §50-1002, the Notice of Public Hearings for the 2022/23 fiscal year budget was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Action Item:

Municipal Services respectfully requests that the Mayor and Council conduct a public hearing for the 2022/23 fiscal year budget. The Public Hearing has been scheduled for Thursday, August 11, 2022, at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Attachments: City of Idaho Falls FY 2023 Public Hearing Notice.pdf

3) Public Hearing for the Proposed Fees for Fiscal Year 2022/23 **21-590**

The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the 2022/23 fiscal year proposed fee schedule was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Action Item:

Municipal Services respectfully requests that the Mayor and Council conduct a public hearing for the proposed 2022/23 fee schedule. The Public Hearing has been scheduled for Thursday, August 11, 2022, at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Attachments: 2022-23 Fee Notice.pdf

B. Public Works

1) State Local Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the Intersection of 17th Street and Rollandet Avenue Project **21-595**

Attached for consideration is a State Local Agreement and Resolution with ITD for construction of safety improvements at the intersection of 17th Street and Rollandet Avenue. The project will install median in 17th Street to prohibit left-turn movements from Rollandet Avenue. Improvements will also be made at the intersection of 19th Street and Leslie Avenue to better accommodate traffic crossing the railway at this location.

Action Item:

Approval of the State Local Agreement and Resolution with ITD for the Intersection of 17th Street and Rollandet Avenue project and authorize the Mayor and City Clerk to sign the documents (or take other action deemed appropriate).

Attachments: 22005 SLA CN.pdf

2) Iona Bonneville Sewer District (IBSD) - Request for Sewer Service Area Reduction **21-599**

Public Works is in receipt of a request from the IBSD to decrease the District's sewer service area by 4.449 acres as shown in the attached exhibit. The area includes the Curlew Bend Subdivision, which will receive sewer service from the City of Ammon.

Section 8 of the Cooperative Agreement for Sewage Collection and Treatment between Idaho Falls and the District requires that enlargements to the sewer service area be approved by the City of Idaho Falls. The City had previously requested that the District not expand its sewer service area unless alternative means were secured for sewage to reach the Wastewater Treatment Plant. Currently, the Sunnyside Sanitary Sewer Trunk line carries all flow from the District to the Plant. The District did reduce its service area in response to our request and is approximately 12.15 acres smaller than when originally requested by the City.

If approved, the District's sewer service area will be approximately 16.6 acres smaller than it was in 2016.

Action Item:

Approval of the request to reduce the Sewer Service Area for IBSD (or take other action deemed appropriate).

Attachments: 2022-08-02 - IBSD Exhibit A.pdf

C. Idaho Falls Power

1) Quote 56203 - Fiber Conduit Purchase for Idaho Falls Power **21-592**

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase conduit inventory for fiber service in late January 2022. D&S Electric Supply was among the lowest responsive, responsible bidders and was subsequently awarded a contract by City Council on January 27, 2022. As the construction season has progressed, more conduit is needed, and D&S has extended its original

pricing.

Action Item:

Approve the bid award to D&S Electric Supply for the unit prices shown as bid, for an amount of $254,000.00 (or take other action deemed appropriate).

Attachments: D&S Duraline quote.pdf

2) Professional Engineering Services Agreement with Gannett Fleming for Gem State Part 12 Inspection **21-591**

This agreement is for the five-year inspection of the Gem State Hydroelectric project that is required by Federal Energy Regulatory Commission (FERC) as outlined in the FERC Engineering Guidelines, Chapter 14 of the Dam Safety and Performance Monitoring Program. Gannett Fleming was selected following a search for qualifications (SOQ) as the most responsive, responsible bidder.

Action Item:

Approve the Gem State Part 12 Inspection work with Gannett Fleming for a not-to-exceed amount of $88,500.00 and give authorization to the Mayor and City Clerk to execute the necessary documents, (or take other action deemed appropriate).

Attachments: Gem State 7th Part 12 Inspection Agreement.pdf

D. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, East River Estates Division 1. **21-594**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for East River Estates Division 1. The Planning and Zoning Commission considered this item at its September 7, 2021, meeting and unanimously voted to recommend approval as presented. Staff concurs with this recommendation.

Action Item:

1. Approve the Development Agreement for the Final Plat for East River Estates Division 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept the Final Plat for East River Estates Division 1 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for East River Estates Division 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Final Plat
Staff Report
PC Minutes
Reasoned Statement
Development Agreement

2) Quasi-judicial Public Hearing-Rezone from R2, Mixed Residential to R3, Multiple Dwelling Residential with the Airport Limited Development Overlay Zone, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1. **21-593**

Attached is the application for Rezoning from R2 to R3 with the Airport Limited Development Overlay Zone, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1. The Planning and Zoning Commission considered this item at its July 5, 2022, meeting and recommended to the Mayor and City Council denial of the zone change to R3 with a vote of 3 to 1.

Action Item:

1. Approve the Ordinance Rezoning approximately 2.821 acres of a portion of Lot 1, Block 1 of Park Village Addition, Division 1 from R2 to R3 with the Airport Limited Development Overlay Zone, under 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 Rezone from R2 to R3 with the Airport Limited Development Overlay Zone and give authorization for the Mayor to execute the necessary documents (or take other action as deemed appropriate).

Attachments: Zoning Map
Aerial
Comp Plan Map
Staff Report
Airport Land Use
Airport Height Limitations
PC Minutes
Ordinance
Reasoned Statement

6. Announcements.

7. Adjournment.

Memorandum

File #: 21-603 **City Council Meeting**

FROM: Bud Cranor

DATE: Tuesday, August 9, 2022
DEPARTMENT: Mayor's Office

Subject
Appointments to City Boards, Committees and Commissions

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approval of appointment to City Boards, Commissions, and Committees

Description, Background Information & Purpose
Attached please find communication from Community Development Services Director Brad Cramer regarding the citizen volunteers being re-appointed to serve on the Idaho Falls Business Assistance Corporation (IFBAC):

Name	Board, Commission, Committee	Term Expires	Status
Jeff Osgood	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
David Noack	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint
Kari Campos	Idaho Falls Business Assistance Corp	12/31/2023	Re-appoint

These citizens have a desire to continue their service and come recommended by Director Cramer. The Mayor's Office has reviewed the re-appointment request and concur with Director Cramer's recommendation. We are confident these citizen volunteers meet the criteria set forth in City Code and anticipate that they will make positive contributions to the good work of the city.

Your vote is requested giving consent to these re-appointments at the regular City Council Meeting on Thursday, August 11, 2022. If you have questions, please feel free to contact Chief of Staff Bud Cranor or Director Cramer.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

Involving citizens in governance decision making processes supports the highest values of the strategic plan.

Interdepartmental Coordination
N/A

Fiscal Impact
Any activities for this committee will be accounted for in the department's budget.

Legal Review
N/A

COMMUNITY DEVELOPMENT SERVICES

Planning Department
Office (208) 612-8276
Fax (208) 612-8520

IDAHO FALLS

Building Department
Office (208) 612-8270
Fax (208) 612-8520

MEMORANDUM

TO: Bud Cranor, Chief of Staff

FROM: Brad Cramer, CDS Director
DATE: July 26, 2022
RE: The re-appointments of Jeff Osgood, David Noack and Kari Campos to the Idaho Falls Business Assistance Corporation (IFBAC)

Community Development Services respectfully requests the re-appointment of Jeff Osgood, David Noack and Kari Campos to the Idaho Falls Business Assistance Corporation for a term ending December 31, 2023.

Please feel free to contact me with any questions.

Memorandum

File #: 21-582 **City Council Meeting**

FROM: Josh Roos, City Treasurer
DATE: Wednesday, August 3, 2022
DEPARTMENT: Municipal Services

Subject
Treasurer's Report for June 2022

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the Treasurer's Report for the month-ending June 2022 (or take other action deemed appropriate).

Description, Background Information & Purpose

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending June 2022, total cash, and investments total $148.8M. Total receipts received and reconciled to the general ledger were reported at $33.6M, which includes revenues of $31.6M and interdepartmental transfers of $2M. Total distributions reconciled to the general ledger were reported at $29.8M, which includes salary and benefits of $6M, operating costs of $21.8M and interdepartmental transfers of $2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at $142.2M. Additional expenditure and revenue reports are being included to provide more detailed information for the monthly reporting.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The monthly Treasurer's Report supports the good governance community-oriented result by providing sound fiscal management and enable trust and transparency.

Interdepartmental Coordination

Not applicable.

Fiscal Impact

Not applicable.

Legal Review

Not applicable.

powered by Legistar™

IDAHO FALLS

City-Wide Actual Cash & Investments by Fund

FY 2021-2022 June

#	FUND	Beginning Cash & Investments	Interest Earned	Total Receipts	Total Disbursements	Ending Cash & Investments	FY 2020-2021 June Ending Cash & Investments
1	GENERAL	22,403,260	27,229	15,460,880	11,411,719	26,452,420	15,940,814
10	STREET	5,079,705	6,183	240,236	664,206	4,655,734	5,346,420
11	RECREATION	186,296	227	283,931	281,197	189,030	(139,876)
12	LIBRARY	3,838,658	4,673	63,273	256,116	3,645,815	4,014,163
13	AIRPORT PFC FUND	1,330,521	1,620	124,300	7,360	1,447,462	264,528
14	MUNICIPAL EQUIP. REPLCMT.	-	-	-	-	-	5,685,634
15	EL. LT. WEATHERIZATION FD	3,723,434	4,532	57,000	62,650	3,717,785	3,570,704
16	BUSINESS IMPRV. DISTRICT	107,798	131	1,923	596.28	109,125	78,275
18	GOLF	(243,310)	(296)	370,699	393,577	(266,187)	(132,956)
19	SELF-INSURANCE FD.	3,828,456	4,782	235,610	1,047,466	3,016,599	3,158,396
20	HEALTH & ACCIDENT INSUR.	4,540,999	5,528	5,528	25,118.19	4,521,409	4,661,256
23	EMERGENCY MEDICAL SERVICES	392,587	478	581,578	582,867	391,299	(1,172,804)
24	WILDLAND	659,032	802	802	36,746	623,088	253,124
32	POLICE IMPACT FEES	-	-	1,442	-	1,442	-
33	FIRE IMPACT FEES	-	-	1,168	-	1,168	-
34	PARKS IMPACT FEES	-	-	4,172	-	4,172	-
35	STREETS IMPACT FEES	-	-	9,039	-	9,039	-
41	MUNICIPAL CAPITAL IMP.	2,573,288	3,132	21,057	80,644	2,513,702	2,592,246
42	STREET CAPITAL IMPROVEMENT	849,285	1,034	3,751,034	3,773,064	827,255	1,026,392
43	BRIDGE & ARTERIAL STREET	868,204	1,057	29,992	4,802	893,393	1,013,524
45	SURFACE DRAINAGE	196,178	239	4,587	1,085	199,680	246,316
46	TRAFFIC LIGHT CAPITAL IMPRV.	1,373,587	1,672	37,138	115,582	1,295,144	1,081,584
47	PARKS CAPITAL IMPROVEMENT	(100,458)	(122)	156,747	100,747	(44,458)	(64,282)
49	ZOO CAPITAL IMPROVEMENT	381,094	464	23,423	13,681	390,836	339,102
50	CIVIC AUDITORIUM CAPITAL IMP.	201,212	245	245	1,113	200,344	206,016
51	GOLF CAPITAL IMP.	32,555	40	28,879	5,273	56,161	335,785
52	POLICE CAPITAL IMPROVEMENT	1,230	-	-	322,989	(321,759)	(533,827)
60	AIRPORT	(785,411)	(956)	2,224,207	531,065	907,731	2,128,230
61	WATER	19,449,698	23,676	2,208,876	2,209,041	19,449,533	15,644,110
62	SANITATION	6,123,657	7,454	522,067	1,105,898	5,539,826	5,736,620
64	IDAHO FALLS POWER	36,776,267	43,568	5,484,997	5,496,319	36,764,945	43,630,144
67	FIBER	433,505	528	441,727	456,301	418,931	495,425
68	WASTEWATER	30,748,452	37,430	1,259,435	860,952	31,146,935	28,123,900
	TOTAL	144,969,781	175,348	33,635,991	29,848,174	148,757,598	143,528,965

IDAHO FALLS

City-Wide Anticipated Revenue to Actual by Fund

FY 2021-2022 June

#	Fund	Adjusted Budget	June 2022 Receipts	YTD Total Receipts	Difference-Unrealized Revenue	% of Actual to Budget	FY 2020-2021 June Adjusted Budget	FY 2020-2021 June YTD Total Receipts	FY 2020-2021 June Difference-Unrealized Revenue	FY 2020-2021 June % of Actual to Budget
1	GENERAL FUND	53,588,052	2,769,227	37,954,306	(15,633,746)	71%	49,287,797	42,775,912	(6,511,885)	87%
10	STREET FUND	7,940,709	207,382	5,349,176	(2,591,533)	67%	6,918,181	7,179,940	261,759	104%
11	RECREATION FUND	3,434,554	283,352	1,556,128	(1,878,426)	45%	3,058,480	1,588,747	(1,469,733)	52%
12	LIBRARY FUND	3,641,394	41,886	2,447,995	(1,193,399)	67%	3,625,707	2,980,898	(644,809)	82%
13	AIRPORT PFC FUND	-	116,941	904,634	904,634	0%	-	264,528	264,528	0%
14	MERF Fund	2,419,100	-	-	(2,419,100)	0%	2,200,000	2,048,727	(151,273)	93%
15	EL PUBLIC PURPOSE FUND	1,208,000	39,243	350,957	(857,043)	29%	1,208,000	586,198	(621,802)	49%
16	BUS IMP DISTRICT	90,000	1,327	62,564	(27,436)	70%	90,000	64,252	(25,748)	71%
18	GOLF FUND	3,010,540	363,728	2,165,792	(844,748)	72%	2,733,173	2,148,196	(584,977)	79%
19	RISK MANAGEMENT FUND	1,955,503	156,541	1,186,246	(769,257)	61%	1,990,496	1,046,792	(943,704)	53%
20	HEALTH INSURANCE FUND	50,000	(19,591)	(87,521)	(137,521)	-175%	2,000,000	41,891	(1,958,109)	2%
23	EMERGENCY MEDICAL SERVICE	7,097,114	810,970	6,327,081	(770,033)	89%	6,928,974	5,792,812	(1,136,162)	84%
24	WILDLAND FIRE	1,200,000	(2,843)	819,459	(380,541)	68%	1,180,000	1,732,387	552,387	147%
32	POLICE IMPACT FEES	-	1,442	1,442	1,442	0%	-	-	-	0%
33	FIRE IMPACT FEES	-	1,168	1,168	1,168	0%	-	-	-	0%
34	PARKS & REC IMPACT FEES	-	4,172	4,172	4,172	0%	-	-	-	0%
35	STREETS IMPACT FEES	-	9,039	9,039	9,039	0%	-	-	-	0%
41	MUNICIPAL CAP IMP	810,618	6,824	459,344	(351,274)	57%	810,618	712,645	(97,973)	.
42	STREET CAP IMP	307,000	(3,664)	103,319	(203,681)	34%	615,000	672,824	57,824	109%
43	BRIDGE & ARTERIAL FUND	160,000	9,742	119,751	(40,249)	75%	160,000	139,792	(20,208)	87%
45	SURFACE DRAINANGE FUND	41,500	369	16,795	(24,705)	40%	41,500	33,856	(7,644)	82%
46	TRAFFIC LIGHT CAP IMP	436,596	29,540	265,869	(170,727)	61%	467,600	276,919	(190,681)	59%
47	PARKS CAP IMP	65,000	156,624	1,262,423	1,197,423	1942%	1,552,000	11,808	(1,540,192)	1%
48	FIRE CAP IMP	401,524	10,033	278,200	(123,324)	69%	401,524	350,902	(50,622)	87%
49	ZOO CAP IMP	2,000,000	21,315	102,254	(1,897,746)	5%	1,167,000	177,430	(989,570)	15%
50	CIVIC AUDITORIUM CAP IMP	200,000	(868)	(4,244)	(204,244)	-2%	-	1,850	1,850	0%
51	GOLF CAP IMP	291,600	28,879	207,455	(84,145)	71%	3,291,181	217,648	(3,073,533)	7%
52	POLICE CAP IMP	30,000,000	-	1,927,703	(28,072,297)	6%	-	1,008	1,008	0%
60	AIRPORT FUND	14,947,300	2,236,401	4,685,971	(10,261,329)	31%	15,426,601	15,333,803	(92,798)	99%
61	WATER FUND	11,762,500	1,162,036	10,390,518	(1,371,982)	88%	11,246,500	9,509,394	(1,737,106)	85%
62	SANITATION FUND	5,214,000	521,811	4,580,695	(633,305)	88%	4,704,000	4,478,816	(225,184)	95%
64	ELECTRIC LIGHT FUND	68,045,982	6,750,822	50,386,846	(17,659,136)	74%	81,433,525	46,694,214	(34,739,311)	57%
67	FIBER	1,251,455	170,646	1,640,900	389,445	131%	922,064	3,647,468	2,725,404	396%
68	WASTEWATER	12,874,000	1,097,862	9,859,295	(3,014,705)	77%	12,535,000	10,169,779	(2,365,221)	81%
	TOTAL	234,444,041	16,982,356	145,335,733	(89,108,308)	62%	215,994,921	160,681,436	(55,313,485)	74%

IDAHO FALLS

General Fund Anticipated Revenue to Actual

Description	FY 2021-2022 June Adjusted Budget	FY 2021-2022 June YTD Total Receipts	FY 2021-2022 June Difference- Unrealized Revenue	FY 2021-2022 June % of Actual to Budget	FY 2020-2021 June Adjusted Budget	FY 2020-2021 June YTD Total Receipts	FY 2020-2021 June Difference- Unrealized Revenue	FY 2020-2021 June % of Actual to Budget
TAXES AND FRANCHISES	32,239,503	20,706,482	(11,533,021)	64%	30,634,885	21,298,162	(9,336,723)	70%
LICENSES & PERMITS REVENUE	1,388,500	1,424,869	36,369	103%	1,405,550	1,205,128	(200,422)	86%
FEDERAL GRANTS	355,555	16,433	(339,122)	5%	234,000	5,291,049	5,057,049	2261%
STATE GRANTS	2,154,325	734,981	(1,419,344)	34%	1,625,500	2,879,135	1,253,635	177%
STATE SHARED REVENUES	7,257,712	6,783,599	(474,113)	93%	6,786,040	5,868,864	(917,176)	86%
LOCAL SHARED REVENUES	2,305,546	1,792,227	(513,319)	78%	2,257,791	1,494,744	(763,047)	66%
PAYMENT IN-LIEU-TAX	4,635,075	3,467,056	(1,168,019)	75%	4,456,357	3,338,518	(1,117,839)	75%
GENERAL GOVERNMENT	535,500	634,528	99,028	118%	513,200	534,576	21,376	104%
ZOO	722,253	360,632	(361,621)	50%	589,000	406,447	(182,553)	69%
PARKS	370,000	190,977	(179,023)	52%	413,000	67,870	(345,130)	16%
CEMETERY	175,000	135,420	(39,580)	77%	175,000	176,895	1,895	101%
ANIMAL CONTROL & SHELTER	116,000	63,050	(52,950)	54%	101,500	64,779	(36,721)	64%
COMMUNITY FACILITIES	128,000	71,895	(56,105)	56%	128,450	26,019	(102,431)	20%
FINES & FORFEITURES	258,000	154,316	(103,684)	60%	286,450	203,260	(83,190)	71%
LIABILTY INSURANCE	120,000	(1,222)	(121,222)	-1%	150,000	3,196	(146,804)	2%
INTEREST INCOME	-	206,608	206,608	-	-	147,448	147,448	-
MARKET ADJUSTMENT	-	(745,495)	(745,495)	-	-	5,746	5,746	-
RENTALS & LEASES	111,000	69,092	(41,908)	62%	114,000	85,500	(28,500)	75%
REFUNDS	212,000	278,823	66,823	132%	202,000	147,511	(54,489)	73%
CONTRIBUTIONS--PRIVATE SOURCES	360,550	128,257	(232,293)	36%	137,000	63,295	(73,705)	46%
OTHER MISCELLANEOUS REV.	588,533	547,301	(41,232)	93%	641,500	13,196	(628,304)	2%
MERF DEPRECIATION	-	1,004,475	1,004,475	-	-	-	-	-
OTHER FINANCING SOURCES	(455,000)	(70,000)	385,000	15%	(1,563,426)	(545,426)	1,018,000	35%
GENERAL FUND TOTAL	53,578,052	37,954,306	(15,623,746)	71%	49,287,797	42,775,912	(6,511,885)	87%

IDAHO FALLS

General Fund Expenditures- Budget to Actual by Department

FY 2021-2022 June

#	Department	Adjusted Budget	June 2022 Expenses	YTD Total Expenses	% of Actual to Adj. Budget	Encumbrance	YTD Total Expenses w/ Encumbrances	Difference- Remaining Expense
1	MAYOR & COUNCIL	863,012	7,087	268,094	31%	21,305	289,399	573,613
1	LEGAL	423,563	26,873	351,250	83%	5,517	356,767	66,796
1	MUNICIPAL SERVICES	5,049,336	449,047	3,514,878	70%	1,161,587	4,676,464	372,872
1	COMMUNITY DEVELOPMENT	3,779,653	182,422	2,082,204	55%	34,751	2,116,955	1,662,698
1	HUMAN RESOURCES	390,102	29,864	240,377	62%	34,090	274,466	115,636
1	POLICE	20,141,629	1,312,340	12,724,478	63%	442,736	13,167,213	6,974,416
1	FIRE	13,406,241	1,078,291	9,900,798	74%	393,170	10,293,969	3,112,272
1	PARKS	10,206,824	758,482	5,615,940	55%	868,110	6,484,050	3,722,774
1	GENERAL FUND PUBLIC WORKS	2,070,924	345,642	637,475	31%	377,793	1,015,268	1,055,656
	TOTAL	56,331,284	4,190,050	35,335,493	63%	3,339,059	38,674,552	17,656,732

FY 2020-2021 June

Adjusted Budget	YTD Total Expenses	% of Actual to Adj. Budget
641,483	220,928	34%
558,984	373,009	67%
4,802,563	2,464,477	51%
3,644,794	2,107,457	58%
365,837	165,401	45%
18,263,319	12,474,473	68%
13,234,347	9,999,721	76%
8,975,614	5,299,623	59%
2,302,100	797,940	35%
52,789,041	33,903,027	64%

IDAHO FALLS

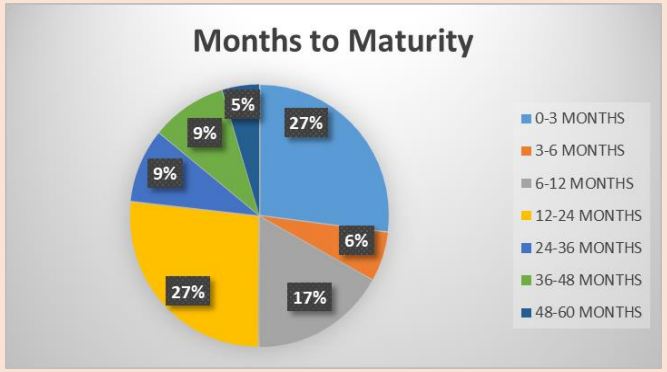
City-Wide Expenditures-Budget to Actual by Fund

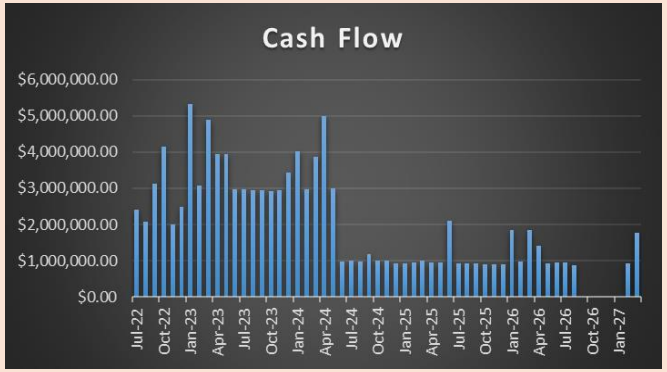
#	Fund	FY 2021-2022 June Adjusted Budget	June 2022 Expenses	YTD Total Expenses	% of Actual to Budget	Encumbrances	YTD Total Expenses w/ Encumbrances	Difference-Remaining Expense	FY 2020-2021 June Adjusted Budget	YTD Total Expenses	% of Actual to Budget
1	GENERAL FUND	56,331,284	4,190,050	35,335,493	63%	3,339,059	38,674,552	17,656,732	52,789,041	33,903,027	64%
10	STREET FUND	9,603,761	642,343	4,655,906	48%	2,506,874	7,162,780	2,440,981	8,048,438	3,903,506	49%
11	RECREATION FUND	3,487,819	279,498	2,406,288	69%	173,429	2,579,717	908,102	3,421,102	1,448,640	42%
12	LIBRARY FUND	4,464,135	234,729	2,449,359	55%	281,055	2,730,413	1,733,722	6,602,948	2,053,063	31%
13	AIRPORT PFC FUND	-	-	-	0%	-	-	-	-	-	0%
14	MERF Fund	-	-	-	0%	508,654	508,654	(508,654)	3,966,535	1,779,273	45%
15	EL PUBLIC PURPOSE FUND	1,208,000	55,342	180,605	15%	-	180,605	1,027,395	1,000,000	284,376	28%
16	BUS IMP DISTRICT	85,500	-	60,000	70%	25,500	85,500	-	85,000	85,500	101%
18	GOLF FUND	3,116,067	404,826	2,117,563	68%	243,148	2,360,711	755,356	2,868,555	2,059,414	72%
19	RISK MANAGEMENT FUND	3,914,496	968,279	1,696,168	43%	31,621	1,727,789	2,186,707	3,811,292	1,136,954	30%
20	HEALTH INSURANCE FUND	60,000	-	20,000	33%	-	20,000	40,000	60,000	33,000	55%
23	EMERGENCY MEDICAL SERVICE	6,936,750	555,421	4,857,435	70%	73,821	4,931,256	2,005,494	7,438,548	5,031,032	68%
24	WILDLAND FIRE	1,039,132	33,101	246,389	24%	50,690	297,079	742,053	966,932	594,480	61%
41	MUNICIPAL CAP IMP	1,080,831	66,410	194,453	18%	353,113	547,567	533,264	1,000,000	87,423	9%
42	STREET CAP IMP	4,750,000	18,366	86,066	2%	17,690	103,756	4,646,244	1,700,000	887,464	52%
43	BRIDGE & ARTERIAL FUND	350,000	-	24,879	7%	30,721	55,600	294,400	350,000	11,000	3%
45	SURFACE DRAINANGE FUND	50,000	-	808	2%	-	808	49,192	150,000	-	0%
46	TRAFFIC LIGHT CAP IMP	545,000	107,984	212,281	39%	88,450	300,730	244,270	715,204	211,947	30%
47	PARKS CAP IMP	292,919	100,625	418,812	143%	979,205	1,398,017	(1,105,098)	1,675,000	102	0%
48	FIRE CAP IMP	-	-	-	0%	-	-	-	-	-	0%
49	ZOO CAP IMP	1,872,523	11,573	115,816	6%	70,203	186,019	1,686,504	1,065,000	70,480	7%
50	CIVIC AUDITORIUM CAP IMP	200,000	-	-	0%	-	-	200,000	200,000	-	0%
51	GOLF CAP IMP	275,000	5,273	734,024	267%	141,147	875,170	(600,170)	3,240,000	166,610	5%
52	POLICE CAP IMP	30,000,000	322,989	1,096,326	4%	24,121,068	25,217,394	4,782,606	-	534,835	0%
90	CONTINGENCY	14,077,791	-	-	0%	-	-	14,077,791	32,488,577	-	0%
60	AIRPORT FUND	14,982,017	525,065	4,820,292	32%	1,617,694	6,437,986	8,544,031	19,589,951	16,542,889	84%
61	WATER FUND	19,547,021	958,960	5,539,781	28%	3,977,841	9,517,623	10,029,398	13,015,195	5,583,460	43%
62	SANITATION FUND	6,333,350	1,071,674	4,449,804	70%	670,965	5,120,770	1,212,580	6,353,208	3,806,363	60%
64	ELECTRIC LIGHT FUND	82,487,907	5,584,637	51,332,869	62%	4,654,144	55,987,013	26,500,894	88,900,255	47,369,184	53%
67	FIBER	6,293,260	500,312	3,869,018	61%	2,169,581	6,038,599	254,661	6,621,946	3,586,729	54%
68	WASTEWATER	21,507,174	688,594	5,689,636	26%	2,527,768	8,217,404	13,289,770	14,218,637	6,566,867	46%
	TOTAL	294,891,737	17,326,048	132,610,072	45%	48,653,441	181,263,513	113,628,224	282,341,364	137,737,620	49%

June 2022 Investments Maturity

MONTH	AMOUNT	%
0-3 MONTHS	$38,432,372.97	27.03%
3-6 MONTHS	$8,618,206.34	6.06%
6-12 MONTHS	$24,160,006.80	16.99%
12-24 MONTHS	$37,962,707.64	26.70%
24-36 MONTHS	$12,947,140.56	9.10%
36-48 MONTHS	$13,469,992.47	9.47%
48-60 MONTHS	$6,618,601.24	4.65%
Total	$142,209,028.02	100.00%





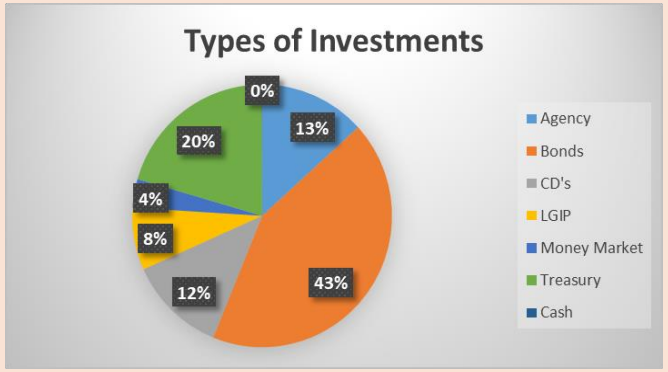


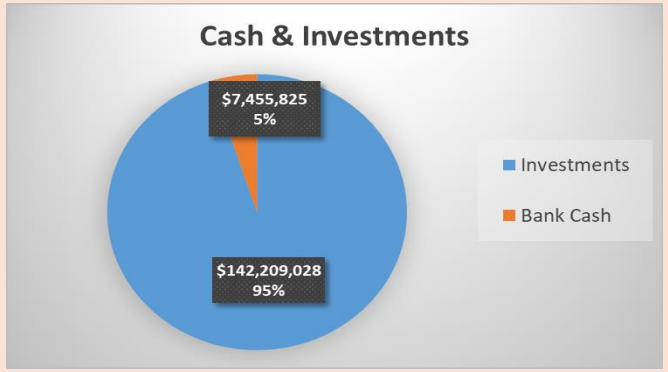
- COIF Investment Policy states that no more than 25 percent of the portfolio may be invested beyond 24 months.
- Currently the City is at 23 percent of the portfolio is invested beyond 24 months.

June 2022 Types of Investments

TYPE	AMOUNT	%
Agency	$18,843,265.43	13%
Bonds	$60,999,465.52	43%
CD's	$17,328,703.36	12%
LGIP	$10,899,295.43	8%
Money Market	$5,010,568.63	4%
Treasury	$29,048,533.93	20%
Cash	$79,195.72	0.06%
Total	$142,209,028.02	100.00%

BROKER	AMOUNT	%
LPL	$256,930	0.18%
LGIP	$10,899,295	7.66%
Wells Fargo	$113,049,908.74	79.50%
DA Davidson	$526,033.03	0.37%
WAFED	$5,271,949.89	3.71%
Lookout CU	$277,655.54	0.20%
Key Bank	$5,389,870.78	3.79%
Idaho Central CU	$4,469,162	3.14%
Bank of Commerce	$2,068,223	1.45%
Total	$142,209,028.02	100.00%





- COIF Investment Policy states that no more than 50% of the portfolio may be invested in one type of security.

- Yearly Investment Comparison
  - City Investment Portfolio

    2021: $136.2M

    2022: $142.2M

  - Total Cash & Investment

    2021: $143.5M

    2022: $148.8M

Memorandum

File #: 21-596 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Wednesday, August 3, 2022
DEPARTMENT: Municipal Services

Subject
Bid IF-22-H, Purchase one CAT 308 Excavator for Parks and Recreation

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the purchase of one CAT 308 Excavator for Parks and Recreation from the Sourcewell cooperative purchasing contract #032119-CAT from Western States Equipment Company of Idaho Falls for a total of $142,100.00 (or take other action deemed appropriate).

Description, Background Information & Purpose

This purchase will replace unit #6808, a 2009 JCB Backhoe that has reached its useful life and is scheduled for replacement. The purchase includes a 60-month, 2500-hour warranty.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

The purchase of the excavator supports the reliable public infrastructure and transportation community-oriented result by replacing equipment that has reached its useful life.

Interdepartmental Coordination

The Parks and Recreation Department concurs with the award recommendation.

Fiscal Impact

Funds to purchase the replacement are within the 2021/22 Municipal Equipment Replacement Funds budget for Parks and Recreation.

Legal Review

The City Attorney concurs that the desired Council action is within State Statute.

Aug, 1st 2022

City of Idaho Falls
PO Box 50220
Idaho Falls, ID 83405

6159672	308 07A CR MHE DCA8D	182,184.00
5046175	THUMB,HYD + COUPLER,PG,HYD, 8T	10,278.00
4218926	SERIALIZED TECHNICAL MEDIA KIT	0.00
5909287	ATHENS DEALER PDI & FUEL	399.00
0P2266	SHIPPING/STORAGE PROTECTION	239.00
0P4299	PACKING, LAST MILE PROGRAM	0.00
0P9003	LANE 3 ORDER	0.00
4152556	HEATER, WATER JACKET	0.00
5106070	SEAT, AIR SUSP, FABRIC, HEATED	0.00
5106085	BELT, SEAT, 3" RETRACTABLE	0.00
5116177	MONITOR NEXT GEN, ADVANCED, CR	0.00
5116235	CAMERA, REAR VIEW	0.00
5148055	LINES, BOOM	0.00
5148067	LINES, STICK	0.00
5161613	LINES, QC, LNG STK, 3 LINE	0.00
5200778	CONTROL, QC, 3 LINE	0.00
5226460	CAT KEY, WITH PASSCODE OPTION	0.00
5233993	INSTRUCTIONS, ANSI	0.00
5256657	COUNTERWEIGHT, EXTRA	0.00
5575123	PRODUCT LINK, CELLULAR PLE643	0.00
5623698	STD BLADE, STD U/C, TG W/PAD	0.00
5632071	STICK, LONG	0.00
5681567	LINKAGE, BUCKET W/ LIFTING EYE	0.00
6053340	EOU HOUSE SWING COVER, 8T	0.00
	Total List Price	193,100.00
	Sourcewell discount 20% of list price	38,620.00
	Western States Regional discount	12,380.00
	Total Machine price	142,100.00

This machine comes with a 60-month 2500hr. Premier warranty.

Thank You,

Ben Winder
208-521-1025
Ben.winder@wseco.com

Memorandum

File #: 21-600 **City Council Meeting**

FROM: Kathy Hampton, City Clerk
DATE: Friday, August 5, 2022
DEPARTMENT: Municipal Services

Subject
Minutes from Council Meetings

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

Approve the minutes as described below (or take other action deemed appropriate).

Description, Background Information & Purpose
July 12, 2022 City Council Budget Session; July 19, 2022 City Council Budget Session; July 25, 2022 City Council Work Session; and July 28, 2022 City Council Meeting

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐
The minutes support the Good Governance community-oriented result by providing assurance of regulatory and policy compliance to minimize and mitigate risk.

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

July 12, 2022 Council Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Tuesday, July 12, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 12:15 p.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Also present:
Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Megan Ricks, Accountant
Duane Nelson, Fire Chief
Chris Fredericksen, Public Works Director
Ryan Tew, Human Resources Director
Kerry Beutler, Community Development Services Assistant Planning Director
Bryce Johnson, Police Chief
Robert Wright, Library Director
Beth Swenson, Assistant Library Director
PJ Holm, Parks and Recreation Director
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 12:20 p.m. with the following items:

Mayor, Municipal Services/Opening Remarks, Announcements:
Mayor Casper stated the AIC (Association of Idaho Cities) distributes a budget book which indicates a budget must be prepared for council consideration. She also stated each director worked with staff on their individual budget which has then been reviewed by multiple staff members; the budget continues to be refined to ensure council has solid information for decision making; and once the priorities are established the budget is then officially adopted. Mayor Casper indicated budget sessions are set aside for budget review with additional time as needed. She also indicated the annual inflation rate is just over 8%, which affects the city's purchase of materials, goods, and vehicles. She noted the State has determined that cities cannot exceed their budget by 3% increase, therefore, programs or services may have to be scaled back. She also noted taxes are based on levy rates, and values increase when the levy rate decreases.

Financial Team/Presentation and Discussion: Balanced Budget Overview with Introduction to Gravity; Budget Software and other new features for FY 2022-23; Preliminary Revenue Forecast:
Director Alexander reminded the council that the recent software approval of Gravity included budget database and reporting. Mr. Hagedorn stated a new accounting standard must be applied in the current year, and the previous budget process was very personnel labor intensive, noting Gravity will assist with this process. He

presented an example/overview, provided by GFOA (Government Finance Officers Association), for the city to work toward. He indicated this process will take a year to create, therefore, Gravity is running in tandem with the current process for the current year. He noted capital planning (governmental funds) will take place in Year 2 or Year 3. Director Alexander reviewed budget working assumptions used in the creation of budget documents which include salaries and wages of regular employees, benefits, interdepartmental charges, fleet maintenance cost allocation, changes in funds, MERF (Municipal Equipment Replacement Fund), resources accumulated for the purchase of MERF equipment, segregated general ledger account codes for grant expenditures, no property tax increase (Mr. Hagedorn stated this is a council decision, however, he encouraged the 3% be taken. Mayor Casper recommends the 3%, growth, and annexation be taken, however, forgone is a council option.), and governmental fund departments were requested to submit a flat operational budget compared to the previous year. Mr. Hagedorn stated a new draft of the budget will be distributed each week as directors receive additional information.

Mr. Hagedorn presented the following with general discussion throughout:
Total Proposed Budget Overview:

	2021/22 Budget		2022/23 (Proposed Budget)		$ Change Expenditure	% Change Expenditure	FTE (Full-Time Employees) Count
	Expenditure	Revenue	Expenditure	Resources*			
Total City-wide	$292,186,140	$234,444,123	$329,648,020	$266,193,937	$37,461,880	13%	722

*Revenue title was changed to Resources to encompass the use of MERF cash in the respective departments

Mr. Hagedorn stated the difference between Resources and Expenditure is undesignated cash, mostly from the Enterprise Funds, and the Special Revenue Fund has contingency of $24M, which is consistent to the previous year. He noted the main purpose of contingency is for unanticipated revenue that is planned to expend, and this allows council from re-opening the budget.

Total Proposed Budget Overview by Functional Category-Revenue:

Functional Category	FY2021-2022	FY2022-2023	Difference
Total Resources	$234,444,123	$266,193,937	$31,749,814

Mr. Hagedorn stated the decrease in Taxes and Franchises is coming from the county; Licenses and Permits increase is due to grant opportunities, FAA (Federal Aviation Administration) projects, and other projects; Charges for Service increase is due to fees as well as projections of additional new fees (this also includes Impact Fees); there is a significant decrease in Sale of Property; Miscellaneous decrease is due to reprioritizing categories; and Non-Revenue MERF/Transfers decrease is due to lack of planned transfers between interdepartmental loans. Mr. Hagedorn believes Investment Income will increase due to the federal rates.

Total Proposed Budget Overview by Functional Category-Expense:

Functional Category	FY2021-2022	FY2022-2023	Difference
Expense Total	$292,186,140	$329,648,021	$37,461,881

Mr. Hagedorn stated Current Operating Expense, which coincides with increase in revenue, is the largest increase; Salaries and Wages increase is due to the placeholder of the COLA (Cost of Living Adjustment), which is lower than expected due to turnover of employees and vacancies; Depreciation increase discussion will be forthcoming; and Debt Service decrease is due to no payment being made on the WWTP (Wastewater Treatment Plant) as the payment is several years ahead of schedule.

Total Proposed Budget Overview- General Fund:

	2021/22 Budget		2022/23 (Proposed Budget)		$ Change Expenditure	% Change Expenditure	FTE Count
	Expenditure	Revenue	Expenditure	Resources			

General Fund	$53,612,553	$53,588,052	$62,854,850	$62,268,286	$9,242,297	17%	428

Mr. Hagedorn stated Expenditures are increasing by 17% which is due to ARPA (American Rescue Plan Act of 2021), grants, and increase to costs of supplies. Director Alexander briefly reviewed the increase for Municipal Services. Mr. Hagedorn briefly reviewed the increase for the Idaho Falls Police Department (IFPD).

Total Proposed Budget Overview by Functional Category-Revenue, General Fund:

Functional Category	FY2021-2022	FY2022-2023	Difference
Total Resources	$53,588,052	$62,268,286	$8,680,234

Mr. Hagedorn stated Taxes and Franchises decrease is due to the county no longer passing on late fees; Intergovernmental Revenue increase is due to ARPA and other grants; and MERF will not include transfers.

Total Proposed Budget Overview by Functional Category-Expense, General Fund:

Functional Category	FY2021-2022	FY2022-2023	Difference
Expense Total	$53,612,553	$62,854,850	$9,242,297

Mr. Hagedorn stated Salaries and Wages increase is due to COLA; Current Operating Expense increase is due to grants; and the Idaho Falls Police Complex lease is included in Depreciation.

Property Tax Calculation:

Calculation of Taxes	
Last year's amount	$40,673,424
Estimated New Annexation	25,000
Estimated New Construction	775,000
3% Statutory Increase	1,234,420
Forgone to use	-
Estimated Property Tax	$42,707,844
Forgone current balance	$5,387,930
Forgone Calculations	
1%	$411,473
3%	$1,234,240

Mr. Hagedorn stated the county indicated the numbers for annexation and construction should be available around July 25. He noted the previous year was a comparison of city data with county data. He also noted the fairly new county individual is more familiar with capturing the information/numbers this year. Director Alexander stated there are several property tax valuations appeals to the county. Mr. Hagedorn stated these appeals are retroactive to the previous year, which is a hardship to a city. He also stated the ability to levy is $2.1M, which does not include forgone.

Proposed Allocation of Property Taxes Overview:

	Current Allocation	Property Tax by Request	Difference
General Fund	$32,039,503	$32,626,067	$586,564
Personal Prop Repl/Ag Equip	473,898		
Street Fund	4,244,181	4,000,000	-244,181
Recreation Fund	796,204	875,848	79,644
Library Fund	2,401,394	2,667,007	265,613
Mun Cap Imp Fund	790,618	790,618	-
G/F Fire Station Bldg	401,524	401,524	-
	$40,673,424	$41,631,064	$687,640

	Unallocated Taxes	$1,346,780	
	Total Requested	$42,707,844	

Mr. Hagedorn stated the General Fund break-even amount is $586,564 in property tax revenue. He also stated the total allocated for funds is $687,640, and unallocated is $1.3M. Per Councilor Burtenshaw, Mr. Hagedorn confirmed this allocation includes a 4% COLA. Mayor Casper noted the city is projected to break $1M in the sales tax fund, which has not previously occurred. Mr. Hagedorn stated a 5% decrease in State shared revenue occurred each year from 2005-2008, noting this revenue has been discounted by 4% in the event this happens again in the next year.

Employee Compensation:

Director Tew indicated the next inflation report will be received July 13, 2022. Brief comments followed regarding the recession and inflation. Mayor Casper stated the city needs to look at inflation, recruiting, and retaining, realizing the cost of training of employees is significant. She believes the city is not able to make smart decisions without talented employees. She recapped that the council has committed to at least a 4% COLA. She believes a hybrid approach may need to be considered, as a one-time consideration. Director Alexander stated 83% of the proposed 4% COLA ($1.5M) would be covered by taxes and fees. She concurred the one-time consideration should not occur each year. Mr. Hagedorn clarified 83% comes from a governmental fund and 17% comes from a ratepayer fund. He reviewed a blended approach for percentage and dollar amount. He believes a flat rate addresses mid to lower grade retention issues. Director Tew believes there are advantages and disadvantages to a blended approach. He agrees this would help with recruiting and retention challenges and would be more competitive in the lower ranges. He stated disadvantages would include some compression between ranges, disenchantment at the higher end, and the salary structure would no longer be symmetrical. He also agrees this should not be ongoing. Mayor Casper explained the difference of a dollar increase versus a percentage increase. She believes the blended approach should be considered, especially for the lower ranges. Councilor Hally agrees as he believes the dollar amount is the key. Councilor Freeman expressed his concern for those employees in the higher ranges with the blended approach. Councilor Burtenshaw stated she is in favor of 3% statutory with no forgone due to other revenue sources. Councilor Freeman stated he would be in favor of some forgone if needed. Councilor Radford stated due to the unusual year of property assessed values, he is open to taking less than the 3% statutory. Councilor Burtenshaw believes overall taxes for commercial properties will pay less than residential. Council President Dingman reminded the council that all General Fund capital requests have not been presented. General discussion followed including the amounts for percentages and/or dollar increases for the lower and higher grades, a comparison chart based on a dollar range, the number of union employees, the market study, and forgone.

Department Liaisons/Budget Review for General Fund Departments:

Fire Department-

Council President Dingman and Councilor Freeman presented the following with general discussion throughout:

- ARPA funds – two Type I ambulances, one Type II ambulance, and the ambulance equipment, which are already budgeted.
- Operational budget increases include: operations of minor equipment expenses, repair and maintenance of buildings, training facility architect/consultant (which is offset by Wildland interfund transfer), repair and maintenance for auto equipment, and overall budget due to Station 4 renovations, Station 1 water issues, and vehicle maintenance increases.
- Operational budget decreases include: dispatch costs following E911 consultant recommendations, reduction of Airport interfund transfers, and Training Division operations.
- Personnel summary – 125 approved FTEs; request FTE increase to 137 contingent upon award of FEMA (Federal Emergency Management Agency) SAFER (Staffing for Adequate Fire and Emergency Response) Grant (would be for personnel at Station 6, Council President Dingman explained the grant requirements);

and planning includes reallocation of ARFF (Aircraft Rescue and Firefighting), reestablishment of the Training Division, and return of an IFFD logistics employee.

- Budget repair and maintenance >$10,000 – General Fund includes: Station 1 water/boiler system = $40,000; Station 4 kitchen repair/remodel = $60,000; Southern Station dorm doors and lockers, if purchased = $16,000.
- Capital request – General Fund includes: Training facility, Phase 1 FY2022/2023, $300,000 already budgeted; Station security = $36,000; US Digital Design (USDD), station dispatch hardware = $52,000; Personal Protective Equipment (PPE) (turnouts) = $48,000; and portable radios = $104,000.
- Capital request – EMS (Emergency Medical Services) Fund includes: two Type I Ambulances = $424,000 approved by ARPA funds and funding in MERF for replacement for seven years; Type II Ambulance = $140,000 approved by ARPA funds and funding in MERF for replacement for seven years; and Stryker ALS360 Program = $305,851 approved by ARPA funds and funding in MERF for replacement at ten years.
- Fees – all EMS fees 10%, new Fire Engine standby fee of $200/hour; Bonneville County EMS Professional Services Agreement increase of 3%, Bingham County EMS Professional Services Agreement increase of 3%, and Jefferson County EMS Professional Services Agreement increase of 20%.
- General Fund Budget Overview – $13,205,675 total expenses ($726,788 increase); $1,911,814 total revenue ($41,242 increase); and request authorization of $918,168 to add 12 personnel to be offset 100% with a FEMA SAFER grant.
- EMS Fund Budget Overview – $8,297,609 total expenses ($1.3M increase); $8,302,404 total revenue ($1.1M increase); and revenue increases include $869,851 of ARPA funding, and service agreement increase to all counties served.
- Wildland Budget Overview – $1,481,100 total expenses ($441,968 increase); $1.5M total revenue ($300,000 increase); and revenue increases are based on past projections, conservative increase in revenue.

Per Councilor Burtenshaw, Chief Nelson stated the money will not be spent unless the SAFER grant is received.

Municipal Services-

Council President Dingman presented the following with general discussion throughout:

- ARPA funds – $1M for City Hall elevator, $300,000 for Idaho Falls Civic Center for the Performing Arts (design only); and $100,000 for city security access points (multi-departments).
- Operational budget increases include: software licensing, maintenance agreements, and fleet maintenance.
- Personnel summary – 71 FTE approval, requesting one IT (Information Technology) position.
- Capital budget – bridge crane = $110,000; and Fuel Focus Dispensing System upgrade, Phase II = $100,000 (would be cost shared with other departments).
- No proposed fee changes.

Public Works (PW)-

Councilor Burtenshaw presented the following with general discussion throughout:

- APRA funds – $1M for city parks surface water irrigation conversion (Water Fund budget); $750,000 for 17th Street and Holmes Avenue intersection improvement (Street Capital Improvement Fund budget); and $3M for Pancheri Bridge (Street Capital Improvement Fund budget).
- Personnel summary – 123 approved FTEs, one new request in the Water Division.
- Operational Budget – Administration $0; GIFT (Greater Idaho Falls Transit) $1.9M, 100% reimbursable; Engineering $66,300 (potential salary/benefit increase); GIS (Geographic Information System) $0 (shared 50% PW/50% Idaho Falls Power (IFP)); and Street $659,200 ($183,900 to MERF, MERF replacement and $25,000 for new forklift totaling $682,100 (revenue increase by $1M).

Councilor Burtenshaw stated Streets is requesting a decrease in the levy due to funding from the State. She also stated, per the Capital Budget, the Municipal Capital Improvement Funds indicates an increase of $1M due to the anticipated development and development agreements; the Bridge and Arterial and Surface Drainage fees will no longer exist due to implementation of impact fees; and the Transportation impact fee amount was received from Community Development Services.

- No proposed fee changes.

Director Fredericksen stated the Enterprise Funds will be discussed at the July 13, 2022, Annual Public Works Utility Meeting.

Human Resources (HR)-

Councilor Burtenshaw presented the following with general discussion throughout:

- APRA funds – not applicable.
- Operational Budget increases – none.
- Capital Requests – none (Councilor Burtenshaw stated there is a $100,000 request for professional services).
- Personnel summary – 4 approved FTEs (this is well below a typical HR Department); there are no scheduled vacancies; and the HR Department has a Safety and Training Coordinator who is self-funded by the city Risk Management Fund (Director Tew stated the safety staff position is not classified as an HR position. It is expected this position will be solidified into a department.).

Councilor Burtenshaw indicated the FTEs will be memorialized in the Gravity book.

Community Development Services (CDS)-

Councilor Burtenshaw stated budget-to-actual has been historically low, which is hurting the department. She also stated the proposed budget shows an increase of $300,000; and two building inspectors have been requested for $169,000 which is covered by received permits. She presented the following with general discussion throughout:

- ARPA funds – $600,000 for replacement software system.
- No proposed fee changes (Councilor Burtenshaw noted CDS will add a credit card fee (CDS has a credit card fee of $100,000 in any 12-month period) although this is not a fee request, the credit card fee will be automatically included in the new credit card machines).
- $35,000 for a second vehicle for a new inspector (permit fees will cover this cost).

Councilor Burtenshaw stated the CDS budget also includes CDBG (Community Development Block Grant) and HUD (Department of Housing and Urban Development) money. She requested the new position be identified as an early hire to right size inspections ASAP. Per Councilor Radford, Mr. Beutler stated the number of inspections and plan reviews are not slowing down as compared to the previous year. Councilor Francis believes the inspector is important for the relationship between the city and the building community.

Police-

Councilor Burtenshaw presented the following with general discussion throughout:

- APRA funds – $750,000 for purchase of police vehicles and MERF for replacement vehicles.
- Operational budget increase is flat due to revenue increases. Matching expenditures for revenue increases include: new revenue ($872,512), lease payment for the Law Enforcement Building ($124,000), MERF ($300,000 increased contribution), training simulators ($125,000), tasers ($70,000), retention/recruitment ($65,000), and professional services ($50,000).

- Personnel – 148 approved FTEs; no new FTE requests as IFPD is trying to find a way to fill the current vacancies (8 officers, 8 emergency communications officers); scheduled vacancies – 2 positions; and the Quartermaster/Training Coordinator position was replaced with an Administrative Assistant position.
- Personnel summary – 148 total position count (146 funded); 98 sworn (96 funded, 88 hired); 25 Dispatch (17 hired); 10 Animal Services (9 hired); 3 Code Enforcement; and 12 support personnel.
- Capital request – expansion of the Animal Services north parking lot facility (would add additional parking spaces with plug-in features for fleet vehicles currently parked at the city garage) = $35,000 (donation is anticipated). Director Alexander believes this could be a shared project with Municipal Services.
- Fees – several Animal Service fee requests.

Councilor Burtenshaw stated there is approximately $330,000 left from the $872,512 new revenue. She indicated additional discussion will be required regarding this amount included as the 4% COLA.

Library-

Councilor Francis presented the following with general discussion throughout:

- ARPA funds – not applicable.
- Operational Budget – the library will experience a revenue decrease from $3.6M to a projected $2.6M due to the non-renewal of the County Library District contract. Reductions have been made in all possible categories, however, in order to maintain the same level of library services to city residents, the library budget will need to have a $265,000 increase in tax revenue allocation.
- Personnel summary – 19 approved FTEs, no new requests, no schedule vacancies.
- Capital budget – no new requests. Carry-over projects from the current year include: remodel of garage to become a drive-thru; creation of a recording booth; and replacement of aging electrical room (parts should arrive in 2023).
- No fee changes.

Per Council President Dingman, Councilor Francis confirmed the decreased revenue are estimates. He also stated the levy request is $265,000 higher than the previous year to cover the 4% COLA. Per Mayor Casper, Director Wright explained the county services, the formula used for the number of items, and the non-renewal of the county contract. Per Councilor Radford, Director Wright believes impact fees could be used for the library.

Parks and Recreation Department (P&R)-

Councilor Hally presented the following with general discussion throughout:

- ARPA funds – $150,000 for Funland; $200,000 for ADA (Americans with Disabilities Act) restroom; $100,000 for park restroom security.
- Personnel summary – 84 authorized FTEs. The Parks Division is requesting one FTE to assist with pathways, ongoing cost of $49,115 annually.
- Parks and Zoo Operational Budget – $2M in total revenue; $11M in total expenditures; and $4.3M in operating expenses ($850,000 increase from current year). Councilor Hally briefly reviewed the large increases.
- Golf Operational Budget – $3.4M in total revenues; $3.2M in total expenses; and $1.2M in operating expenses. Councilor Hally briefly reviewed golf updates. He stated rental fees will increase by approximately 5%.
- Recreation Operational Budget – $2.5M in total revenues; $1M in operating expenses; and Recreation Levy = $875,824 (10% increase from the current year).
- Capital Budget requests – Pathway sweeper ($77,400); mower ($90,000); utility vehicle with plow ($35,000); excavator ($90,000); Heritage Park ($150,000); and site conversion fund ($300,000).

- Fees – zoo, cemeteries, and golf.

Brief discussion followed regarding the site conversion fund (the $300,000 would not cover the cost of all three projects) and potential purchase of property, ARPA funds, Heritage Park, the cemetery Niche Wall, the priority of the capital budget requests (including adding the replacement of John Holes Bridge to the request list), and seasonal staff.

City Attorney-

Councilor Radford presented the following with general discussion throughout:

- APRA funds – not applicable.
- Operational Budget increases – no requests over the base budget.
- Personnel summary – 5 approved FTEs; no new FTE requests; and no scheduled vacancies.
- Capital Requests – none.
- Fees – none.

Councilor Radford believes the number of prosecutions is currently adequate for staff. Discussion followed regarding departments needs and the turn-around time. Mr. Fife stated the Attorney's Office is a service department, and the legal staff is reactive to city needs. He believes there is a wide breadth of expertise and responsibility. He does not believe the Attorney's Office is understaffed. Additional discussion followed regarding the need for potential additional staff.

Council and Financial Team/Follow-up Discussion, Questions, Data Requests, etc.:

Discussion followed regarding the General Fund operating budget, approval of positions, the $1.3M unallocated amount (could be used for new employees, new capital, and/or existing employees compensation increase), the addition of forgone, the proposed COLA, and the SAFER Grant. Director Alexander distributed wage analysis for a blended COLA increase. Council President Dingman stated she's leaning toward a $1 and 2% increase, which averages out to a 5.5% increase, noting this would leave approximately $700,000 for capital requests. Councilor Hally agreed. Councilor Radford is in favor of 4%-5% COLA. Chief Nelson stated the SAFER Grant has been modified, noting it's 100% for three years of wages and benefits, although, there would need to be a commitment of a 5-year employment and the city would need to pay for Years 4 and 5. He also stated no legislative monies were budgeted this year for the revenue, however, all conservative estimates indicate this money would pay for all 12 employees. Council President Dingman stated a public safety package from forgone could be considered, the total would be below 1% of the forgone. Per Councilor Freeman, Chief Nelson would not recommend a blended increase as this would prevent firefighters from moving up the ranks due to the compression. He confirmed not all Fire Department employees are union. Comments followed regarding the compression and the impact to personnel. Mayor Casper reviewed potential discussion items for the July 19, 2022, Council Budget Session.

There being no further business the meeting adjourned at 4:45 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

July 19, 2022 Council Budget Session - Unapproved

The City Council of the City of Idaho Falls met in Council Budget Session, Tuesday, July 19, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 12:15 p.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Absent:
Councilor John Radford

Also present:
Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Duane Nelson, Fire Chief
Paul Radford,
Bryce Johnson, Police Chief
Bear Prairie (via Virtual)
Chris Fredericksen, Public Works Director
Brad Cramer, Community Development Services Director
Rick Cloutier, Airport Director
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 12:15 p.m. with the following items:

Opening Remarks, Announcements:
Brief discussion occurred regarding the schedule of future budget sessions, including the discussion of fees.

Update and Review Revenue Forecast:
Mr. Hagedorn presented the following with general discussion throughout:
Total Proposed Budget Overview by Functional Category-Revenue (updated):

Functional Category	FY2021-2022	FY2022-2023	Difference
Total Resources	$234,444,123	$265,933,781	$31,489,658

Mr. Hagedorn believes the $265,933,781 is a fairly accurate forecast, noting the majority of revenue comes from Charges for Services, Intergovernmental Revenue, and Taxes and Franchises Fees.

Total Proposed Budget Overview by Functional Category-Expense (updated):

Functional Category	FY2021-2022	FY2022-2023	Difference
Expense Total	$292,186,140	$329,932,673	$37,746,533

Mr. Hagedorn stated expenditures had minor changes. Director Alexander noted the Parks and Recreation (P&R) John Holes Bridge replacement project is now included in the expenditures. Mr. Hagedorn stated the majority of expenses are Current Operating Expense and Capital Outlay.

Total Proposed Budget Overview by Functional Category-Revenue, General Fund (updated):

Functional Category	FY2021-2022	FY2022-2023	Difference
Total Resources	$53,588,052	$62,299,713	$8,711,661

Mr. Hagedorn stated the majority of revenue is from Taxes and Franchises and Intergovernmental Revenue.

Total Proposed Budget Overview by Functional Category-Expense, General Fund (updated):

Functional Category	FY2021-2022	FY2022-2023	Difference
Expense Total	$53,612,553	$62,955,438	$9,342,885

Mr. Hagedorn stated there was a slight change to Grants and/or Operating Expense and to Salaries and Wages.

Property Tax Calculation:

Calculation of Taxes	
Last year's amount	$40,673,424
Estimated New Annexation	25,000
Estimated New Construction	775,000
3% Statutory Increase	1,234,420
Forgone to use	-
Estimated Property Tax	$42,707,844
Forgone current balance	$5,387,930
Forgone Calculations	
1%	$411,473
3%	$1,234,240

Proposed Allocation of Property Taxes Overview:

	Current Allocation	Property Tax by Request	Difference
General Fund	$32,039,503	$32,695,228	$655,725
Personal Prop and Ag Equip	473,898		
Street Fund	4,244,181	4,000,000	-244,181
Recreation Fund	796,204	875,848	79,644
Library Fund	2,401,394	2,618,241	216,847
Mun Cap Imp Fund	790,618	790,618	-
G/F Fire Station Bldg	401,524	401,524	-
	$40,673,424	$41,381,459	$708,035
	Unallocated Taxes	$1,346,780	
	Total Requested	$42,707,844	

Mr. Hagedorn stated there is preference to keep some funds whole. He indicated $655,725 would be needed to make the General Fund flat/whole with the 4%.

Review and Discuss Employee Inflation Adjustment:

Director Alexander commended Mr. Hagedorn for the calculation scenario worksheet. She explained and reviewed the worksheet for Grades 2 through 16 with a flat amount and/or a percentage, noting a 4% COLA (Cost of Living Adjustment) would amount to $1,259,824 in the Governmental Funds. A number of flat amount and percentage scenarios were discussed. Mayor Casper stated a flat amount could alter the compression of wages, noting any flat

amount should only occur for one year. She also stated any remaining amount following a COLA and/or blended compensation would be used for capital requests and new personnel. General comments followed. Council President Dingman stated deciding on capital requests is tough and challenging due to the number of worthy requests. Following additional comments regarding compensation, Mayor Casper stated employee discussions have previously been held prior to budget discussion because it was perceived that the budget was balanced on the backs of the employees. She clarified the council was committed in June to at least a 4% COLA for employees. Per Council President Dingman, Mr. Hagedorn confirmed the 4% (flat model) COLA has been included in the proposed budget.

Follow-up Discussion on Department Budgets:

Mayor Casper requested any substantive changes from the July 12, 2022 Budget Session discussion. Councilor Hally suggested reducing the capital dollars to get to the wages and then allocate the capital percentage-wise. Councilor Burtenshaw stated, due to State allocation of $1.5M, the Streets budget will have an increase of $500,000 of expenditure which will be offset by revenue. Councilor Francis suggested the Idaho Falls Police Department (IFPD) budget line item for the retention and recruitment be increased to allow a Human Resource (HR) analysis. He explained the proposed changes for allocation of funds from $65,000 to $385,000, which would include a 1% forgone package, emphasizing the $385,000 could not be allocated without HR approval. Director Tew stated, per the analysis, the IFPD is not underpaid although there are elements within the IFPD that are underfunded. He concurred with Councilor Francis's suggestion. Comments followed regarding the previous two studies and the market of these studies; national recruitment issues; structural changes to the IFPD salaries; setting precedence; fairness to other departments; the scheduled vacancies in the IFPD; and consultant and internal recommendations.

Review and Discuss General Fund Requests not included in Flat Budget:

Council President Dingman expressed her concern for the Idaho Falls Fire Department (IFFD) SAFER (Staffing for Adequate Fire and Emergency Response) Grant, realizing there's a funding source for three years, although it requires $152,000 for SAFER Grant equipment. Councilor Burtenshaw believes the two requested Community Development Services positions (inspectors) and vehicles in the amount of $204,198 should be approved due to the amount of fees this department collects. She also believes, due to the commitment to the canal company, the P&R position (Operator I) and the sweeper should be approved in the amount of $126,000. Per Councilor Francis, Director Holm stated there is no agreement with Rotary for Heritage Park. Mr. Fife explained Heritage Park has never been closed to the public since the city acquired the park, which is a condition of the grant of the deed. Councilor Francis believes the site conversion in the amount of $300,000 should be approved. Councilor Freeman expressed his concern for the John Holes Bridge replacement. Council President Dingman stated the forgone could be used as a funding mechanism, it does not have to be allocated to a public safety package. Discussion followed regarding a COLA of $1.50 plus 1.5%, 1% forgone, and General Fund requests. This total amounts to $782,713. Councilor Burtenshaw stated she is opposed to taking forgone due to additional revenue (impact fees, fee increases, ARPA (American Rescue Plan Act of 2021) money) to the city. She recommended a COLA of $1.00 plus 2% along with the capital requests as previously discussed. Council President Dingman agreed. Discussion followed regarding a forgone package. It was noted less than 1% forgone could be taken. Councilor Hally stated when forgone is used in a bad economy, one gets a 40% discount on what it would be used for. Councilor Francis believes forgone is easier on the tax payer when the mil levy rate is absorbing the growth in overall property values. Councilor Freeman noted forgone is ongoing and goes to the base. Additional scenarios followed including a COLA of $1.25 plus 1.5% and capital requests. Mayor Casper stated capital requests are difficult not to fund, and due to the State legislators, cities cannot be expected to serve more people with fewer dollars. She requested a review of State shared revenues. Mr. Hagedorn stated State shared revenues (State sales tax) decreased approximately 5% during 2005-2008. He also stated the State shared revenues have been discounted 5% for the previous two years and have been discounted 5% going forward as he believes there will be a recession at some point. He indicated the 5% reduction

($350,000) could be placed back in the budget to bridge the difference. With this inclusion, Mr. Hagedorn calculated a COLA at $1.25 plus 2.50% and this would generate enough funding to cover the capital requests without forgone and with approximately $47,000 left over. Mr. Hagedorn stated a recession would require council remediation/conversation. Council President Dingman stated this inclusion would follow AIC's (Association of Idaho Cities) guidelines. Mayor Casper believes this scenario is respectful of the residents. Council President Dingman recapped the recommended capital requests – Community Development Services inspectors and vehicles ($204,198), IFPD virtual training ($125,000) and parking lot ($35,000), IFFD SAFER Grant package ($152,000), P&R canal operator ($49,115), sweeper ($77,400), and site conversion ($300,000) for a total of $942,713 with $47,301 left over. Discussion followed regarding allocating the left-over funds. Per Councilor Burtenshaw, Director Alexander and Mr. Hagedorn explained the Municipal Services IT (Information Technology) position request. Council President Dingman recommended the left-over funds be allocated to Municipal Services. Additional brief discussion followed regarding the property tax funds.

Review and Discussion Proposed Changes to the MERF:

Director Alexander stated a resolution was prepared in 2017 regarding MERF, defining the purpose of the MERF, and memorializing that MERF should not be used to purchase new equipment, noting this resolution included all city departments. Since that time, Director Alexander stated conversations have occurred with the Enterprise Funds as these funds are funded through rate payers and have a large cash balance of MERF to replace their equipment. She also stated discussion occurred with the Enterprise Funds (Public Works and Idaho Falls Power), as well as the airport, regarding a hybrid participation of MERF. Director Alexander explained the proposed resolution, stating this would allow a separate MERF program from the General Fund departments. She stated this resolution would give the Enterprise Funds more flexibility, and there would be conditions related to their Capital Plans – adequate cash balances must meet the yearly goals, and there must be a positive cash flow. Mr. Hagedorn stated the resolution is to ensure future planning. Mayor Casper believes this is doable. Brief discussion followed, including language referring to capital improvement plans equipment replacement and acquisition timelines. Mayor Casper stated this item is proposed to be included on the July 28, 2022, City Council Meeting agenda.

Follow-up Discussion, Questions, Data Requests, etc.:

Mayor Casper stated proposed fees will be covered at the same time as the proposed budget. She also stated the August calendar will be forthcoming. She expressed her appreciation to the staff members and directors.

There being no further business the meeting adjourned at 2:47 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

July 25, 2022 Council Work Session - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, July 25, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman (via virtual)
Councilor John Radford
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis (via virtual)
Councilor Lisa Burtenshaw

Also present:
Brad Cramer, Community Development Services Director
Pamela Alexander, Municipal Services Director
Derick Sorensen, Accountant
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:01 p.m. with the following items:

Calendars, Announcements, Reports, and Updates:
Mayor Casper distributed calendar items for the remainder of July and August. She stated the African American Alliance held a recent BBQ event, which was very successful; a REDI's (Regional Economic Development for Eastern Idaho) "What's Up in Eastern Idaho" Event will be forthcoming; a homelessness policy staff review report will be presented at the August 8, 2022, City Council Work Session; the Idaho Falls Auditorium District (IFAD) is on schedule for construction of the new event center; a meeting will be scheduled in fall 2022 for a strategic plan regarding future city software; and The Ferguson Group has been hired to assist with grant facilitation. Mayor Casper provided an update of Idaho Falls Fire Department (IFFD) staff assisting with the Moose Fire in the Salmon area.

Liaison Reports and Councilmember Concerns:
Council President Dingman expressed her gratitude for the council's participation in the upcoming War Bonnet Round Up Rodeo. She stated the Air Service Development Committee will be meeting on August 5, 2022, noting she will provide a future update on the Boise flights.
Councilor Francis stated a group from the INL (Idaho National Laboratory) is working toward a community festival in August 2023.
Councilor Hally provided information regarding a nuclear reactor project and gas plants in California per the recent ICUA (Idaho Consumer-Owned Utilities Association) Meeting. He also stated Idaho Falls Power (IFP) was able to maintain a lower price on power contracts.
Councilor Burtenshaw had no items to report.
Councilor Freeman provided information regarding the Columbia River Treaty (there has been no movement), along with other topics discussed at the recent ICUA Meeting, including breaching of dams, noting $17B has been spent on fish mitigation.
Councilor Radford provided an update on the recent Policymaker's Council Meeting. He requested the councilmembers help spread the word about the upcoming War Bonnet Round Up Rodeo.

Community Development Services/Discussion: Mid-year Hire Request:

Director Cramer explained this item is per the position request in the budget discussion. He displayed the number of Inspections Completed YTD Cumulative from 2017-2022, stating the workload in the Building Division has increased exponentially, noting the number of the inspection staff has remained the same for numerous years. Director Cramer requested a new building inspector position be posted now to relieve the current heavy workload. He stated the typical inspection load in a given day is 12-15, noting the building inspectors are consistently being requested to do 40+ inspections per day, which compacts the problem. Director Cramer stated as of June, the budget is $22,000 under budget for salaries and wages, therefore, there is enough funding to cover the candidate right away. Councilor Hally believes there are tight schedules and any delays cost additional money. Councilor Freeman agrees this additional position is needed now. Councilor Radford agreed although he expressed concern for a slow down of building. Director Cramer stated he is confident projects are going to happen, noting there are numerous plans in multiple phases. It was then moved by Councilor Burtenshaw, seconded by Councilor Francis, to authorize Community Development Services to post and hire their mid-hire for an inspector. The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay – none.

Municipal Services/Discussion: Last-minute Budget Concerns before Preliminary Approval:

Director Alexander reviewed the timeline for the upcoming budget approvals, notices, and public hearings. She stated the draft budget for tentative approval includes $1.25 and 2.50% for employee compensation, $942,713 for a building and electrical inspector and a new vehicle, the Animal Control Services parking lot expansion, virtual training for the Police Department, new personnel radios and purchase of turnouts to support the SAFER (Staffing for Adequate Fire and Emergency Response) Grant for the Fire Department, one position for canal trail/maintenance, a Hawk Sweeper, and site conversion funds for the Parks Department, and a partial year of an IT (Information Technology) analyst. She also stated the total not-to-exceed amount for the city-wide budget = $333,416,302, which includes the 3% statutory growth and annexation, and does not include forgone. Councilor Burtenshaw stated impact fee related credits/reimbursements will be coming through upcoming development agreements. She believes a capital improvement plan should be a high priority. She requested capital improvement projects be presented as they are not clear from budget to budget. Mayor Casper believes an approved plan versus a requested plan should be a separate conversation. Councilor Radford does not believe there is enough funding for maintenance of city buildings. He believes there should be a real list for a 5-year plan. He expressed his frustration for the State legislators. Councilor Freeman expressed his disappointment for not taking any forgone as he believes this is a statement that the city can do without that money. He believes forgone should have been taken instead of the contingency funds. Director Alexander clarified this money was reinstituting the discount on State shared revenues (sales tax) in the amount of $350,000. She also clarified there is a plan for address aging city infrastructure. Councilor President Dingman believes, due to the changeover of staff and elected officials, too many plans and visions change and long-term is unknown. Mayor Casper believes there needs to be a process in place for priorities that is doable and practicable. Discussion followed regarding forgone, the employees increase, the homeowners' exemption, growth in the tax base, the levy rate, home values, the supply chain, and State shared revenues.

Councilor Burtenshaw announced the Duck Race on August 13. Mayor Casper believes the August 12 Council Budget Session will not be needed. She indicated follow-up discussion could occur August 22 and 23.

There being no further business the meeting adjourned at 4:09 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

City Council Meeting

Minutes - Draft

680 Park Avenue
Idaho Falls, ID 83402

Thursday, July 28, 2022 **7:30 PM** **City Council Chambers**

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

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

2. Pledge of Allegiance.

Mayor Casper requested Forrest Ihler, community resident, to lead those present in the Pledge of Allegiance.

3. Public Comment.

Barbara Miller, Idaho Falls resident, appeared. Ms. Miller stated she has watched the budget meetings over the previous two weeks. She commended the city's concern for committing to a 4% pay increase for the employees and for 'finding' the money for an increase of 4.6-8.2%. Ms. Miller stated she gets the impression that the city thinks it's a business, and if so, who are the customers. She also stated she didn't hear a lot of budget conversation about the customers and trying to provide for them, and in the real world there would be no business without the customers. She believes there is a lot of truth in the saying 'the customer is always right' because without customers there is no money to pay employees or to stay in business. She indicated, in the city's case, the customers aren't mandatory and cannot take their money elsewhere. Ms. Miller requested the city consider when the customer can't make their mandatory payments, as that's when the 'you know what' will hit the fan. She cautioned to plan for this day as she believes we are in recession, and after a recession comes the depression. She indicated it was stated any justification will be dealt with in the following year. Ms. Miller questioned if the customers were able to increase the payments to their employees, or how their income is doing, or whether they were able to stay in business. She challenged the concept of the city as business owners and are city employees not public servants?She questioned where the obligations lie. Ms. Miller, referring to the homelessness issue, stated a problem cannot be solved until it's identified. She understands the city thinks it's compassionate because the government must provide these individuals a place to sleep, although, she questioned why these individuals have no place to sleep. She believes the problem is mental health and addiction, which makes these individuals a danger to themselves and others. She challenged the compassionate belief when these individuals are allowed to continue to practice their addictions and insanity unchecked. She also cautioned these individuals are not in their right mind, and the effect is that the customers, who are paying for the parks, cannot use the parks or they run the risk of being assaulted. She believes that assault will happen.

4. Consent Agenda.

A. Idaho Falls Power

1) IFP 22-23 Circuit Breaker Purchase

This purchase is for materials to upgrade the York Substation. The 15kv breakers meet the needs of IFP for this upgrade. However, IFP recommends rejecting the 161kv SF6 breakers bid by General Pacific as the technical specifications do not meet the need for the upgrade. IFP will clarify the technical specifications and rebid the 161kv breakers in the near future.

B. Municipal Services

1) Minutes from Council Meetings

July 11, 2022 City Council Work Session; and July 14, 2022 City Council Meeting

2) License Applications, all carrying the required approvals

It was moved by Council President Ziel-Dingman, seconded by Councilor Burtenshaw, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

5. Regular Agenda.

A. Municipal Services

1) Tentative Approval of the 2022/23 Fiscal Year Budget

Pursuant to Idaho Code §50-1002, authorization is requested to publish the Notice of Public Hearing of the 2022/23 fiscal year budget with publication dates set for July 31, 2022, and August 7, 2022. The Public Hearing is scheduled for 7:30 pm, Thursday, August 11, 2022, in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho.

Mayor Casper stated the budget process begins in early spring and continues into summer. She also stated the meetings culminated in the previous week, and the fiscal year takes effect October 1, 2022, through September 30, 2023. She noted a public hearing must occur prior to a final vote. Municipal Services Director Pamela Alexander appeared. She stated the tentative not to exceed amount is $333,416,302, with a public hearing to occur August 11, 2022. She highlighted the tentative budget including fee increases greater than 5%; the 3% statutory property tax levy, new growth and construction dollar amount; council direction for employee compensation; ongoing operating and capital budget requests; and 1% of the forgone to be used in future years. She noted the forgone notice has also been advertised. Council President Dingman believes the budget provides resources to many departments that serve the citizens and taxpayers and includes the vision to adjust the employee salaries to compensate their hard work. She also believes the city employees are the lifeblood of the city and the quality of employee correlates to the benefit of the residents. She expressed her appreciation to the council and staff for their many hours on this budget. Councilor Freeman stated this is a cap on spending, noting it's rare that the full amount is used. He reiterated the amount is a not to exceed amount. Councilor Hally stated the budget includes all fees for electric, sewer, and water which is used more as the community grows. He also stated revenue streams must be considered, noting a formula from the State legislature has been exempted for online sales tax, which is money not received. Councilor Hally stated depreciation has an interest rate and the expense to take care of depreciation increases over time, such as roads. He also stated there is a correlation between expenses to operate a city and an increase in valuation. Councilor Burtenshaw commended the Public Works Department for their lead with impact fees which has the ability to offset future budgets. She stated, referring to impact

fees, two years' worth of work will come to fruition this year. Councilor Radford believes it's critical to hear from citizens, he encouraged individuals to attend the public hearing. He believes the assessed value of homes is on everyone's mind, however, the levy rate is not yet known. He stated it could be possible to have reductions in the levy. Director Alexander indicated valuation numbers are approximately $430,000. Mayor Casper stated as valuation grows, the base grows, which creates more stakeholders to share the expenses.

It was moved by Council President Ziel-Dingman, seconded by Councilor Radford, to tentatively approve the 2022/23 fiscal year budget and give approval to publish the Notice of Public Hearing of the 2022/23 fiscal year budget for a not to exceed amount of $333,416,302. The publication dates are set for Sunday, July 31, 2022, and Sunday, August 7, 2022 and with a public hearing scheduled for Thursday, August 11, 2022. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

2) Municipal Equipment Replacement Fund (MERF) Resolution Fund Exemptions from City General Fund Policy

This resolution exempts Public Works Department Enterprise Funds; City Airport Department Funds; and Idaho Falls Power Enterprise Funds established by Resolution No. 2017-04.

Director Alexander appeared. She stated all departments participated in MERF although Enterprise Funds have built up reserves. She also stated this item was discussed at the July 19, 2022, Council Budget Session. Council President Dingman believes it makes sense to exempt departments that are self-sustaining.

It was moved by Council President Ziel-Dingman, seconded by Councilor Freeman, to approve the resolution exempting Public Works Enterprise Funds, Airport Funds, and Idaho Falls Power Enterprise Funds from the city general fund policy applicable to the Municipal Equipment Replacement Fund (MERF) and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

RESOLUTION NO. 2022-22
A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, EXEMPTING FROM CITY GENERAL FUND POLICY APPLICABLE TO THE MUNICIPAL EQUIPMENT REPLACEMENT FUND (MERF), PUBLIC WORKS DEPARTMENT ENTERPRISE FUNDS; THE CITY AIRPORT DEPARTMENT; AND IDAHO FALLS POWER ENTERPRISE FUNDS; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

3) Purchase of Approximately 7 Acres for Future Fire Station

With the current and projected area population growth and call volume, the Fire Department recommends the purchase of approximately 7 acres on the corner of Spitfire and Boeing Streets for building a fire station in response to future growth. A total of $10,000 was authorized by City Council as earnest money for the purchase. A total of $890,000 will be due at closing.

Director Alexander appeared. She recognized the collaboration with Fire Chief Duane Nelson. She stated this item was discussed at the April 11, 2022, Council Work Session. She also stated the project was prioritized with ARPA (American Rescue Plan Act of 2021) along with sale of city property on 8th Street. Councilor Hally stated the city needs fire coverage in the north and the south as the city grows,

and the first step is to purchase the land. Per Councilor Francis, Chief Nelson confirmed this location is mainly for response to the north of the city. He stated the Fire Department is trying to meet the national standard of a four-minute response time and a five-minute response time of engines. He also stated a training facility would be in coordination with the Idaho Falls Regional Airport (IDA). Chief Nelson indicated a small training facility would be placed on a different location.

It was moved by Council President Ziel-Dingman, seconded by Councilor Freeman, to approve the purchase of 7 acres of vacant land on the corner of Spitfire and Boeing Streets in Idaho Falls, Idaho for a total of $900,000. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

B. Public Works

1) State Local Design/Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the Westside Path Connections Project

Attached for consideration is a State Local Agreement with ITD for design and construction to build pathway improvements on the westside of Idaho Falls. Proposed work includes the installation of pathway along Grizzly Avenue, Old Butte Road and Pancheri Drive.

Public Works Director Chris Fredericksen appeared. He described the pathway connections, stating this project would also address pedestrian pathway/sidewalk. He stated the anticipated cost is $536,000 with a city match of $39,342. Councilor Radford believes a barrier between roadways and pedestrian pathways is important. Brief discussion followed regarding the School District and the preference of the trees. Councilor Radford prefers to advocate for a jersey barrier. Councilor Freeman believes this area is a large improvement from approximately six years ago. Mayor Casper stated Director Fredericksen has personally worked very hard to have a safe route for the school students. She expressed her gratitude to him. Councilor Radford agreed. He believes the 7% grant makes this very affordable. Councilor Francis believes this connection will add access and safety. He noted this pathway will carry on from the recent Pancheri annexation. Councilor Burtenshaw stated this project also includes crossings on Woodruff and 1st Street and is a project for 2024. Councilor Hally believes connectivity has been important for many councils throughout the years.

It was moved by Councilor Hally, seconded by Councilor Burtenshaw, for approval of the State Local Agreement and Resolution with ITD for the Westside Path Connections project and authorize the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

RESOLUTION NO. 2022-23
WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS TO THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT AND CONSTRUCTION OF WESTSIDE PATH CONNECTIONS.

2) State Local Design/Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the Meppen Canal Trail Project

Attached for consideration is a State Local Agreement and Resolution with ITD for design and construction to build pathway improvements along the Meppen Canal from the Idaho Canal to 25th East (Hitt Road). Proposed improvements include the construction of two bridges and nearly 2.2 miles

of pathway.

Director Fredericksen appeared. He stated this is a continuation of canals. He also stated the anticipated cost is $1.7M with a city match of $78,685. He clarified the packet includes the correct checklist.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, that council approve the State Local Agreement and Resolution with ITD for the Meppen Canal Trail project and authorize the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

RESOLUTION NO. 2022-24
WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS TO THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT AND CONSTRUCTION OF MEPPEN CANAL TRAIL, IDAHO CANAL TO 25TH EAST.

C. Community Development Services

1) Security Bond for Site Improvements Agreement for Rising Sun Townhomes

For public improvements for new development, the Subdivision Ordinance includes a section which allows for security bonds to ensure the improvements will be completed. These securities are typically used when construction needs to take place before the public improvement can be completed. There is currently no such option for private improvements for site plans governed by the Zoning Ordinance. Staff has recognized the need for such an option and is currently preparing an ordinance to present to the City Council for consideration. However, there is a development which has asked for a bonding agreement for amenities within a PUD due to their phasing of buildings adjacent to the amenity. The attached agreement will allow them to receive the temporary certificate of occupancy on one building provided they post a bond for the amenity improvements and surrounding landscaping. The agreement limits the timeframe for completion to 90 days. This will allow the developer to finish a building which is next to the amenity and then install the improvements. Staff has coordinated the agreement with the City Attorney and the developer and requests Council approval.

Community Development Services Director Brad Cramer appeared. He stated the department is trying to incorporate this into the zoning code to allow landscaping to be completed in all seasons. Councilor Francis expressed his concern for setting precedence. Director Cramer does not believe a precedence is being set. Per Councilor Francis, Director Cramer stated the funds would be available if the project is not completed, noting there is a financial incentive to the developer as they're posting 150% of the costs of these improvements in the event the city must complete the project. He confirmed this is residential development.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Security Bond for Site Improvements for Rising Sun Townhomes and give authorization for the Mayor and City Clerk to execute the documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, CCW Express Broadway Subdivision.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for CCW Express Broadway Subdivision. The Planning and Zoning Commission considered this item at its April 19, 2022, meeting and unanimously voted to recommend approval of the final plat as presented. Staff concurs with this recommendation.

There was no discussion.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for CCW Express Broadway Subdivision and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for CCW Express Broadway Subdivision and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for CCW Express Broadway Subdivision and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

3) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Taylorview Homes Division No. 1.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Taylorview Homes Division No. 1. The Planning and Zoning Commission considered this item at its August 4, 2020, meeting and recommended approval by a vote of 4-3.

The plat was due to expire, and the applicant asked for an extension. On June 21, 2022, the Planning and Zoning Commission moved to approve the Extension Request for Taylorview Homes Division No. 1, and it passed unanimously.

Councilor Burtenshaw noted this development agreement will include the first impact fee reimbursement. Councilor Francis questioned the move of an irrigation ditch. Director Cramer stated water issues are dealt with regularly, this is to ensure water rights are not affected. Per Councilor Freeman, Director Cramer stated there were numerous delays for this plat due to various issues.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for Taylorview Homes Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for Taylorview Homes Division No. 1 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Taylorview Homes Division No. 1 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

4) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Aspen Point Townhomes.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Aspen Point Townhomes. The Planning and Zoning Commission considered this item at its February 16, 2021, meeting and unanimously voted to recommend approval as presented. Staff concurs with this recommendation.

Councilor Radford questioned the removal of trees included in the development agreement. Director Cramer stated the master agreement addresses the removal of trees, and the development agreement includes the developer providing access across the property. He also stated an original path was shown as a private amenity, however, following discussions with the city, the path was moved to the canal for a public amenity. He noted additional trees were added to the Planned Unit Development (PUD) per the councils' request.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for Aspen Point Townhomes and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay - Councilor Radford.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for Aspen Point Townhomes and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay - Councilor Radford.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Aspen Point Townhomes and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Burtenshaw, Dingman. Nay - Councilor Radford.

5) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 11.524 acres of the East ½, Southwest ¼ of Section 15, Township 2 North, Range 37 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 11.524 acres of the East ½, Southwest ¼ of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its November 9, 2021, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R2. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Karen Lansing, Idaho Falls resident and Executive Director of Habitat for Humanity Idaho Falls (HFHIF),

appeared. Ms. Lansing stated HFH's focus is to provide affordable housing for those who can't find housing in any other way, noting the recent change in affordability of homes has become really difficult for the majority of individuals living in Idaho Falls. She also stated more than 50% of residents are now what United Way calls ALICE (Asset Limited, Income Constrained, Employed). Ms. Lansing stated 11.5 acres is needed for HFHIF to continue the program, and the requested zone is the R2 designation which allows 17 units per acre, noting they do not intend to build to that density, but it would be more dense than R1. She also stated HFHIF hopes to plat and serve affordable housing needs for up to 100 individuals/families. Ms. Lansing stated the property is adjacent to the city property off of West Broadway and is easily developable for HFHIF purposes, and there are no other properties uniquely suited to HFH purposes.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration
Director Cramer stated the property is on the north side of Broadway, and west of Old Butte Road. He identified the surrounding zones.

Slide 2 - Comprehensive Plan Future Land Use Map from 2013
Director Cramer stated this application was submitted under the old Comprehensive Plan and applications are typically reviewed under the standards that existed at that time, however, the proposed ordinance must reference the current Comprehensive Plan. He identified the surrounding zones in 2013.

Slide 3 - Current Comprehensive Plan Future Land Use Map
Director Cramer stated this area is shown as a mix of Natural and Open Space and is right against Mixed Use Centers and Corridors. He reminded the council that Comprehensive Plans do not follow properly lines, they are an idea of what could happen roughly in the area, therefore, it's not inappropriate to look at what's adjacent and happening in the area. He noted there are policies and statements in the Comprehensive Plan that helped develop the map. He also noted this property in on an arterial on Broadway and is adjacent to Ernest Drive which will be a future residential collector. He believes this is a perfect place for an R2 zone based on the principles of the Comprehensive Plan.

Slide 4 - Aerial photo of property under consideration
Director Cramer stated for the most part the land is undeveloped.

Slide 5 - Aerial photo of utilities
Director Cramer stated utilities are available in the immediate area, they have been extended to Ernest Drive, and they will need to be extended to this property.

Slide 6 - Airport Overlay map
Director Cramer stated residential is allowed with some restrictions.

Slide 7 - Photos of the property
Director Cramer identified the city property as well as the ag property.

Slide 8 - Photo of the property
Director Cramer identified the ag use on the site.

Councilor Francis expressed his concern with the Natural and Open Space included in the Reasoned Statement of Relevant Criteria and Standards. Director Cramer stated any adjustment to the Reasoned Statement would also require adjustment to the ordinance. Per Councilor Francis, Director Cramer does not believe it's important to make that designation in the Reasoned Statement because the full record is being looked at. He referenced Line 1 of the Reasoned Statement that includes the previous statements. Per Council President Dingman, Director Cramer confirmed the Reasoned Statement states a fact per the council's decision. Council President Dingman does not believe this statement should be modified/removed. Director Cramer stated additional statements could be added to the Reasoned Statement. Councilor Francis believes having the approval being consistent with the principles of the Comprehensive Plan should be included in the Reasoned Statement. He indicated this statement has been seen in other Reasoned Statements. Director Cramer reiterated an additional statement could be added to the Reasoned Statement. Mayor Casper clarified this would not require an ordinance change.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Burtenshaw believes it makes sense to put R2 in this area and to let higher density have access to the adjacent park. Councilor Francis noted the connection to the recent pathway.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance annexing 11.524 acres of the East ½, Southwest ¼ of Section 15, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3475
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 11.524 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.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that council approve the Reasoned Statement of Relevant Criteria and Standards with the added note that the application is consistent with the principles of the Imagine IF Comprehensive Plan for the annexation of 11.524 acres of the East ½, Southwest ¼ of Section 15, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

6) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 11.524 acres of the East ½ of the Southwest ¼ of Section 15, Township 2 North, Range 37 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 11.524 acres of the East ½ of the Southwest ¼ of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its November 9, 2021, meeting and recommended approval of R2 with Limited Development Overlay Zones by a unanimous vote. Staff concurs with this recommendation.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, that council assign a Comprehensive Plan Designation of "Natural and Open Space, with Mixed-Use Centers and Corridors" and approve the Ordinance establishing the initial zoning for R2, Mixed Residential with Limited Development Airport Overlay Zones as shown in the ordinance exhibits 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. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3476
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 11.524 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL AND LIMITED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that council approve the Reasoned Statement of Relevant Criteria and Standards with the additional note that the application is consistent with the principles of the Imagine IF Comprehensive Plan for the initial zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

Mayor Casper noted this property was a grant that Congressman Mike Simpson helped HFH qualify for.

7) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.982 acres for part of the SE ¼ of Section 6, Township 2 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.982 acres for part of the SE ¼ of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its June 21, 2022, meeting and unanimously voted to recommend approval of the annexation with an initial zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Steve Ellsworth, appeared. He stated the property, located on 33rd North, is owned by Kevin and Nita Bloxham, who also owns the current property to the west that has been annexed as I&M. He also stated the requested zone of I&M is to be consistent with the current property which would be more developable in the I&M zone as 4.77 acres rather than the current 2.7 acres. Per Councilor Radford, Mr. Ellsworth believes the property would back up to Willow Creek. Councilor Radford questioned the water shed and use of the space. Mr. Fife clarified this item is for annexation, not development. Mayor Casper believes the question is relative to the impact of the natural environment. Mr. Fife stated the city exercises jurisdiction not necessarily based upon the impacts to the environment although the city has a role in determining if it wants to be a responsible steward and director. He does not believe the ordinance contains any environmental impact criteria for annexation. Councilor Radford confirmed Mayor Casper's question was his concern. He believes there should be intention with the water sheds during annexations. Mayor Casper reiterated those considerations are not built into the ordinances. Mr. Ellsworth believes Willow Creek is protected, there would be no impacts to the creek, and there would be setbacks that would not impact the development.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration
Director Cramer reiterated this property has the same ownership to the west.

Slide 2 - Comprehensive Plan Future Land Use Map
Director Cramer stated this is shown as General Urban with Mixed Use Centers and Corridors in the immediate area. He also stated there is a special use to the north for the existing hatch pit, noting this is normally not a zone found in either of these designations. However, Director Cramer stated the recommendation from staff and Planning and Zoning (P&Z) is because of the unified ownership and each of the two parcels on their own are too small for development.

Slide 3 - Airport Overlay map
Director Cramer stated this would include Airport Overlay for Controlled Development.

Slide 4 - Aerial photo of property under consideration

Slide 5 - Additional aerial photo of property under consideration
Director Cramer identified the location as west of Highway 20 and north of 33rd North.

Slide 6 - Photo looking north from 33rd North

Councilor Francis questioned the setback on the north side of the property. Director Cramer stated I&M does not have rear setback requirements unless it's next to residential. Per Mayor Casper, Director Cramer stated the plat and site plan will address setback issues.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Francis believes the interest of the property owner should be considered, and this will make a more viable economic piece, although, he expressed his same concern as Councilor Radford. He also believes annexation will protect the waterway. Councilor Burtenshaw believes the initial annexation and zoning of the property to west occurred in 1992, noting the area and the Comprehensive Plan have changed since that time and I&M may not match, although, she realizes there are property rights. Councilor Radford agrees there would be more control of the water ways if the property were annexed. He believes the option to protect the natural habitat is an important part of the heritage. Mayor Casper suggested a future water way discussion.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the ordinance annexing 1.982 acres for part of the SE ¼ of Section 6, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO.3477
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.982 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.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 1.982 acres for part of the SE ¼ of Section 6, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

8) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 1.982 acres for Part of the SE ¼ of Section 6, Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.982 acres for Part of the SE ¼ of Section 6, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its June 21, 2022, meeting and unanimously voted to recommend approval of I&M with Controlled Development Airport Overlay Zones. Staff concurs with this recommendation.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of “General Urban” and approve the ordinance establishing the initial zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones as shown in the ordinance exhibits 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. The motion carried by the following vote: Aye - Councilors

Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3478
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.982 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS I&M, INDUSTRIAL AND MANUFACTURING AND CONTROLLED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis, that council approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of I&M, Industrial and Manufacturing with Controlled Development Airport Overlay Zones, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

9) Quasi-Judicial Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Cassiopeia Townhomes.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Cassiopeia Townhomes. On April 5, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the PUD as presented. Staff concurs with Planning and Zoning's recommendation.

Mayor Casper explained a quasi-judicial hearing, stating councilmembers will make their decision based on information presented in the hearing.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Barry Bane, Connect Engineering, appeared. He stated the PUD is for property that is 3.01 acres. He identified the location as west of Saturn and east of Skyline, stating this property was recently zoned TN (Traditional Neighborhood) zone. He also stated several plans were looked at including lots that would just face north and lots that would just face south, although, the developers and the city did not feel that would be the best use or safe use of the property due to the driveways coming off of Cassiopeia and Lola. Mr. Bane stated the PUD has a total of 9 buildings; a total of 48 units; 16 units per acre, noting the PUD would allow 17 units per acre; 2 accesses, 1 on the far left and 1 on the far right; all individuals would enter their homes from alleyways or private driveways inside the PUD; and would be platted and individually sold as single-family attached dwellings, noting each lot would be sold individually as two homeowners (townhomes). He also stated the PUD allows units to face a common area in between the units, noting the common area would have a playground area which would be dual purpose with a storm pond with 2 French drains (in the storm pond) to ensure quick drainage. The PUD would have a 25% common space, setback, and lands buffers. Mr. Bane stated the landscape buffer usually requires evergreen trees, however, the power company has strongly discouraged evergreen trees, therefore, evergreen bushes have been proposed as a requested variance on the west and east sides. He also stated there is typically a 20' landscaper buffer from the right-of-way (ROW), although some (landscape buffers) are closer to the ROW so another requested variance is a reduction to 20', which does not add more density. He indicated this variance would allow the buildings to be staggered for aesthetic

purposes. He indicated, because TN has a maximum setback of 20', they are seeking an extended setback on the south side so the townhomes would look like the surrounding homes, which have a 25-30' setback. Mr. Bane stated a sidewalk will be added along Lola Street, and curb, gutter, and sidewalk would be added on the south side of Cassiopeia, noting there is no current curb, gutter, or sidewalk on either side, making Cassiopeia a full width street. He also stated there will be 2 parking stalls per unit, a garage, and any guest parking would be on-street parking on Lola and Cassiopeia. Per Mayor Casper, Mr. Bane confirmed the southern unit setbacks would be 25', and the northern units would have a staggered look. Per Councilor Francis, Mr. Bane confirmed there are no internal guest parking spots. He indicated fire signs will be placed to avoid internal guest parking and the curb will be painted for fire safety.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Additional PUD Concept
Director Cramer explained the referenced landscaping requirement was not included in the Reasoned Statement, noting the evergreen shrubs as approved by the City Forester will need to be included on the last item in the Reasoned Statement. He stated the south side of the PUD is a variance and yet it is not a variance. He indicated the TN is creating the issue which has a maximum setback of 20', however, the PUD code states the front setback needs to be consistent with the surrounding neighborhood, which was a concern. Director Cramer stated the staff member measured all the setbacks in the neighborhood, which the average is just over 25'. He noted this conflicts with the TN zone, and the PUD was superseded to match the neighborhood, therefore, this is a variance from TN standards but not a variance from the PUD standards. He stated the north end comes within 13' from Cassiopeia, which is truly a variance. He also stated the PUD complies with the PUD ordinance as well as the zone.

Slide 2 - Elevations

Slide 3 - Additional Elevations

Slide 4 - Photo looking south

Slide 5 - Photo looking southwest

Slide 6 - Photo looking northeast
Director Cramer noted this picture is not current. He also noted the elevation change, stating there is a restriction in the PUD code that addresses maximum heights of buildings, which is measured from the ground to the top of the building.

Slide 7 - Photo looking west along Lola

Slide 8 - Photo looking east along Cassiopeia
Director Cramer noted the north side of Cassiopeia does not have home fronts on Cassiopeia, these are rear yards with a number of accesses.

Slide 9 - Photo looking west along Cassiopeia

Councilor Radford questioned the density, and what would have been allowed in a TN versus a PUD. Director Cramer stated density is the same at 17 units per acre. He also stated the most common reason for a PUD is due to the lots being platted, noting the requirement for a residential lot must have frontage on a public street, therefore, the only way to have to buildings front each other in the code is through the PUD. Councilor Freeman questioned road improvements on Cassiopeia. Director Cramer indicated the south side would include curb, gutter, sidewalk, and landscaping, and the north side would include curb and gutter only. Councilor Burtenshaw questioned the TN zone allowing 15 units per acre, and the PUD allowing 17 units per acre although only 16 units per acre are being requested. Director Cramer confirmed the TN zone allows 15 units per acre. Councilor Francis believes guest parking on the streets could cause a snow removal issue. Director Cramer stated cars park on the streets in the standard neighborhoods, and must be moved for snow removal, noting this exists in many parts of the city. He also stated there is no other place for guests to park. Per Councilor Hally, Director Cramer stated parking calculations/analysis are for residents, not for anticipated guests, noting on-street parking is there and usable.

Mayor Casper requested any public comment.

Ruth Byron, Idaho Falls resident, appeared. She stated she is opposed to the proposed PUD. She indicated her family moved into the neighborhood in 1959, and this neighborhood is predominantly single-dwelling residential homes, although over the last few years, there have been additions of several apartment complexes on Skyline, Saturn, Broadway, and Buckboard. Ms. Byron stated in a November 2020 meeting, the developer stated the property would align with the current feel of the neighborhood which is mostly single-family single-story homes. She believes this proposal does not honor that as these Cassiopeia apartments posing as townhomes will greatly change the neighborhood; these townhomes could be easily purchased and turned into rentals; and the high population density housing and the additional traffic created by it will negatively affect the current community, safety, and property values of the existing neighborhood homes. Ms. Byron stated when she voiced a concern about the development of high density plans for Cassiopeia, the response was, “They bought the property, don’t you think they have the right to develop it the way they choose". She stated she is required to follow city codes and zoning ordinances, and she cannot do what she wants with her property, yet, out-of-state developers are given privileges with changes in zoning codes which specifically benefits them. Ms. Byron believes the concerns brought by current and long-time residents have not been heard and respected; concerns due to the increased traffic brought by at least 96 additional vehicles have not been acknowledged let alone studied or addressed; the proposed development does not meet the requirements of being aligned with other structures on Cassiopeia; and the developer’s plan does not provide for any guest parking and will be relying on the street, which will create crowded and dangerous streets. Ms. Byron stated Cassiopeia is wide at the top but narrows significantly, and individuals who have backyard access could end up having individuals parking in their driveways. She believes multi-family dwellings are too much for this area to handle the traffic and access.

Shaun Valentine, Ray Street, appeared. He expressed his concerns about the traffic with 96 cars on a fairly small street. He believes when Cassiopeia gets too much traffic they will drive right by his home. He stated he doesn’t hate the idea of the development, he just doesn’t believe the city has done the work to understand the traffic considerations.

Randall Wheeler, Saturn Avenue, appeared. He expressed his appreciation to Councilor Francis' comment regarding snow removal as Cassiopeia is a fairly narrow street and snow is not plowed onto the sidewalk, therefore, Cassiopeia essentially becomes a one-lane road. He agrees with the previous comments regarding traffic, noting traffic is terrible with the current construction. Mr. Wheeler referenced the shared garage parking in the PUD in the Supplemental Standards for TN Zone, 5.F. He believes the number of units exceeds this amount. Mr. Wheeler stated he's opposed to the PUD, noting he would prefer the single-family dwellings as considered by the developer. He recognized the owner has the right to do what they want, although, he believes as residents they have the right to not have this type of facility in the neighborhood.

Forrest Ihler, 10th Street, appeared. He stated there are a lot of townhome developments in the city, and he believes most of these developments look plain and uninviting. He believes this (development) looks attractive and is a very well laid out townhome community. He also likes the walkable sidewalks that intertwine and connect to the local street network for residents and guests. Mr. Ihler stated he lives on a narrow one-way street and has frequent guests, which is not a big deal. He indicated guests are all not there at the same time, noting this is a public street where anyone has a right to park there. He believes, due to the narrow street and parking being scattered, this slows traffic down. He noted there are multiple entry points to this development for traffic, they would not all go on one street all at the same time. He also noted some people might not even leave during the day. Mr. Ihler believes this is a good use of TN, and it fits nicely in the neighborhood. He also believes the city needs more density, the city needs to think about the future, and the snow removal issue could be worked out. Mr. Ihler does not believe the storm retention pond will be used as this is a grassy area with a hill, he requested trees be included, which would also be a buffer.

Ruth Byron reappeared. She stated the traffic issue is getting onto Skyline. She shared personal experiences of traffic issues. She noted this is a 35 MPH (Miles Per Hour) speed limit, although traffic goes well beyond that, there are cars parked on both sides of the road, and it is difficult to see and get out onto Skyline in a safe manner. She believes this would be more difficult if 100 more cars were added.

Mr. Bane reappeared. He does not believe Cassiopeia is currently constructed to a full width road, noting the PUD will require this road to be constructed to a full width road with a ROW. He stated curb cuts for the current accesses to the homeowners onto Cassiopeia will be required, which could be rear access to sheds and backyards. Mr. Bane stated, per the traffic, the zone is TN which will create more traffic as the area is developed. He does not believe there will be significantly more traffic with the three additional units. He also stated the PUD will not have direct access off of Cassiopeia, and he believes the PUD is more beneficial. Mr. Bane explained the shared garage structure, and he stated he would be willing to add trees to the storm pond.

Councilor Burtenshaw questioned the depth/elevation of the storm pond as well as the specific playground as the amenity. She stated she also supports the tree request. Mr. Bane stated the depth won't be known until the full design is completed, although he believes it will be possibly 4'-5' deep. He noted this will be reviewed through the site plan process.

Per Councilor Francis, Mr. Bane confirmed trees will be added in storm pond area and the driveways are to the back of the curb. He stated, per the parking issue, he believes there will be 18 parking spots on the north side of Cassiopeia, 20 spots on the south side of Cassiopeia, and 14 spots on the north side of

Lola. He realizes other parking will occur on Cassiopeia and Lola.

Mayor Casper closed the public hearing.

Councilor Burtenshaw believes the parking within a neighborhood is consistent, she is in favor of the widened road and the controlled access which would add to the safety, and she appreciates the product (townhome for purchase) which is needed. Councilor Francis believes the ROW makes a difference on Cassiopeia, although he believes there could be towing situations in the winter. He stated he supports the trees in the amenity, although he believes the setback on Cassiopeia is short. Councilor Freeman does not believe this will create the anticipated traffic issue, although he expressed his concern for the lack of guest parking, while realizing this is not a requirement. Councilor Radford indicated trees retain water for up to 7 days, which is a benefit in storm retention ponds. He stated he is not in favor of PUD concepts although this development fits in the TN. He believes a PUD is an exception and is unpredictable to homeowners for plowing and maintaining streets. Councilor Hally stated retention ponds vary throughout the city, and trees must be planted carefully. Council President Dingman stated she does not see a legal basis to deny the PUD, however, she believes the traffic will increase and it will be more difficult to get onto Skyline. She stated the variable of a PUD versus a TN is personally insignificant, although she believes this is a needed product in the community.

It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve the PUD as presented. It was then moved by Councilor Francis, seconded by Councilor Radford, that the developer be required to appropriately place a set of trees approved by the City Forester in the storm retention pond area. Roll call on the amended motion: Aye – Councilors Radford, Francis, Dingman. Nay – Councilors Freeman, Burtenshaw, Hally. Seeing a tie, Mayor Casper stated given that Mr. Bane was persuaded to include trees, she voted Aye. Roll call on the original motion carried by the following: Aye – Councilors Hally, Dingman, Francis, Burtenshaw, Freeman. Nay – Councilor Radford.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Reasoned Statement of Relevant Criteria and Standards with the addition of requirement of evergreen shrubs approved by the City Forester in the power easement, and planting of trees as passed in the amended PUD approval. The motion carried by the following vote: Aye - Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay - Councilor Radford.

6. Announcements.

Mayor Casper announced National Night Out is being celebrated on August 2, and the War Bonnet Round Up Rodeo will be held August 4-6. Councilor Radford noted volunteers are being requested for the rodeo, and any volunteer can receive a free rodeo ticket.

7. Adjournment.

There being no further business, the meeting adjourned at 10:11 p.m.

_____ _____

Kathy Hampton, City Clerk | Rebecca L. Noah Casper, Mayor

Memorandum

File #: 21-589 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Friday, July 29, 2022
DEPARTMENT: Municipal Services

Subject
Public Hearing for Sale of Real Property

Council Action Desired

☐ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

Pursuant to Idaho Code §50-1402, Municipal Services requests that the Council conduct a public hearing and subsequently determine whether to auction city property with an easement for powerline, located at Beginning at a point that is East along the Section line 1528.90 feet and South 12°01’00” East 3149.40 feet from the Northwest Corner of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, said point being on the Easterly Right-of-Way line of West River Road; running thence South 12°01’00” East along said Easterly Right-of-Way line 356.79 feet; thence North 74°51’18” East 1326.40 feet to the ordinary high water mark of the Snake River; thence along the meandering ordinary high water mark of the Snake River the following four (4) courses: North 21°19’43” West 52.16 feet; thence North 42°17’27” West 101.96 feet; thence North 27°27’59” West 76.11 feet; thence North 29°54’53” West 119.73 feet; thence South 75°58’15” West 1208.25 feet to the **POINT OF BEGINNING**. A strip of land 60.00 feet in width, being 30.00 feet on each side of the following described centerline, said strip lying in a portion of the South ½ of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows: **COMMENCING** at the Northwest Corner of said Section 24, and running THENCE N 89°47'49" E 1528.35 feet along the north line of said Section 24; THENCE S 12°13'34" E 3240.17 feet to a point of intersection of the easterly right-of-way line of West River Road and an existing overhead powerline, from which an existing power pole bears S 75°40’59” W 2.96 feet, said point of intersection being the **TRUE POINT OF BEGINNING** of said 60.00 foot strip of land, and running THENCE along the centerline of said 60.00-foot strip and along said powerline the following two (2) bearings and distances: (1) THENCE N 75°40'59" E 1136.57 feet to an existing power pole; (2) THENCE continuing along said powerline, N 75°40'59" E 96.64 feet to a point on the right bank, (WEST BANK), of the Snake River, said point being the **POINT OF TERMINATION** of said 60.00-foot strip of land. The sidelines of said strip of land to be lengthened or shortened to begin said strip coincident with said easterly right-of-way line of West River Road, and end said strip coincident with the right bank, (WEST BANK), of the Snake River (or take other action deemed appropriate).

Description, Background Information & Purpose

This property is a 10-acre parcel purchased by the City for the purpose of constructing, operating and maintain a 161kV transmission line and associated towers, poles, equipment, and facilities. Idaho Falls Power and Municipal Services have determined that creating a utility easement for the power line is adequate going forward and recommend auctioning the remaining property interest at a price no less than $400,000. The Notice of Public Hearing was published on Tuesday, July 19, 2022. The public hearing is scheduled for Thursday, August 11, 2022, at 7:30 pm in the Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho. At the conclusion of the hearing, Council will have

met the notice and hearing requirements to auction this property.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The auction of this property supports the good governance community-oriented result by providing sound fiscal management to surplus property that is no longer needed for city operations.

Interdepartmental Coordination

Idaho Falls Power concurs with the recommendation to surplus this property.

Fiscal Impact

The proceeds from the auction of this property will be returned to the Idaho Falls Power department.

Legal Review

City Attorney concurs that the Council action desired is within State Statute.

City of Idaho Falls

City Property Discussion
Monday, July 11, 2022

IDAHO FALLS



Property Description

- Sugarmill to Paine Line River Crossing (west side)
- Purchased for constructing, operating and maintaining a 161kV transmission line and associated towers, poles, equipment and facilities.
- 10-acre rural residential parcel.
- Property was purchased on August 30, 2012, for $250,000.
- Recent city survey – June 2022 (Exhibit A)
- Recommend minimum bid of $400,000.

General Background

- Easement for power line construction was needed
- Property owner would not give easement but was willing to sell the property
- IFP had very limited options due to Ririe Outlet Channel alignment
- Always envisioned that post construction property could/would be sold with easement for powerline then recorded on deed to City
  - Municipal Services is currently working on recording powerline easement
- Selling property returns it back for rural residential development and county tax base
- Sell property relieves IFP of ongoing maintenance costs while still ensuring all ability to access and maintain powerline

IDAHO FALLS

Property Boundary Description (Exhibit A)

Beginning at a point that is East along the Section line 1528.90 feet and South 12°01’00” East 3149.40 feet from the Northwest Corner of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, said point being on the Easterly Right-of-Way line of West River Road; running thence South 12°01’00” East along said Easterly Right-of-Way line 356.79 feet; thence North 74°51’18” East 1326.40 feet to the ordinary high water mark of the Snake River; thence along the meandering ordinary high water mark of the Snake River the following four (4) courses: North 21°19’43” West 52.16 feet; thence North 42°17’27” West 101.96 feet; thence North 27°27’59” West 76.11 feet; thence North 29°54’53” West 119.73 feet; thence South 75°58’15” West 1208.25 feet to the POINT OF BEGINNING.

IDAHO FALLS

Property Power Easement Description (Exhibit B)

A strip of land 60.00 feet in width, being 30.00 feet on each side of the following described centerline, said strip lying in a portion of the South ½ of Section 24, Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, described as follows:

COMMENCING at the Northwest Corner of said Section 24, and running THENCE N 89°47'49" E 1528.35 feet along the north line of said Section 24; THENCE S 12°13'34" E 3240.17 feet to a point of intersection of the easterly right-of-way line of West River Road and an existing overhead powerline, from which an existing power pole bears S 75°40’59” W 2.96 feet, said point of intersection being the **TRUE POINT OF BEGINNING** of said 60.00 foot strip of land, and running THENCE along the centerline of said 60.00 foot strip and along said powerline the following two (2) bearings and distances: (1)THENCE N 75°40'59" E 1136.57 feet to an existing power pole; (2)THENCE continuing along said powerline, N 75°40'59" E 96.64 feet to a point on the right bank, (WEST BANK), of the Snake River, said point being the **POINT OF TERMINATION** of said 60.00 foot strip of land.

The sidelines of said strip of land to be lengthened or shortened to begin said strip coincident with said easterly right-of-way line of West River Road, and end said strip coincident with the right bank, (WEST BANK), of the Snake River.

IDAHO FALLS

Sale of Real Property Owned by City

- Procedures for sale of property
  - Underutilized or not used for a public purpose (§50-1401)
  - May declare a minimum price for property (§50-1402)
  - May declare not to establish a minimum price
  - Appraisal of property is not required
  - Public hearing is required
    - Publish summary of proposed action in newspaper 14-days prior to public hearing
  - Public auction to highest bidder (§50-1403)

IDAHO FALLS

Proposed Next Steps

- Authorization for Public Hearing – Thursday, July 14, 2022
  - Approval of minimum bid
- Publish 14-day notice of public hearing – Tuesday, July 19, 2022
- Public Hearing – Thursday, August 11, 2022
- Property auction – Friday, August 19, 2022

IDAHO FALLS

Questions

IDAHO FALLS

EXHIBIT

BONNEVILLE COUNTY

SOUTH ½ OF SEC. 24, T. 3 N., R. 37 E., B.M.



IDAHO FALLS PUBLIC WORKS

EXHIBIT MAP
CITY OWNED PARCEL
IN A PORTION OF THE
SOUTH ½ OF SEC. 24
T. 3 N., R. 37 E., B.M.
BONNEVILLE COUNTY, IDAHO

DWG:			
SCALE: NO SCALE	PROJ. NO.	PLOT DATE: 2022-07-06	SHEET NO. 1 OF 1

E:\6-SURVEY BY DEPARTMENT\ELET\3N37\24N-Loop River Crossing W-Side Property\Snake River Power Crossing Lot.dwg, 7/6/2022 2:34:34 PM

Memorandum

File #: 21-583 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Wednesday, August 3, 2022
DEPARTMENT: Municipal Services

Subject
Public Hearing for the Tentative 2022/23 Fiscal Year Budget

Council Action Desired

☐ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Municipal Services respectfully requests that the Mayor and Council conduct a public hearing for the 2022/23 fiscal year budget. The Public Hearing has been scheduled for Thursday, August 11, 2022, at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Description, Background Information & Purpose

Pursuant to Idaho Code §50-1002, the Notice of Public Hearings for the 2022/23 fiscal year budget was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

Public hearings support the good governance community-oriented result by fostering innovative and sound fiscal management. Hearings enable participation, public trust, and transparency.

Interdepartmental Coordination

All city departments have participated in the 2022/23 fiscal year budget process.

Fiscal Impact

The tentative approval of the 2022/23 fiscal year budget occurred on Thursday, July 28, 2022, for $333,416,302. This approval set a maximum level of total expenditures that cannot be exceeded in the appropriations ordinance.

Legal Review

The City Attorney concurs that the Council action is within Idaho Code §50-1002.

NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2022-2023
CITY OF IDAHO FALLS, IDAHO

A public hearing pursuant to Idaho Code section 50-1002, will be held for consideration of the proposed budget for the fiscal year from October 1, 2022 to September 30, 2023. The hearing will be held at the City of Idaho Falls Council Chambers, in the City Annex Building, located at 680 Park Avenue, Idaho Falls, Idaho at 7:30 p.m. on Thursday, August 11, 2022. All interested persons are invited to appear and provide comments regarding the proposed budget. Copies of the proposed budget are available at the Idaho Falls City Controller's Office during regular office hours (8:00 a.m. to 5:00 p.m., weekdays). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities in order to allow access to the budget documents or to the hearing should contact the City Controller's Office at 612-8230 at least 48 hours prior to the public hearing. The tentative budget is also posted on the City's website at *https://www.idahofallsidaho.gov.* The proposed FY 2023 budget is shown below as FY 2023 proposed expenditures and projected revenues.

PROPOSED EXPENDITURES

	FY 2021 Actual Expenditures	FY 2022 Budget Expenditures	FY 2023 Proposed Expenditures
General Fund			
Mayor and Council	$ 376,332	$ 775,139	$ 514,162
Legal	529,217	423,563	504,362
Municipal Services	3,885,646	4,792,976	6,775,534
Community Development	3,009,953	3,768,298	4,407,187
Human Resources	338,881	420,102	421,505
Police	17,308,858	19,545,470	23,097,439
Fire	13,330,326	12,437,645	14,508,871
Parks	8,850,366	9,960,646	12,008,996
Public works	1,073,774	1,464,214	3,524,796
General Fund Total	48,703,353	53,588,053	65,762,852
Special Revenue Funds			
Street Fund	7,352,709	8,551,716	9,768,274
Recreation Fund	1,982,220	3,346,819	2,522,188
Idaho Falls Public Library Fund	3,007,905	4,192,896	2,940,578
Airport Passenger Facility Charge Fund	-	-	-
Municipal Equipment Replacement Fund	1,836,905	3,899,926	-
Electric Light Public Purpose Fund	387,755	1,208,000	-
Business Improvement District Fund	85,500	85,000	85,500
Golf Fund	3,143,258	3,071,067	3,411,427
Ambulance Fund	6,757,178	6,746,000	8,340,368
Wildland Fire Fund	1,007,178	1,039,132	1,489,189
Special Revenue Funds Total	25,560,608	32,140,556	28,557,524
Impact Fee Funds			
Police Impact Fees	-	-	843,077
Fire Impact Fees	-	-	452,282
Parks & Recreation Impact Fees	-	-	900,706
Street Impact Fees	-	-	2,500,000
Internal Service Funds Total	0	0	4,696,065
Internal Service Funds			
Worker's Compensation Fund	1,121,623	3,914,496	4,228,629
Contingency Fund	-	21,000,000	24,000,000
Employee Benefits Fund	33,000	60,000	100,000
Internal Service Funds Total	1,154,623	24,974,496	28,328,629
Capital Projects Funds			
Municipal Capital Improvement Fund	383,812	1,000,000	2,000,000
Street Capital Improvement Fund	1,305,752	1,000,000	4,550,000
Bridge and Arterial Street Fund	158,565	350,000	400,000
Surface Drainage Fund	-	50,000	250,000
Traffic Light Capital Improvement Fund	246,621	545,000	990,000
Parks Capital Improvement Fund	1,008,112	-	-
Fire Capital Improvement Fund	-	-	-

Zoo Capital Improvement Fund	97,051	2,000,000	1,850,000
Civic Center Capital Improvement Fund	-	200,000	600,000
Golf Capital Improvement Fund	2,012,432	275,000	290,000
Police Capital Improvement Fund	1,656,114	30,000,000	30,000,000
Capital Projects Funds Total	6,868,459	35,420,000	40,930,000
Enterprise Funds			
Idaho Falls Airport Fund	20,851,904	14,947,775	27,988,207
Water Fund	9,819,589	18,028,041	22,656,087
Sanitation Fund	5,594,275	6,333,350	5,544,408
Idaho Falls Power	70,990,977	81,995,792	78,371,816
Fiber	3,199,645	6,170,231	7,543,209
Wastewater Fund	11,103,685	21,293,444	23,037,505
Enterprise Funds Total	121,560,075	148,768,633	165,141,232
Total Expenditures - All Funds	$ 203,847,118	$ 294,891,738	$ 333,416,302

PROJECTED REVENUES

	FY 2021 Actual Revenues	FY 2022 Budget Revenues	FY 2023 Projected Revenues
Property Tax Levy			
General Fund	$ 30,127,873	$ 32,239,503	$ 33,966,832
Streets Fund	3,886,164	4,834,181	4,000,000
Recreation Fund	774,168	796,204	889,612
Idaho Falls Public Library Fund	2,338,565	2,401,394	2,659,258
Municipal Capital Improvement Fund	787,328	790,618	790,618
Fire Capital Improvement Fund	400,044	401,524	401,524
Property Tax Levy Total	38,314,142	41,463,424	42,707,844
Revenue Sources Other Than Property Tax			
General Fund	26,913,016	21,348,549	30,444,714
Street Fund	4,705,738	3,106,528	4,285,900
Recreation Fund	2,463,110	2,638,350	1,632,576
Idaho Falls Public Library Fund	1,206,391	1,240,000	281,320
Passenger Facility Fund	545,440	-	-
Municipal Equipment Replacement Fund	2,773,518	2,419,100	-
Electric Light Public Purpose Fund	652,201	1,208,000	-
Business Improvement District Fund	93,051	90,000	90,000
Golf Fund	3,198,734	3,010,540	3,402,314
Worker's Compensation Fund	1,423,905	1,955,503	2,266,553
Employee Benefits Fund	31,841	50,000	50,000
Emergency Medical Service Fund	7,675,133	7,097,114	8,310,404
Wildland Fire Fund	1,942,220	1,200,000	1,500,000
Police Impact Fees	-	-	843,077
Fire Impact Fees	-	-	452,282
Parks & Recreation Impact Fees	-	-	900,706
Street Impact Fees	-	-	2,500,000
Municipal Capital Improvement Fund	16,912	36,600	500,000
Street Capital Improvement Fund	890,862	307,000	4,491,000
Bridge and Arterial Street Fund	182,136	160,000	-
Surface Drainage Fund	43,142	41,500	-
Traffic Light Capital Improvement Fund	477,542	436,596	436,600
Parks Capital Improvement Fund	231,276	65,000	90,000
Zoo Capital Improvement Fund	271,283	2,000,000	1,850,000
Civic Center Capital Improvement Fund	1,406	200,000	400,000
Golf Capital Improvement Fund	299,838	275,000	291,600
Police Capital Improvement Fund	1,180	30,000,000	30,000,000
Idaho Falls Airport Fund	18,768,489	14,947,300	27,732,166
Water Fund	12,940,940	11,762,500	13,609,500
Sanitation Fund	5,998,959	5,214,000	5,300,000
Idaho Falls Power	61,560,330	68,045,982	66,607,920
Fiber	3,560,213	1,251,455	3,750,000

Wastewater Fund	13,606,805	12,874,000	12,650,000
Fund Balance use	-	60,447,697	66,039,826
Other Revenue Sources Total	172,475,611	253,428,314	290,708,458
Total Revenues - All Funds	$ 210,789,753	$ 294,891,738	$ 333,416,302

I, Kathy Hampton, City Clerk of the City of Idaho Falls, Idaho certify that the above is a true and correct statement of the proposed expenditures by fund and the entire estimated revenues and other sources of the City of Idaho Falls, Idaho for the fiscal year 2022-2023; all of which have been tentatively approved by the City Council on July 28, 2022 and entered at length in the Journal of Proceedings.

Dated this 29th day of July, 2022.

Publish: July 31, and August 7, 2022

Memorandum

File #: 21-590 **City Council Meeting**

FROM: Pam Alexander
DATE: Wednesday, August 3, 2022
DEPARTMENT: Municipal Services

Subject
Public Hearing for the Proposed Fees for Fiscal Year 2022/23

Council Action Desired

☐ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Municipal Services respectfully requests that the Mayor and Council conduct a public hearing for the proposed 2022/23 fee schedule. The Public Hearing has been scheduled for Thursday, August 11, 2022, at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Description, Background Information & Purpose

The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the 2022/23 fiscal year proposed fee schedule was published on Sunday, July 31, 2022, and Sunday, August 7, 2022.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

Public hearing support the good governance community-oriented result by fostering innovative and sound fiscal management. Hearings enable participation, public trust, and transparency.

Interdepartmental Coordination

All city departments have participated in the 2022/23 fiscal year budget and fee setting process.

Fiscal Impact

Approval of the proposed 2022/23 fee resolution sets the maximum fees for the fiscal year, beginning October 1, 2022.

Legal Review

City Attorney concurs that the Council action desired is within Idaho Code §50-1002.

powered by Legistar™

CITY OF IDAHO FALLS – FEE CHANGES

NOTICE IS HEREBY GIVEN that the City of Idaho Falls proposes to impose the following new fees and fee increases greater than 5% of such fees collected. The additional fees are necessary to cover new services provided by City of Idaho Falls or for increased costs to services currently provided. Public comment on these proposed changes will be received at a public hearing at 7:30 pm on Thursday, August 11, 2022, in the City Council Chambers located at 680 Park Avenue, Idaho Falls, Idaho.

Source of Fees	Current Fees	New Fees
AIRPORT DEPARTMENT		
Parking		Maximum $15 per day
COMMUNITY DEVELOPMENT SERVICES DEPARTMENT		
Site Plan Bonding Application Fee		$150
FIRE DEPARTMENT		
1. Ambulance Service:		
a. Advanced Life Support		
i. Non-Emergency	$670	$737
ii. Resident	$ 830	$913
iii. Non-Resident	$1,062	$ 1,168
iv. BLS Non-Emergency	$437	$481
v. BLS Emergency – In District	$707	$778
vi. BLS Emergency – Out of District	$933	$1,026
vii. ALS-2	$1,196	$ 1,316
viii. Critical Care	$1415	$ 1,557
2. Mileage:		
a. BLS Mileage and ALS Mileage – Resident	$ 14.28	$16
b. BLS Mileage and ALS Mileage – Non-Resident	$ 17.84	$ 20
3. Treat and Release:		
a. Basic Evaluate/Treat No Transport	$195	$ 215
b. BLS Emergency, no transport	$325	$ 358
c. ALS Emergency, no transport	$375	$ 413
4. Ambulance Waiting Time	$165 per hour	$ 182 per hour
5. Standby	$150 per hour	$ 176 per hour
6. Empty return leg fee	$ 160/hr, 1 hour minimum, Standard mileage rate for non-patient transport.	$ 176 /hr, 1 hour minimum, Standard mileage rate for non-patient transport.
7. EIRMC INTRA (cancer)		$209
8. EIRMC Home to Hospice		$275
9. Engine Stand By (Event)		$200 per hour
IDAHO FALLS POWER ELECTRIAL SERVICE FEES		
1. AMI Opt Out – Monthly Charge	$7.50	$10.00
2. Commercial Rate – Base Energy Charge		
a. Base Energy Charge	$0.039 per KWH	$0.042 per KWH
b. Demand Charge	$9 per KW for all KW, with a minimum demand charge of $26 per month	$10 per KW for all KW, with a minimum demand charge of $26 per month
3. Net Metering Commercial Rate		
a. Base Energy Charge Consumption	$0.039 per KWH	$0.042 per KWH
b. Base Energy Charge Production		$0.042 per KWH
c. Power Cost Adjustment	($0.002) per KWH	$0.000 per KWH
d. Demand Charge	$ 9 per KW for all KW, with a minimum demand charge of $26 a month	$ 10 per KW for all KW, with a minimum demand charge of $26 a month
4. Industrial Rate		
a. Energy Charge	$0.039 per KWH	$0.042 per KWH
b. Demand Charge	$7.25 per KW for all KW	$7.50 per KW for all KW
5. High Density Load Rate		
a. Energy Charge	$0.039 per KWH	$0.042 per KWH
b. Demand Charge	$ 9 per KW for all KW	$ 10 per KW for all KW
6. Residential Energy		
a. Base Energy Charges	$0.0625 per KWH	$0.0675 per KWH
b. Monthly Service Charge	$18	$20
7. Net Metering Residential Rate		
a. Monthly Charge	$18	$20
b. Base Energy Charge Consumption	$0.0625 per KWH	$0.0675 per KWH
c. Base Energy Charge Production		$0.0675 per KWH
8. City Street Light Energy Charge	$0.0725 per KWH	$0.0850 per KWH
9. Temporary or Construction Electric Rate		
a. Base Energy Charge	$0.0625 per KWH	$0.0675 per KWH
b. Monthly Service Charge	$25	$30
10. Large Power Temporary Construction Rate		
a. Base Energy Charge	$0.039 per KWH	$0.042 per KWH
b. Demand Charge	$9 per KW for all KW	$15 per KW for all KW
11. Clean Certified Energy Rate		$.003 per KWH
IDAHO FALLS POWER PUBLIC UNLIT FIBER OPTIC NETWORK FEES		
Backbone Service Fee, per single pair fiber, per month	$1,500	$1,600
MUNICIPAL SERVICES DEPARTMENT		
Treasury Payments / Utility Billing – General Late Fee		$25
PARKS AND RECREATION DEPARTMENT		
1. Cemetery		
a. Burial – Opening/Closing Infant	$200	$350
b. Burial – Propane fee for ground thaw (winter burials)		$50
c. Disinterment Infant	$420	$ 500
d. Disinterment Cremation	$200	$ 300

e. Disinterment Cremation – Niche wall		$100
2. Zoo		
a. Junior Zoo Crew Members	$60	$72
b. Junior Zoo Crew Nonmembers	$75	$90
c. Evening After Hours Private Events		$75
3. Golf Course(s) Fees		
a. Non-Resident Green Fees		
i. Weekday 18 Holes	$35	$36
ii. Weekend 18 Holes	$36	$37
b. Resident Green Fees		
i. Weekday 18 Holes	$32	$ 33
ii. Weekend 18 Holes	$33	$ 34
c. Resident Season Pass*		
i. First Adult*	$918.13	$ 937.26
ii. Second Adult*	$773.35	$ 789.45
iii. First Senior 5-Day*	$705.73	$ 789.45
iv. Second Senior 5-Day*	$653.76	$ 667.38
v. First Senior 7-Day*	$812.33	$ 829.25
vi. Second Senior 7-Day*	$760.35	$ 776.19
vii. Young Adult Pass*	$643.42	$ 656.83
d. Non-Resident Season Passes*		
i. First Adult*	$967.63	$ 987.80
ii. Second Adult*	$819.14	$ 836.21
iii. First Senior 5-Day*	$734.38	$ 749.68
iv. Second Senior 5-Day*	$676.21	$ 690.30
v. First Senior 7-Day*	$862.45	$ 880.41
vi. Second Senior 7 Day*	$806.15	$ 822.94
e. Junior Season Pass*		
i. Full-Time Junior*	$303.26	$ 309.58
ii. Part-Time Junior*	$221.62	$ 226.23
f. Resident Punch Passes		
i. Punch 10-18 Hole	$292.50	$301.50
ii. Punch 20-18 Hole	$552.50	$569.50
g. Non-Resident Punch Passes		
i. Punch 10-18 Hole	$319.50	$328.50
ii. Punch 20-18 Hole	$603.50	$620.50
h. Golf Cart Rentals		
i. Golf Cart Per Rider 9 Holes	$8.10	$8.50
ii. Golf Cart Per Rider 18 Holes	$16.20	$17.00
iii. 11 Cart Punch Pass	$80.33	$85.00
iv. 22 Cart Punch Pass	$155.09	$ 165
i. Single Rider Cart Pass Annual	$1,024.25	$1,085.75
j. Two Rider (Family) Cart Pass Annual	$1,318.20	$1,397.30
POLICE DEPARTMENT -Animal Control Fees		
1. Animal Surrender per animal		$25
2. Miscellaneous Fees		
a. Microchip	$20	$25
b. Cremation fee		$15 per animal
c. Cremation ashes return fee 61-100 lbs)	$115	$95
d. Cremation shes return fee over 100 lbs)	$145	$135
e. Boarding Fee (full service)	$19 per day	$25 per day
f. Boarding Fee (owner provides food)		$15
PUBLIC WORKS DEPARTMENT		
WASTEWATER DIVISION SERVICE FEES		
1. Monthly Non-metered Residential Wastewater Rates:		
a. Single Family Dwellings, including condominium units and mobile homes (excluding separate apartment units within such dwelling), per dwelling or unit	$24.00	$24.50
b. Duplex, per dwelling or unit	$24.00	$24.50
c. Apartment Unit (tenant pays bill), per unit	$18.00	$18.35
2. Monthly Non-metered Commercial Wastewater Rates:		
a. Category 1 (Commercial Apartment Buildings where landlord pays bill) per apartment unit	$22.40	$22.85
b. Category 2 (Bar, Church, Gym, Office Space, Retail, Salon, Shop, Warehouse), per business	$29.920	$30.50
c. Category 3 (Big Box Retail, Car Sales, Convenience Store, Day Care, Fast Food, Medical Office), per business	$54.25	$55.35
d. Category 4 (Hall, Restaurant), per business	$79.30	$80.90
e. Category 5 (Grocery Store, Hotel or Rest Home with 20 rooms or less), per business	$148.00	$150.95
f. Category 6 (Hotel or Rest Home with more than 20 rooms), per business	$858.50	$875.65
3. Monthly Non-metered School Wastewater Rates:		
a. Elementary Schools, per 50 students or fraction thereof	$10.65	$10.85
b. Junior High Schools, High Schools, Colleges, and Universities, per 50 students or fraction thereof	$13.55	$13.80
4. Monthly Metered Wastewater Rates:		

5. Base Charge	3.92	4.00
6. Plus per each 1,000 gallons of metered water	2.43	2.50
7. Construction Wastewater Rates		
a. Monthly Non-metered Residential Construction Water Rate, Single Family Dwellings and Duplex (excluding separate apartments units in such dwelling), per dwelling or unit	$11.85	$12.10
b. Monthly Non-metered Apartment Construction Water Rate, per unit	$8.90	$9.10
c. Monthly Non-metered Commercial Construction Water Rate, per building	$25.35	$25.85
8. Ingredion Incorporated & Busch Agricultural Resources:		
a. Flow	$ 0.6918 per 1,000 Gallons	$ 0.7056 per 1,000 Gallons
b. BOD	$0.6935 per Pound	$ 0.7074 per Pound
c. TSS	$ 0.4268 per Pound	$ 0.4353 per Pound
9. Golden Valley Natural		
a. Flow	$ 0.9942 Per 1,000 Gallons	$ 1.0141 Per 1,000 Gallons
b. BOD	$ 0.7628 per Pound	$ 0.7781 per Pound
c. TSS	$ 0.4694 per Pound	$ 0.4788 per Pound
10. County and City Rates		
a. City of Ammon	$3.58 per 1000 Gallons	$3.65 per 1000 Gallons
b. City of Ucon	$2.59 per 1000 Gallons	$3.25 per 1000 Gallons
c. Iona Bonneville Sewer District	$3.53 per 1000 Gallons	$3.65 per 1000 Gallons
WATER DIVISION SERVICE FEES		
1. Water Service Connection Fees:		
a. 1.5” Service Connection	$5,846	$ 5,261
b. 2” Service Connection	$11,984	$ 8,477
c. 3’’ Service Connection	$24,845	$ 29,815
d. 4” Service Connection	$47,645	$ 58,460
e. 6” Service Connection	$84,767	$ 106,397
f. 8” Service Connection	$163,688	$ 185,903
2. Monthly Non-metered Residential Water Rates:		
a. Single Family Dwellings and Mobile Homes (excluding separate apartment units within such dwelling), per dwelling or unit	$23.40	$25.15
b. Duplex, per dwelling or unit	$23.40	$25.15
c. Apartment Unit (tenant pays bill), per unit	$18.80	$20.20
3. Monthly Non-metered Commercial Water Rates:		
a. Category 1 (Commercial Apartment Buildings where landlord pays bill) per apartment unit	$18.80	$20.20
b. Category 2 (Bar, Church, Gym, Office Space, Retail, Salon, Shop, Warehouse), per business	$33.10	$35.60
c. Category 3 (Big Box Retail, Car Sales, Convenience Store, Day Care, Fast Food, Medical Office), per business	$41.50	$44.60
d. Category 4 (Hall, Restaurant), per business	$109.40	$117.60
e. Category 5 (Grocery Store, Hotel or Rest Home with 20 rooms or less), per business	$157.50	$169.30
f. Category 6 (Hotel or Rest Home with more than 20 rooms), per business	$328.10	$352.70
4. Monthly Non-metered School Water Rates:		
a. Elementary Schools, per 50 students or fraction thereof	$13.90	$14.95
b. Junior High Schools, High Schools, Colleges, and Universities, per 50 students or fraction thereof	$17.50	$18.80
5. Monthly Non-metered Residential Irrigation Water Rate:		
a. Single Family Dwellings and Mobile Homes, per dwelling or separately owned landscape parcel	$12.50	$13.45
b. Large, Landscaped Residential Lot Rate, per acre or fraction thereof over 0.75 acres		$17.94
c. Duplex, per dwelling or unit	$6.25	$6.70
d. Apartment Unit (tenant pays bill), per unit	$3.10	$3.35
e. Monthly Non-metered Commercial Irrigation Water Rate (All Commercial Categories plus Private Parks, Privately Maintained Common Area or Parcel), per 100 square feet of calculated landscape area	$0.21	$0.23
6. Monthly Non-metered School Irrigation Water Rate, per acre or fraction thereof	$12.80	$13.75
7. Construction water rates		
a. Monthly Non-metered Residential Construction Water Rate, Single Family Dwellings and Duplex (excluding separate apartments units in such dwelling), per dwelling or unit	$11.25	$12.10
b. Monthly Non-metered Apartment Construction Water Rate, per unit	$9.05	$ 9.75

c. Monthly Non-metered Commercial Construction Water Rate, per building	$19.95	$ 21.45
8. Monthly Base Metered Water Rates, per size of water meter:		
a. 5/8” Meter	$26.50	$28.50
b. ¾” Meter	$26.50	$ 28.50
c. 1” Meter	$26.50	$ 28.50
d. 1-1/4” Meter	$35.25	$ 35.75
e. 1-1/2” Meter	$44.25	$ 47.55
f. 2” Meter	$53	$ 57.00
g. 3” Meter	$61.75	$ 66.40
h. 4” Meter	$88.25	$ 94.85
i. 6” Meter	$168.10	$180.70
j. 8” Meter	$265	$ 284.90
9. Monthly Metered Water Volumetric Rate, per each 1,000 gallons used:	$0.66	$ 0.71

Published July 31 and August 7, 2022

s/ Kathy Hampton
City Clerk

Memorandum

File #: 21-595 **City Council Meeting**

FROM: Chris H Fredericksen
DATE: Wednesday, August 3, 2022
DEPARTMENT: Public Works

Subject
State Local Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the Intersection of 17th Street and Rollandet Avenue Project

Council Action Desired

☐ Ordinance ☒ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc)
Approval of the State Local Agreement and Resolution with ITD for the Intersection of 17th Street and Rollandet Avenue project and authorize the Mayor and City Clerk to sign the documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached for consideration is a State Local Agreement and Resolution with ITD for construction of safety improvements at the intersection of 17th Street and Rollandet Avenue. The project will install median in 17th Street to prohibit left-turn movements from Rollandet Avenue. Improvements will also be made at the intersection of 19th Street and Leslie Avenue to better accommodate traffic crossing the railway at this location.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

This Agreement supports the community-oriented result of reliable public infrastructure and transportation by making safety improvements to the intersection of 17th Street and Rollandet Avenue.

Interdepartmental Coordination

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

Fiscal Impact

The total cost of the project is anticipated to be $794,511.00. This Agreement requires city financial contribution toward

the project with a match rate of 7.34% for an estimated total of $58,317.00. Required match for this project will be provided through a combination of cash and in-kind services performed by city staff. An initial deposit of $5,005.00 is required prior to bidding the project.

Legal Review

The Agreement has been reviewed by the City Attorney.

2-38-24-1-STR-2018-14

2022-055

STATE/LOCAL AGREEMENT
(CONSTRUCTION)
A022(005)
INT 17th ST AND ROLLANDET
BONNEVILLE COUNTY
KEY NO. 22005

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT,** hereafter called the State, and the **CITY OF IDAHO FALLS,** acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

The Sponsor has requested federal participation in the costs of constructing a median curb at the intersection of 17th Street and Rollandet, which has been designated as Project No. A022(005). This Agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act in obtaining federal participation in the construction of the project.

2. Federal participation in the costs of the project will be governed by the applicable sections of Title 23, U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration.

3. Funds owed by the Sponsor shall be remitted to the State through the ITD payment portal at: *https://apps.itd.idaho.gov/PayITD* .

4. All information, regulatory and warning signs, pavement or other markings, and traffic signals, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.

5. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.

6. This State/Local Agreement (Construction) upon its execution by both Parties, supplements the State/Local Agreement (Project Development) by and between the same parties, dated February 26, 2020.

7. The Sponsor has obtained approval to perform in-kind work on this project as shown on the Request for Approval of In-kind Work by Local Sponsor on Federal-aid Projects, attached to the Project Development agreement referenced in Paragraph 6 above.

8. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.

SECTION II. That the State shall:

1. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro rata share of construction costs.

2. Advertise, open bids, prepare a contract estimate of cost based on the successful low bid and notify the Sponsor thereof.

3. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the State's estimate of cost of construction by more than ten (10) percent. If the low bid exceeds the estimate by more than 10%, the bid will be evaluated, and if justified, the contract will be awarded and the Sponsor will be notified.

4. Obtain concurrence of the Sponsor before awarding the contract if the Sponsor's share of the low bid amount exceeds the amount set forth in Section III, Paragraph 1 by more than ten (10) percent.

5. Provide to the Sponsor sufficient copies of the Contract Proposal, Notice to Contractors, and approved construction plans.

6. Designate a resident engineer as the State deems necessary to supervise and oversee the overall progress and construction of the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. This engineer, or his authorized representatives, will review and approve all monthly and final contract estimates and change orders.

7. Appoint the Local Highway Technical Assistance Council as the contract administrator for the State.

8. Authorize the Sponsor to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. Prior approval of the State will be obtained if it is necessary to deviate from the plans and specifications during the life of the construction contract.

9. Authorize the Sponsor to provide construction inspection, sampling and testing (IS&T) services on the project. Requirements for IS&T Services are detailed in Exhibit B to this Agreement.

10. Within sixty (60) days of receipt of invoices from the Sponsor for the Sponsor's contract administration and inspection costs, review and credit the federal participating amount towards the sponsors match.

11. Upon receipt of contract estimates of construction costs from the Sponsor, process and make payment to the general contractor.

12. Review the materials certification documentation, make appropriate determination of participation, and prepare the materials certification in accordance with the State's Quality Assurance Manual.

13. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.

14. Conduct a final cost accounting of the project, which will reconcile eligibility for federal reimbursement with the costs recorded in the project program. The district records inspector will submit a report of expenditures, and a report of completion that will include materials certification, a final invoice, detail of final estimate, change order summary, and any contractor claims. The final cost accounting will determine if overpayments must be recovered from the Sponsor, or if final reimbursements are due to the Sponsor. Any excess funds transmitted by the Sponsor and not required for the project will be applied to any outstanding balance the Sponsor may have on a previously completed project. If no such outstanding balance exists, the excess funds will be returned to the Sponsor.

15. Perform a final inspection of the project upon completion of construction.

16. Upon satisfactory inspection and project closeout, execute a Certification and Acceptance of Project, and provide a copy to the Sponsor.

17. Subject to the limitations hereinafter set forth, State shall indemnify, defend and save harmless Sponsor from and against any and all demands, claims or liabilities

caused by or arising out of any negligent acts by State, or State's officers, agents, and employees while acting within the course and scope of their employment, which arise from this project. Any such indemnification hereunder by State is subject to the limitations of the Idaho Tort Claims Act (currently codified at chapter 9, title 6, Idaho Code). Such indemnification hereunder by State shall in no event cause the liability of State for any such negligent act to exceed the liability limits set forth in the Idaho Tort Claims Act. Such indemnification shall in no event exceed the amount of loss, damages, expenses or attorney fees attributable to such negligent act, and shall not apply to loss, damages, expenses or attorney fees attributable to the negligence of Sponsor.

SECTION III. That the Sponsor shall:

1. Pay to the State before the advertisement for bids, the amount of **FIVE THOUSAND FIVE DOLLARS ($5,005)** which is the Sponsor's estimated share of the cost for construction plus preliminary engineering, and construction engineering & inspection (CE&I), and after deducting credit for the Sponsor's previous deposit as applies to Preliminary Engineering and the Sponsor's match for the consulting agreement. These costs and the Sponsor's match are detailed in the attached *Worksheet for State/Local Construction Agreements* marked Exhibit A. The actual cost to the Sponsor will be determined from the total quantities obtained by measurement plus the actual cost of engineering and contingencies required to complete the work. Construction engineering and contingencies will be approximately 25% of total construction cost.

2. Upon approval of the lowest qualified bid received, if the Sponsor's share exceeds the amount set forth in Section III, Paragraph 1, transmit to the State the Sponsor's portion of such excess cost.

3. Designate Chris Canfield, Assistant Public Works Director, as its agent to administer the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. The designated agent will prepare all

monthly and final contract estimates and change orders, and submit all change orders to the State for their review and approval.

4. Designate Sponsor personnel to provide construction inspection, sampling and testing (IS&T) services on the project as detailed in Exhibit B to this Agreement.

5. Estimate the anticipated project completion costs when construction costs reach 85% of the funds that have been obligated for the project. The Sponsor shall monitor construction costs, and if costs are anticipated to exceed 105% of the total project costs, provide for additional funding necessary to complete the project.

6. Submit invoices to the State on a monthly basis for the contract administration costs of this project, to be credited toward the Sponsor's match per Section II, Paragraph 10 of this Agreement.

7. Submit contract estimates of construction costs to the State on a monthly basis.

8. Upon receipt of the statement referred to in Section II, Paragraph 14 indicating an adjustment in cost against the Sponsor, promptly remit such amount to the State.

9. Maintain the project upon completion to the satisfaction of the State. Such maintenance includes, but is not limited to, preservation of the entire roadway surface, shoulders, roadside cut and fill slopes, drainage structures, and such traffic control devices as are necessary for its safe and efficient utilization. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.

10. To the extent provided by the Idaho Tort Claims Act, indemnify, save harmless, and defend, regardless of outcome the State from expenses of, and against suits, actions, claims, or losses of every kind, nature, and description, including costs, expenses, and attorney fees that may be incurred by reason of any negligence of the Sponsor in the work which is the subject of this Agreement.

EXECUTION

This Agreement is executed for the State by its Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Idaho Falls.

IDAHO TRANSPORTATION DEPARTMENT

_____
Division Administrator

ATTEST:

CITY OF IDAHO FALLS

_____
City Clerk

_____
Mayor

(SEAL)

By regular/special meeting
on _____.

hm: 22005 SLA CN

RESOLUTION

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 construction of Int. 17th St and Rollandet; and

WHEREAS, the **STATE** is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the **STATE** involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, The **STATE** can only pay for work associated with the State Highway system; and

WHEREAS, the **CITY** is fully responsible for its share of project costs; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for Federal Aid Highway Project A022(005) is hereby approved.

2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY.**

3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Idaho Falls, held on _____, _____.

(Seal)

_____
City Clerk

EXHIBIT A

WORKSHEET FOR STATE / LOCAL CONSTRUCTION AGREEMENTS

Key No:	22005
Project No:	A022(005)
Project Name:	INT 17th St and Rollandet
Sponsor:	City of Idaho Falls
Description of work:	Installation of a median curb at INT 17th ST and Rollandet

Date of State/Local Agreement for Project Development: 2/26/2020

		FEDERAL	LOCAL
TOTAL ESTIMATED COST OF CONSTRUCTION *Includes E&C*	$642,511		
APPROVED FORCE ACCOUNT WORK	$45,000		
PLUS PE BY STATE *(from 2101)*	$1,000		
PLUS PL BY LHTAC *(from 2101)*	$20,000		
PLUS PC *(from PC Agreements)*	$86,000		
MINUS ALL NON-PARTICIPATING	$0		
PARTICIPATING TOTAL	$794,511		
MATCH PERCENTAGES		92.66%	7.34%
PERCENTAGE AMOUNTS		$736,194.26	$58,317.14
MINUS FEDERAL MAXIMUM		$0	
ADD OVERAGE *(If Any To Local)*		736,194	$0
LOCAL SHARE OF CONSTRUCTION AMOUNT			*$58,317*

ADJUSTMENTS

PLUS ALL NON-PARTICIPATING (From above if work by contract)	$0
MINUS FUNDS ADVANCED BY THE SPONSOR FOR STATE PE *(from PD Agreement)*	$2,000
MINUS APPROVED FORCE ACCOUNT WORK *(From above)*	$45,000
MINUS PRELIMINARY ENGINEERING PAID BY LOCAL	$6,312

(If LPA has not rec'd reimbursement, use actual PC dollars paid by LPA)
(If LPA has rec'd reimbursement, use local match % of actual PC dollars paid by LPA)
(Amounts must be supported by District Records Inspector Audit)

CONSTRUCTION AMOUNT REQUIRED FROM SPONSOR AFTER ADJUSTMENTS $5,005

Construction Estimate (CN):	$538,647.40	Program Funds	
Non-Bid Items :	$30,000.00	CE:	$2,000.00
Contingencies (5%):	$26,932.00	CL:	$20,000.00
Const Engineering (CE&I):	$20,000.00	CC:	$83,000.00
Const Admin (CL 4.5%):	$24,239.00	Contingency:	$20,000.00
Const Admin (CE .5%):	$2,693.00	CN:	$460,000.00
TOTAL CN ESTIMATED COST	**$642,511.40**	**CN & CE ITIP**	**$585,000.00**
Difference:	**($57,511.40)**		

Comments:

Agreement Administrator: Brian Wright, P.E.
Resident Engineer: Kevin Kuther, P.E.

PREPARED BY: Craig Herndon & Ryan Rush Date: 8/2/2022

rd 8/06

EXHIBIT B

Construction Inspection, Sampling and Testing Services

The Sponsor shall provide services relating to office and field documentation, Verification Sampling & Testing of materials and inspection staff. The Sponsor shall provide oversight and coordination activities of the project staff which will include Sampler/Testers with the necessary Western Alliance for Quality Transportation Construction (WAQTC) qualifications and skills to perform all associated tests for Aggregate, Embankment & Base/In-Place Density, Asphalt and Concrete. Inspectors shall be IQP (ITD) Certified Inspectors with sufficient skills and experience to assist in administration of this construction project, from project start up, throughout the duration of the construction activities and through project closeout. The project will be administered to ensure compliance with the following contract documents: Special Provisions, sealed Project Drawings and Plans; 2012 (or current) Idaho Standard Specifications for Highway Construction; January 2013 (or current) Supplemental Specifications; July 2013 (or current) QC/QA Special Provisions (QASP); SP-SA Special Provisions- Federal Aid; and all addenda issued prior to bid opening.

The Sponsor shall provide the qualified personnel as necessary to effectively carry out its responsibilities under this agreement.

The work required by this project is as follows:

I. Construction Administration

This consists of all necessary efforts to administer the project construction contract under the direction of the Idaho Transportation Department (ITD). The Sponsor will be responsible to ensure the project is completed and accepted by the ITD and the Federal Highway Administration (FHWA). This will require interpretation of the plans, coordination of changes to the project, assistance in processing change orders, resolving disputes, claims analysis, and all other engineering tasks normally handled by a Project Engineer/Manager. In addition, the Sponsor shall provide photographic equipment, safety equipment as well as any other necessary items to perform the work. Quality and quantity of these items shall meet with ITD approval. Sponsor is to provide all necessary personnel safety equipment in accordance with OSHA, MSHA, Department of Labor, FHWA, MUTCD and ITD standards and conduct safety reviews/inspections as necessary to ensure a safe work environment.

The Sponsor shall:

1. Under the direction of ITD, act as the Resident Engineer's authorized representative as defined in the Contract Documents. The extent and limitation of the duties, responsibilities and authority of the Engineer as assigned in said Contract Documents shall not be modified, except as the Engineer may otherwise agree in writing. Serve as ITD's liaison with the Contractor, working principally through the Contractor's superintendent and assist in understanding the intent of the Contract Documents.

2. Provide general contract administration on the construction contract in accordance with the ITD Contract Administration Manual, and assist the Project Manager in monitoring Contractor's compliance with contract requirements. Notify Resident Engineer when Contractor is found in non-compliance.

3. Analyze the plans, specifications, special provisions and other contract documents, and recommend to the ITD any necessary or desirable changes to accomplish the project in accordance with the plans and specifications.

4. Attend and assist in the facilitation of pre-construction conferences, partnering meetings, job conferences, weekly coordination meetings, pre-operational meetings, public information meetings, and other project related meetings. Take and maintain notes of all meetings and conferences and then distribute copies to participants within one week.

5. Document any project delay or potential delay caused by conflicts or utilities.

6. Analyze the Contractor's work schedule (Critical Path Diagram, CPM) when submitted and make recommendations to the ITD regarding any changes, or needed changes, to the schedule. Monitor the Contractor's adherence to the work schedule during construction.

7. Maintain a complete set of project records, including daily diaries, quantities for pay items, progress estimates, material deliveries and correspondence.

8. Maintain a daily record of each pay item for the progress estimate. Quantities will be based on daily records and calculations. All such records will be retained.

9. Prepare pay items for posting to ledgers in accordance with established procedures and submit to the ITD with recommendation for payment. The recommendation will be based on such observations and review that, to the best of the Sponsor's knowledge, information and belief, the contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, and the conditions precedent to the Contractor's being entitled to such payment appear to have been fulfilled.

10. Track and maintain a log on all shop drawing and/or sample submittal and encourage all reviewers to complete their review in a timely manner. Deficiencies will be immediately reported to the ITD.

11. Identify and monitor all project permit requirements and notify the Contractor and ITD immediately when violations or potential violations occur.

12. Upon notice by the Contractor of pending claims for extra work or work beyond the original scope, maintain accurate records showing actual cost of such work.

13. Analyze and make recommendations to the ITD on all requests received from the Contractor for time extensions, contract changes, and extra work.

14. Coordinate all contract changes with the Contractor, ITD, and others as required.

15. Monitor and reinforce each Contractor's compliance with contract provisions in regard to payment of predetermined wage rates in accordance with ITD procedures. This includes verifying Contractor and Subcontractor's payrolls for format classification, pay scale, timely submissions, and concurrence with field reviews. Maintain filing system for payrolls and labor interviews and notify contractors on incorrect classification, pay scales, etc.

16. Monitor and reinforce each Contractor's compliance with contract provisions in regard to Equal Employment Opportunity and Affirmative Action and check job site at least once to verify bulletin board and posters adhere to the contract. Coordinate corrective actions with the ITD.

17. Monitor and reinforce each Contractor's compliance with contract provisions in regard to environmental provisions and permits.

18. Assist ITD in preparing for any litigation or other action that may arise. Prepare claim package in accordance with Memo No. 28 of the Contract Administration Manual on all claims of ITD and Contractor relating to the acceptability of the Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the Contractor's work.

II. Survey Control

The Sponsor shall be responsible for verifying the existence and accuracy of location for all reference points and baseline control points indicated on the plans. In performing verification surveys of construction layout, the Sponsor shall:

1. Make and record such measurements as necessary to calculate and document quantities for pay items.

2. Do independent check and verify line, grade, and structure layout.

3. Perform incidental engineering surveys as directed to carry out the services covered by this agreement and to verify and confirm the accuracy of the contractor's survey layout work. All survey work shall be performed under the supervision of a Surveyor registered in Idaho.

III. Project Inspection

There are four distinct and independent areas of inspection and materials testing associated with this project which is as follows:

- Materials Quality Control (QC) and acceptance sampling and testing and inspection when materials are installed into the work by the Contractor.

- Materials verification sampling and testing and inspection to verify the results of the acceptance testing and inspection performed by the Contractor.

- Independent Assurance evaluations will be performed by ITD Materials Section.

- Dispute resolution sampling and testing.

The Sponsor shall coordinate any IA inspections that may be required with ITD.

This includes all work necessary to monitor the Contractor's work in progress to verify the work is in substantial conformance with the Contract Documents. ITD must approve all the inspectors working under this agreement before doing any work on this project. All inspectors will meet the requirements outlined in the Contract Administration Manual, Section 114. Inspectors shall be IQP (ITD) certified Inspectors with sufficient skills and experience to assist in administration of this construction project, from project start up, throughout the duration of the construction activities and through project closeout.

The Sponsor shall provide construction inspection as needed to ensure a quality project. Senior inspectors shall be high school graduates (or GED equivalent) with a minimum of eight (8) years of experience in construction inspection. Inspectors shall be high school graduates (or GED equivalent) with at least three (3) years experience in construction inspection. Inspectors in charge of reviewing the contractor's traffic control shall be TCI IQP certified.

The Sponsor shall:

1. Conduct on-site inspection of the Contractor's work in progress to determine if the work is in accordance with the Contract Documents. Prepare daily reports on ITD forms recording the Contractor's hours on the site, weather conditions, data relative to questions of change orders, field orders, or changed conditions, site visitors, daily activities, decisions, observations in general, and specific observations in more detail as the case of observing test procedures; maintain in the project files, and send copies to ITD on a weekly basis.

2. Assist in enforcing the current ITD safety policy and the safety provisions of the contract. Take immediate action if warranted and report immediately to ITD the occurrence of: safety deficiencies, incidences, hazardous environmental conditions, emergencies, or acts of God endangering: personnel, work, property or the environment.

3. Report to ITD whenever part of the Contractor's work in progress may not produce a completed project that conforms to the Contract Documents or may prejudice the integrity of the design concept of the completed project as a functioning whole as indicated in the Contract Documents.

4. Identify and recommend corrections for any omissions, substitutions, defects and deficiencies in the work of the Contractor.

5. Receive and review all certificates of inspections, tests, and approvals required by the Contract Documents.

6. Check measurements of pay quantities for accuracy, as requested by the ITD, and prepare required documentation for processing of payment to the Contractor.

The frequency and scope of inspections will vary with the work activity being performed; however, the Sponsor shall perform inspection services in accordance with ITD's procedures, policies, directives and industry-accepted standards.

IV. *Material Testing*

This task includes all work to determine that the materials supplied and constructed by the Contractor meet the conditions set forth in the contract documents. All sampling and testing personnel working under this agreement must meet the requirements outlined in the Contract Administration Manual, Section 114, for testing and sampling which they perform. All samplers and testers must be accepted by the ITD before performing any work on this project. All testing must be performed at a laboratory qualified through the ITD Laboratory Qualification Program.

The Sponsor shall provide oversight and coordinate the activities of their staff which will include Sampler/Testers with the necessary WAQTC qualifications and skills to perform all associated tests. ITD will provide IA Inspectors and IA testing will be performed by ITD. Materials Verification Testing and inspection duties shall include, but not be limited to asphalt pavement, soils, aggregate, structural and non-structural concrete, conduit installation, incidental items and traffic control operations, and preparation of QC/QA data analysis and review. All work shall be performed in accordance with the project plans, special provisions, ITD Standard Specifications, ITD QA-SP, the ITD Quality Manual and other appropriate standards. The Sponsor will provide all sampling equipment, disposable molds for casting concrete cylinders, sample cartons, sample bags, and other expendable type testing supplies.

The Sponsor shall:

1. Perform project on-site sampling and testing of component materials and completed work items to verify that the materials and workmanship incorporated in each project are in substantial conformity with the plans, specifications and contract provisions. The Sponsor shall meet the minimum sampling frequencies and other provisions as contained in the contract documents, QA Special Provision, ITD Quality Manual, and as required due to project phasing, or other factors which could affect minimum testing frequencies.

2. Keep ITD informed about schedules for sampling and testing on each project and ensure that all documentation reports on sampling and testing are completed and submitted the same week the work is done or as otherwise directed.

3. Monitor the Contractor's Quality Control Plan pursuant to QC/QA Special Provisions. Insert the acceptance and verification testing results into the electronic QC/QA statistical analysis spreadsheet for aggregates and asphalt pavement pay items and forward this spreadsheet via email to the proper ITD representative.

4. Be responsible for transporting samples to be tested in an ITD laboratory or other laboratory to the appropriate laboratory.

5. The responsibility for control of concrete production is assigned to the Contractor. The Sponsor shall provide daily monitoring of the Contractor's Quality Control activities at the project site and perform acceptance sampling and testing at the specified frequency.

6. Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by the Contractor. Make recommendations to the ITD for change orders before allowing any substitutes.

7. Compile and maintain in current status, the Materials Summary Log and applicable QC/QA data entry in accordance with the ITD Policy (MAP's Program).

V. Project Closeout

This task involves acquiring and preparing the necessary project closeout documents, which shall include all supporting records. The Sponsor shall:

1. Verify to ITD that all the necessary documents have been received for submission of contractor's affidavit of payment.

2. Receive bonds, certificates, or other evidence of insurance not previously submitted and required by the Contract Documents, including certificates of inspection, tests and approvals, shop drawings, samples, and the annotated record documents which are to be assembled by the Contractor in accordance with the Contract Documents to obtain final payment.

3. Promptly conduct an inspection after notice from the Contractor that the entire work is ready for its intended use, in the company of ITD and the Contractor, to determine if the work is Substantially Complete. If there are no objections from ITD and the Sponsor considers the work substantially complete, the Sponsor shall deliver a certificate of substantial completion to ITD and the Contractor.

4. Participate in a final inspection, to include representatives from ITD, to determine if the completed work by the contractor is acceptable so that the Sponsor may recommend in writing, final payment to the Contractor. Accompanying the recommendation for final payment, the Sponsor shall also provide a notice that the work is acceptable to the best of their knowledge, information and belief and based on the extent of the services provided under this agreement.

5. Prepare and furnish to ITD record plans showing appropriate record information based on project annotated documents received from the Contractor. Supply two (2) sets of red marked plans depicting all changes to the original contract will be supplied to ITD.

Memorandum

File #: 21-599 **City Council Meeting**

FROM: Chris H Fredericksen
DATE: Friday, August 5, 2022
DEPARTMENT: Public Works

Subject
Iona Bonneville Sewer District (IBSD) - Request for Sewer Service Area Reduction

Council Action Desired

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

Approval of the request to reduce the Sewer Service Area for IBSD (or take other action deemed appropriate).

Description, Background Information & Purpose

Public Works is in receipt of a request from the IBSD to decrease the District's sewer service area by 4.449 acres as shown in the attached exhibit. The area includes the Curlew Bend Subdivision, which will receive sewer service from the City of Ammon.

Section 8 of the Cooperative Agreement for Sewage Collection and Treatment between Idaho Falls and the District requires that enlargements to the sewer service area be approved by the City of Idaho Falls. The City had previously requested that the District not expand its sewer service area unless alternative means were secured for sewage to reach the Wastewater Treatment Plant. Currently, the Sunnyside Sanitary Sewer Trunk line carries all flow from the District to the Plant. The District did reduce its service area in response to our request and is approximately 12.15 acres smaller than when originally requested by the City.

If approved, the District's sewer service area will be approximately 16.6 acres smaller than it was in 2016.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☒ ☐

This request is in conformance with community-oriented results of well-planned growth and development and environmental sustainability.

Interdepartmental Coordination

N/A

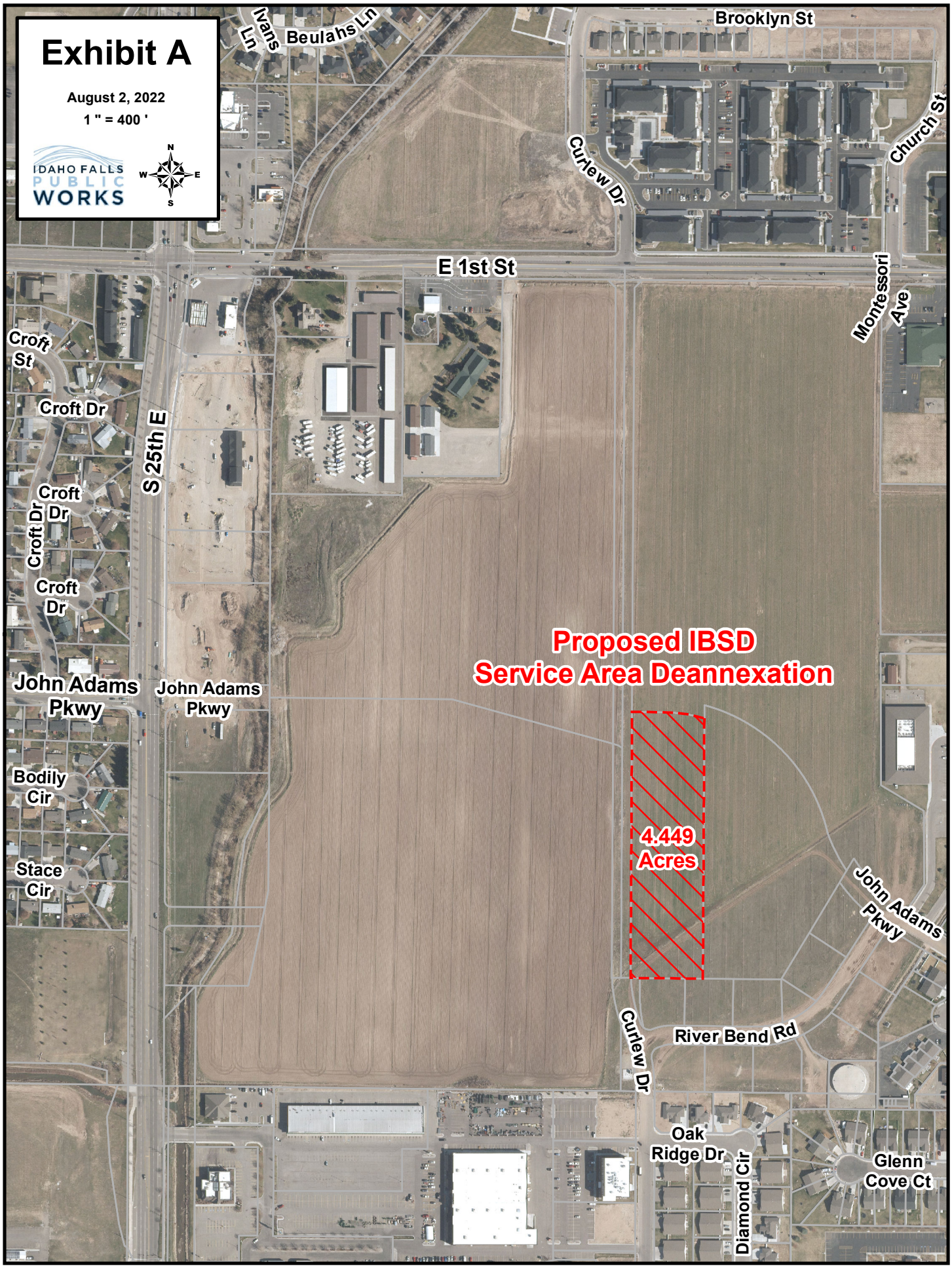
Fiscal Impact

Reduction of the sewer service area will have no out of pocket expense to the city.

Legal Review

N/A

2022-056


Exhibit A
August 2, 2022
1 " = 400 '
IDAHO FALLS
PUBLIC
WORKS
N
W
E
S
Ivans Ln
Beulahs Ln
Brooklyn St
Curlew Dr
Church St
E 1st St
Montessori Ave
Croft St
Croft Dr
S 25th E
Croft Dr
Croft Dr
Croft Dr
John Adams Pkwy
John Adams Pkwy
Bodily Cir
Stace Cir
Proposed IBSD
Service Area Deannexation
4.449
Acres
John Adams Pkwy
Curlew Dr
River Bend Rd
Oak Ridge Dr
Diamond Cir
Glenn Cove Ct

Memorandum

File #: 21-592 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Tuesday, August 2, 2022
DEPARTMENT: Idaho Falls Power

Subject
Quote 56203 - Fiber Conduit Purchase for Idaho Falls Power

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the bid award to D&S Electric Supply for the unit prices shown as bid, for an amount of $254,000.00 (or take other action deemed appropriate).

Description, Background Information & Purpose

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase conduit inventory for fiber service in late January 2022. D&S Electric Supply was among the lowest responsive, responsible bidders and was subsequently awarded a contract by City Council on January 27, 2022. As the construction season has progressed, more conduit is needed, and D&S has extended its original pricing.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This action supports our readiness for well-planned growth and development by replenishing required inventory ensuring reliable electric service. This action supports the growth element of the IFP Strategic Plan.

Interdepartmental Coordination

The City Attorney's Office and Idaho Falls Power agree that this action is appropriate.

Fiscal Impact

Funding to purchase this conduit inventory is available in the Idaho Falls Power budget.

Legal Review

The City Attorney's Office concur the action desired is within State Statute.

powered by Legistar™

ELECTRICAL SUPPLY CO.
Here To Serve You

D & S ELECTRICAL SUPPLY - IF
455 SOUTH EASTERN AVE
WAREHOUSE RECEIVING
IDAHO FALLS, ID 83402
Phone: (208)522-3156 Fax: (208)523-8906

PAGE	DOCUMENT NUMBER
01	56203

PLEASE REFER TO NUMBER ABOVE
WHEN MAKING INQUIRIES

QUOTATION

QUOTED
CITY OF IDAHO FALLS
P O BOX 50220
IDAHO FALLS, ID 83405

SHIP TO
CITY OF IDAHO FALLS
Will Call
455 SOUTH EASTERN AVE
IDAHO FALLS, ID 83402

ORIGINAL QUOTE DATE: 07/21/2022

SHIP FROM	DIV.	SLM.	ISM.	QUOTED BY	CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	DATE	EXPIRATION DATE
	02		BGN	BRODI NOKES	CITIF	DURALINE	07/28/2022	08/20/2022

SHIP VIA	PULLED BY	CHECKED BY	JOB NAME	TERMS
BEST WAY				NET 30

ITEM NO.	ITEM DESCRIPTION	ORDERED	SHIPPED	BACKORDERED	UNIT PRICE	U/M	EXTENDED PRICE
	PRICES SUBJECT TO CHANGE BASED ON ESCALATION FROM MANUFACTURERS*						
001	DRL 2032136610 HDP200RSDR013RIREDREDO	100000			1290.00	M	129000.00
002	DRL 2032136620 HDP300RSDR013RIREDREDO	20000			2950.00	M	59000.00
003	DRL 2032136640 HDP125CSDR011RIORGORGO	100000			660.00	M	66000.00
				SUB-TOTAL:			254000.00

TERMS: Claims for error must be made upon receipt of goods. A 20% handling charge can be charged on all goods returned unless defective or error on our part. Goods must be returned within 60 days from purchase date. Title to the material listed above does not pass until fully paid for. Accounts are due and payable 10th of month following purchase. If collection is made by suit or otherwise, I agree to pay all collection costs, including reasonable attorney fees. A FINANCE CHARGE OF 1 3/4% PER MONTH which is an ANNUAL PERCENTAGE RATE OF 21% will be applied to all past due accounts

SHIP DATE	CARRIER	FREIGHT AMOUNT	TOTAL
			254000.00

CUSTOMER COPY

Memorandum

File #: 21-591 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Monday, August 1, 2022
DEPARTMENT: Idaho Falls Power

Subject
Professional Engineering Services Agreement with Gannett Fleming for Gem State Part 12 Inspection

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc)
Approve the Gem State Part 12 Inspection work with Gannett Fleming for a not-to-exceed amount of $88,500.00 and give authorization to the Mayor and City Clerk to execute the necessary documents, (or take other action deemed appropriate).

Description, Background Information & Purpose

This agreement is for the five-year inspection of the Gem State Hydroelectric project that is required by Federal Energy Regulatory Commission (FERC) as outlined in the FERC Engineering Guidelines, Chapter 14 of the Dam Safety and Performance Monitoring Program. Gannett Fleming was selected following a search for qualifications (SOQ) as the most responsive, responsible bidder.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This action supports our readiness for good governance by assurance of regulatory and policy compliance to minimize and mitigate risk, ensuring access to reliable and affordable power. It also supports the reliability element of the IFP Strategic Plan.

Interdepartmental Coordination

The Legal Department has reviewed and approved this agreement.

Fiscal Impact

Funding for these services is budgeted for in the 2022/23 Idaho Falls Power CIP budget.

Legal Review

The Legal Department concurs this agreement to be appropriate and within state statute.

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

THIS AGREEMENT FOR ENGINEERING PROFESSIONAL SERVICES (hereinafter "Agreement"), is made and entered into this ___ day of _____, 2022, by and between the City of Idaho Falls, Idaho, dba IDAHO FALLS POWER, a municipal corporation of the State of Idaho, P.O. Box 50220, Idaho Falls, Idaho 83405 (hereinafter "CITY"), and Gannett Fleming, Inc., a Delaware Corporation, 3838 N. Central Ave., Suite 1900, Phoenix, Arizona 85012 (hereinafter "CONSULTANT ").

W I T N E S S E T H:

WHEREAS, CITY, pursuant to Idaho Code § 67-2320, published and advertised a Request for Qualification to provide the 7th Part 12 Inspection for City's Gem State Hydroelectric Project; and

WHEREAS, CONSULTANT was selected as the most qualified firm to perform the professional engineering services required for the 7th Part 12 Inspection for City's Gem State Hydroelectric Project.

NOW, THEREFORE, be it agreed, for and in consideration of the mutual covenants and promises between the parties hereto, as follows:

SECTION I: SCOPE OF WORK

CONSULTANT shall perform all services required for the 7th Part 12 Inspection for City's Gem State Hydroelectric Project ("the Project"). The Project shall include the completion of the 7th Part 12 inspection as prescribed by the FERC Engineering guidelines outlined in Chapter 14, Dam Safety and Performance Monitoring Program. This inspection will not be under the forthcoming regulations for SQRA. These tasks include , but are not limited to, review of the Supporting Technical Information document, review of the Potential Failure Modes Analysis, review of prior Part 12 Inspection Reports, review of engineering design reports, attendance at the meeting and physical inspection of the Gem State Hydroelectric Project, writing and revisions of the Part 12 report and a supplement to the PFMA report with fully developed PFMs as directed in the FERC guidelines. The scope of work, including a preliminary schedule, is more particularly described in the attached Exhibit "A," which is by reference incorporated into this Agreement as if wholly set out herein.

SECTION II:

A. Independent CONSULTANT.

The contracting parties warrant by their signature that no employer/employee relationship is established between CONSULTANT and CITY by the terms of this Agreement. It is understood by the parties hereto that CONSULTANT is an independent contractor and as such neither it nor its employees, if any, are employees of CITY for purposes of tax, retirement system, or social security (FICA) withholding.

B. Fees and Conditions for Professional Services.

1. Payment for all services described in this Agreement is provided in accordance with Section II.B.2. of this Agreement

2. The cost for the services for Project as described in Section I, Scope of Work, is an not to exceed amount of eighty-eight thousand five hundred dollars ($88,500), and it shall be divided as follows:

Task 1– Project Management	$	6,700
Task 2 – Review Existing Project Information	$	17,600
Task 3 - Part 12 Field Inspection and PFMA Review	$	17,100
Task 4 - Consultant Safety Inspection Report	$	42,100
Direct Expenses	$	5,000

3. Payment is due upon receipt of Consultant's statement(s). Statements shall be billed based on completion percentage of each task.

4. CITY and CONSULTANT may mutually agree to re-allocate tasks, providing the fixed "not-to-exceed" price is unchanged.

SECTION III:

A. Termination of Agreement.

This Agreement may be terminated by CONSULTANT upon thirty (30) days written notice, should CITY fail to substantially perform in accordance with its terms through no fault of CONSULTANT. CITY may terminate this Agreement with thirty (30) days' notice without cause and without further liability to CONSULTANT except as designated by this section. In the event of termination, CONSULTANT shall be paid for all services, including expenses, performed to termination date, based upon the work completed. All work including reports, shall become the property of, and shall be surrendered to, CITY.

B. Extent of Agreement.

This Agreement may be amended only by written instrument signed by both parties hereto.

C. Project Timeline.

CITY and CONSULTANT shall agree upon a start date. CITY shall make available to CONSULTANT all technical data of record in CITY's possession, including financial, operations, and other information necessary for Project.

D. Termination of Project.

If any portion of the services covered by this Agreement shall be suspended, abated, abandoned, or terminated, CITY shall pay CONSULTANT for the services, including expenses, rendered to the date of such suspended, abated, abandoned, or terminated work; the payment to be based, insofar as possible, on the amounts established in this Agreement or, where the Agreement cannot be applied, the payment shall be based upon a reasonable estimate as mutually agreed upon between the two (2) parties as to the percentage of the work completed.

E. CONSULTANT 's Duty of Care.

In performance of professional services, CONSULTANT will use that degree of care and skill ordinarily exercised under similar circumstances by members of its profession practicing under similar conditions at the same time and locality of the Project; and no other warranty, either expressed or implied, is made in connection with rendering CONSULTANT's services.

F. CONSULTANT's Insurance.

CONSULTANT shall maintain Automobile Insurance and Statutory Workmen's Compensation Insurance coverage, Employer's Liability, Professional Liability Insurance, and Comprehensive General Liability Insurance coverage. The Professional Liability Insurance and Comprehensive General Liability Insurance shall have minimum limits of one million dollars ($1,000,000) per occurrence for General Liability and per claim for Professional Liability.

G. Indemnification.

CONSULTANT agrees, to the fullest extent permitted by law, to indemnify and hold harmless CITY against damages, liabilities and costs arising from the negligent acts, errors, or omissions of CONSULTANT in the performance of professional services under this Agreement, to the extent that CONSULTANT is responsible for such damages, liabilities and costs on a comparative basis of fault and responsibility between CONSULTANT and CITY. CONSULTANT shall not be obligated to indemnify CITY for CITY's negligence.

H. Jurisdiction and Venue.

It is agreed that this Agreement shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed that proper venue shall be the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville.

I. Binding of Successors.

CITY and CONSULTANT each bind themselves, their partners, successors, assigns, and legal representatives to the other parties to this Agreement and to the partner, successors, assigns, and legal representatives of such other parties with respect to all covenants of this Agreement.

J. Modification and Assignability of Agreement.

This Agreement contains the entire agreement between the parties concerning the professional services, and no statements, promises, or inducements made by either party, or agents of either party, are valid or binding unless contained herein. This Agreement may not be enlarged, modified, or altered except upon written agreement signed by the parties hereto. CONSULTANT may not subcontract or assign its rights (including the right to compensation) or duties arising hereunder without the prior written consent and express authorization of CITY. Any such subcontractor or assignee shall be bound by all of the terms and conditions of this Agreement as if named specifically herein.

K. CITY's Representatives.

CITY shall designate a representative authorized to act on behalf of CITY. The authorized representative shall examine the documents of the work as necessary, and shall render decisions related thereto in a timely manner so as to avoid unreasonable delays.

L. Ownership and Publication of Materials and CITY's Right to Use Delivered

Materials.

CITY and CONSULTANT agree that CITY, with this Agreement, acquires the right to use all written materials, including but not limited to reports, information, data, images, diagrams, plans, and any other written documents first prepared and delivered to CITY by CONSULTANT pursuant to this Agreement, and CITY shall have the authority to release, publish, or otherwise use any written materials delivered to CITY, in whole or in part. The use of written materials (s) may include, but is not limited to, electronic and print promotion of CITY sponsored programs or functions. Written materials(s) may be provided to other entities, such as newspapers or other publishers, for inclusion in print advertisements, without cost to CITY or payment to CONSULTANT for use of such written materials. Any re-use of written materials shall be at CITY's sole risk and without liability to CONSULTANT.

Nothing in this section shall constrain CONSULTANT from using materials for other trainings or projects with other entities or from using the written materials for CONSULTANT 's general reference or enrichment.

Nothing in this section shall be constructed to entitle CITY to any materials owned by CONSULTANT which were not delivered or received by CITY, even if those materials were used by CONSULTANT to produce the written materials delivered to CITY or if the written materials delivered to CITY were used to develop, improve, or add value to anything CONSULTANT does not deliver or release to CITY. Notwithstanding anything to the contrary herein, CONSULTANT shall retain all common law, statutory, and other reserved rights including copyright in its pre-existing intellectual property, standard design elements, and architectural/engineering details that are not unique to CITY nor related to the business of CITY, and CITY shall be granted a non-exclusive license to reproduce such design elements and details in conjunction with its use on the Project. CONSULTANT shall have no liability for any claims, losses, or damages caused by CITY's use, alteration, or modification of the written materials or CONSULTANT's pre-existing materials on other projects or for purposes outside the scope of this Agreement without CONSULTANT's prior review and written approval.

The parties acknowledge that any written materials received by CITY are subject to public disclosure under the Idaho Public Records Law, Chapter 1 of Title 74 of the Idaho Code.

M. Costs and Attorney Fees.

In the event either party incurs legal expenses to enforce the terms and conditions of this Agreement, apart from any costs incurred during any mediation required by this Agreement, the prevailing party is entitled to recover reasonable attorney's fees and other costs and expenses.

N. Non-discrimination.

CONSULTANT shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical, or mental handicap, gender identity/expression, sexual orientation, or national origin.

O. City Responsibilities.

CONSULTANT assumes no responsibility for any conditions at the Project site(s) that may present a danger, either potential or real, to health, safety, or the environment. Moreover, the City agrees that it is the City's responsibility to notify any and all appropriate federal, state, or local

authorities, as required by law, of the existence of any such potential or real danger and otherwise to disclose to all appropriate or affected individuals or entities, in a timely manner, any information that may be necessary to prevent any danger to health, safety, or the environment.

P. Consequential Damages.

The parties waive claims against each other for any consequential damages (including, but not limited to, lost profits, lost revenues, lost business opportunities, loss of use or equipment down time, and loss of or corruption to data) that may arise out of or relate to this Agreement, regardless of the theory under which such damages are sought, and even if either party has been advised of the possibility of such damage or loss. To the extent applicable, this mutual waiver applies to consequential damages due to termination by either party in accordance with this Agreement.

Q. Force Majeure.

To the extent CONSULTANT is entitled to claim relief from delay or breach under the provisions of this Agreement due to events arising from factors unanticipated at the time of making this Agreement and reasonably outside of the parties' control, which include, but are not limited to, acts of God, pandemic (including COVID-19), insurrection, war, fires, explosions, flooding, or other natural disasters, contamination or hazard, threats or acts of terrorism, embargo, acts or orders of a government agency made in response thereto, including travel restrictions, or applicable laws becoming effective during the Term that render a portion of the services illegal and/or impossible ("Event of Force Majeure"), CONSULTANT shall to that same extent be entitled to claim an Event of Force Majeure hereunder, when and if applicable. Neither party shall be considered in breach of this Agreement to the extent that the performance of the party's respective obligations (excluding payment obligations) is delayed or rendered impossible by an Event of Force Majeure which arises following the effective date of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date indicated above.

"CITY"	"CONSULTANT "
CITY OF IDAHO FALLS, IDAHO	Gannet Fleming, Inc.
By_____	By_____ 7/1/2022
Rebecca L. Noah Casper, Mayor	Stewart S. Vaghti, Vice President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____day of _____, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Bear Prairie, known to me to be the General Manager of Idaho Falls Power, City of Idaho Falls, Idaho, a municipal corporation that executed the foregoing document, and acknowledged to me that he 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 of Idaho
Residing at: _____
My Commission Expires:_____

(Seal)

STATE OF Arizona)
) ss.
County of Maricopa)

On this 1st day of July, 2022, before me, the undersigned, a notary public, in and for said State, personally appeared Stewart S. Vaghti, known or identified to me to be the Vice President of Gannett Fleming, Inc. and whose name is subscribed to the within instrument and acknowledged to me that he is authorized to execute the same for and on behalf of said Gannett Fleming, Inc.

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

Sandra Hansen
_____
Notary Public of STATE OF ARIZONA
Residing at: MARICOPA COUNTY
My Commission Expires: June 7, 2025

(Seal)

SANDRA HANSEN
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
COMMISSION # 622084
My Comm. Expires June 7, 2025

Exhibit "A"

GEM STATE DAM PART 12D INSPECTION

PROJECT UNDERSTANDING

This proposal has been prepared for services to complete the Independent Consultant Safety Inspection Report (CSIR) for Gem State Dam (FERC No. P-2952-ID). The dam is owned by Idaho Falls Power (IFP) and is located on the Snake River, approximately six miles southwest of Idaho Falls, Idaho.

The Gem State Hydroelectric Project (Project) comprises an 1,100-foot-long run-of-river zoned earth dam, a concrete spillway with five radial gates, and two zoned earth dikes totaling more than 3 miles in length. The Project's primary function is power generation.

SCOPE OF WORK

Gannett Fleming has developed the following proposal to prepare the seventh (7th) 5-year CSIR, in compliance with CFR 18, Part 12, Subpart D Title 18, Code of Federal Regulations and the FERC's Engineering Guidelines for the Evaluation of Hydropower Projects Chapter 14 - Dam Safety Performance Monitoring Program (revision date May 8, 2017). Gannett Fleming proposes that Matthew S. Balven, PE, serve as the Independent Consultant (IC) for the Project with Guy Lund, PE, serving as structural subject matter expert (SME). Mr. Andy Lynch, PE, will assist with the review of project information, project management and reporting.

The IC will lead an inspection team to perform physical inspections of all dam safety related project features; including but not limited to the powerhouse, embankment dam, spillway structure, radial gates, and dikes. In addition, the IC will perform a detailed Potential Failure Mode Analysis (PFMA) review with staff from IFP and the FERC. The PFMA review will evaluate the identified Potential Failure Modes (PFMs) and the development, which consists of the PFM progression from initiation to failure, relevant engineering information, positive and adverse factors that make the PFM less or more likely to develop, potential surveillance and monitoring, potential risk reduction measures, and the category assignment description, as required under the FERC Chapter 14 guidelines. Existing PFMs shall be reclassified, if necessary, and newly identified PFMs shall be developed and incorporated into a revised PFMA Report.

The IC will provide the results of the PFMA review to IFP and FERC approximately three (3) weeks after the PFMA review is completed. The final copy of the Gem State Dam CSIR will be completed by February 14, 2023 for submittal to the FERC.

Task 1. Project Management

This task provides project coordination, supervision, and clerical support during the course of the project to deliver the scope of work on schedule and within budget.

Task 2. Review Project Data

This task provides time for the review of available information on the project. The IC, assisted by the SME and staff engineers, will review project information to become familiar with the project engineering data. The review will consist of items listed below, but may also include additional items not shown:

- Available construction documents and photographs
- Design documents (e.g., geotechnical, H&H, and structural analysis reports and studies)
- Standard operating procedures
- Emergency Action Plan (EAP)
- Previous Dam Safety Surveillance and Monitoring Plan and Reports (DSSMP and DSSMRs) Instrumentation records since last FERC Part 12D 5-Year Consultant Safety Inspection
- FERC correspondence since last FERC Part 12D 5-Year Consultant Safety Inspection
- Records of construction or modification performed on the Project during the last 5 years
- PFMA Report. The current revision to the PFMA Report will be reviewed in preparation for the PFMA Review, and safety inspection.
- Supporting Technical Information Document (STID). The FERC Guidelines require that the Project STID is reviewed in detail. The IC will review and assess each section for completeness and adequacy and will prepare revisions for accordance to the recommendation contained in the FERC Guidelines.
- Previous Safety Inspection Reports. The IC will review the previous five Part 12D safety inspection reports. In addition, the IC will review the response by IFP to the previous Sixth CSIR recommendations.

Task 3. PFMA Review, Assessment of STID, and Dam Safety Inspection

Perform PFMA Review

This is an assessment of the identified PFMs contained in the PFMA Report. The work entails a review and assessment of the PFM development and categorization, the reasonableness and completeness of the failure mode scenario, and whether the identified PFM has a real possibility of occurrence. The IC will also review the surveillance and monitoring methods used to monitor potential development of the PFMs and identified risk reduction measures. If necessary, the PFMs may be recategorized to address revised, or newly identified factors.

Based on our review of the previous PFMA Report, the PFMs appear to be adequately developed and categorized. For this proposal, we have assumed review of the following items:

- Review of all identified PFMs. The review will evaluate the PFM description for initiating event, progression events and failure.
- Review will assess the positive and adverse factors for each PFM.
- Review of surveillance and monitoring methods and potential risk reduction measures for Category I and II PFMs.

A summary of the PFMA review will be prepared by the IC as part of this task and will document any newly identified PFMs and changes to PFM categorization. The summary will include a table summarizing the changes to the PFMs as well as all the PFMs with updates made during the review.

The costs include time to review the PFMs for the project with the FERC engineers, at the IFP offices. The review is expected to last one day (8 hours), and will include review of the PFM

descriptions, positive and adverse factors, monitoring and surveillance, risk reduction measures, and PFM categorization.

Assess Surveillance Monitoring Plan

Review of the Dam Safety Surveillance Monitoring Plan (DSSMP) will be performed to determine if the plan provides adequate monitoring with respect to the initiation of the PFMs identified in the previous task. If necessary, Gannett Fleming will incorporate modifications into the DSSMP to address changes in instrumentation, observation procedures, and/or revised PFMs.

Perform Safety Inspection

The Independent Consultant, Matthew Balven, PE, with SME and an assisting engineer will conduct a formal physical field inspection of the project. This inspection will assess the features and characteristics of the project as related to the highlighted PFMs.

In accordance with FERC requirements, the inspection will focus on a review and assessment of the following items:

- Settlement
- Movement
- Erosion
- Seepage
- Leakage
- Cracking
- Deterioration
- Vegetation and other potential maintenance items
- Internal stress and hydrostatic pressures
- Functioning of drains and relief wells
- Stability
- Regional and site geologic conditions

The team will give specific attention to the overall condition and functioning of the embankment dam, spillway, outlet works, reservoir rim, and instrumentation and to any changes that have taken place in downstream development since the last safety inspection.

A checklist will be utilized to coordinate the inspection efforts.

Assess Operation and Maintenance

The safety inspection report will include an assessment of the current operation and maintenance of the project. The items of key interest in the evaluation are listed below:

- Operation and Maintenance Procedures.
- Communication/Response – the adequacy and reliability of remote monitoring, communication, and control systems.

- Electrical/Mechanical Systems – reliability of outlet works and powerhouse valves, standby and redundant power sources, manual/remote/automatic operation, and operation sequence.
- Human Factors - adequate staff for emergency response, reliable access routes, training, electricians/mechanics/laborers, adequate time to respond, call out systems.

Assess Project Data

This consists of assessing the contents of the STID and other available project data. The STID should include information needed to understand and confirm the underlying assumptions and the conclusions of the analyses of record supporting the assessment of the safety of the project. In each section, where appropriate, the IC shall make a clear statement that the STID has been reviewed, including the pertinent analyses and evaluations along with the underlying assumptions, that he has concluded that the assumptions and methods of analysis or evaluation were appropriate for the structure, and that they were applied correctly and are appropriate given current guidelines and the state of dam safety practice. The STID contents include:

1. Potential Failure Mode Analysis Report
2. Description of Project
3. Construction History
4. Standard Operating Procedures
5. Geology and Seismicity
6. Hydrology and Hydraulics
7. Dam Safety Surveillance and Monitoring Program
8. Stability and Stress Analyses of Project Structures
9. Spillway Gates
10. Pertinent Correspondence Related to Safety of Project Works
11. References

Task 4. Prepare CSIR

This task is the preparation of the Part 12D CSIR. The report will follow the outline described in Appendix H in Chapter 14 of the FERC Engineering Guidelines for the Evaluation of Hydropower Projects. The CSIR is further discussed in the following section regarding deliverables.

DELIVERABLES

A CSIR will be prepared to summarize the findings of the Part 12D Inspection. The CSIR will follow the outline and requirements provided in the FERC Chapter 14 Guidelines. In addition, a summary of the results of the PFMA review will also be provided prior to the CSIR.

A draft copy of the CSIR will be submitted electronically with all report sections and appendices for review and comment prior to submitting the final reports. Six copies of the Final CSIR will be printed and delivered to IFP with electronic files used to generate the report (i.e., Word and PDF format).

DIRECT EXPENSES

Costs associated with the following items are included in the fee estimate below:

- Travel (including flights, lodging, rental car, meals, etc.)
- Printing and shipping of the final CSIR

FEE ESTIMATE

Task Description	Fee
Task 1 – Project Management	$6,700
Task 2 – Review Existing Project Information	$17,600
Task 3 – Part 12 Field Inspection and PFMA Review	$17,100
Task 4 – Consultant Safety Inspection Report	$42,100
Direct Expenses	$5,000
Total Fee	**$88,500**

Memorandum

File #: 21-594 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Wednesday, August 3, 2022
DEPARTMENT: Community Development Services

Subject
Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, East River Estates Division 1.

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Development Agreement for the Final Plat for East River Estates Division 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept the Final Plat for East River Estates Division 1 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for East River Estates Division 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for East River Estates Division 1. The Planning and Zoning Commission considered this item at its September 7, 2021, meeting and unanimously voted to recommend approval as presented. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Consideration of the Final Plat must be consistent with the principles of the Comprehensive Plan and Zoning Ordinance, which include many policies and goals related to Good Governance, Growth, Sustainability, Transportation, 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 the City Attorney pursuant to applicable law

FINAL PLAT

PLAT20-046 ~ East River Estates Division 1

Legend

East River

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

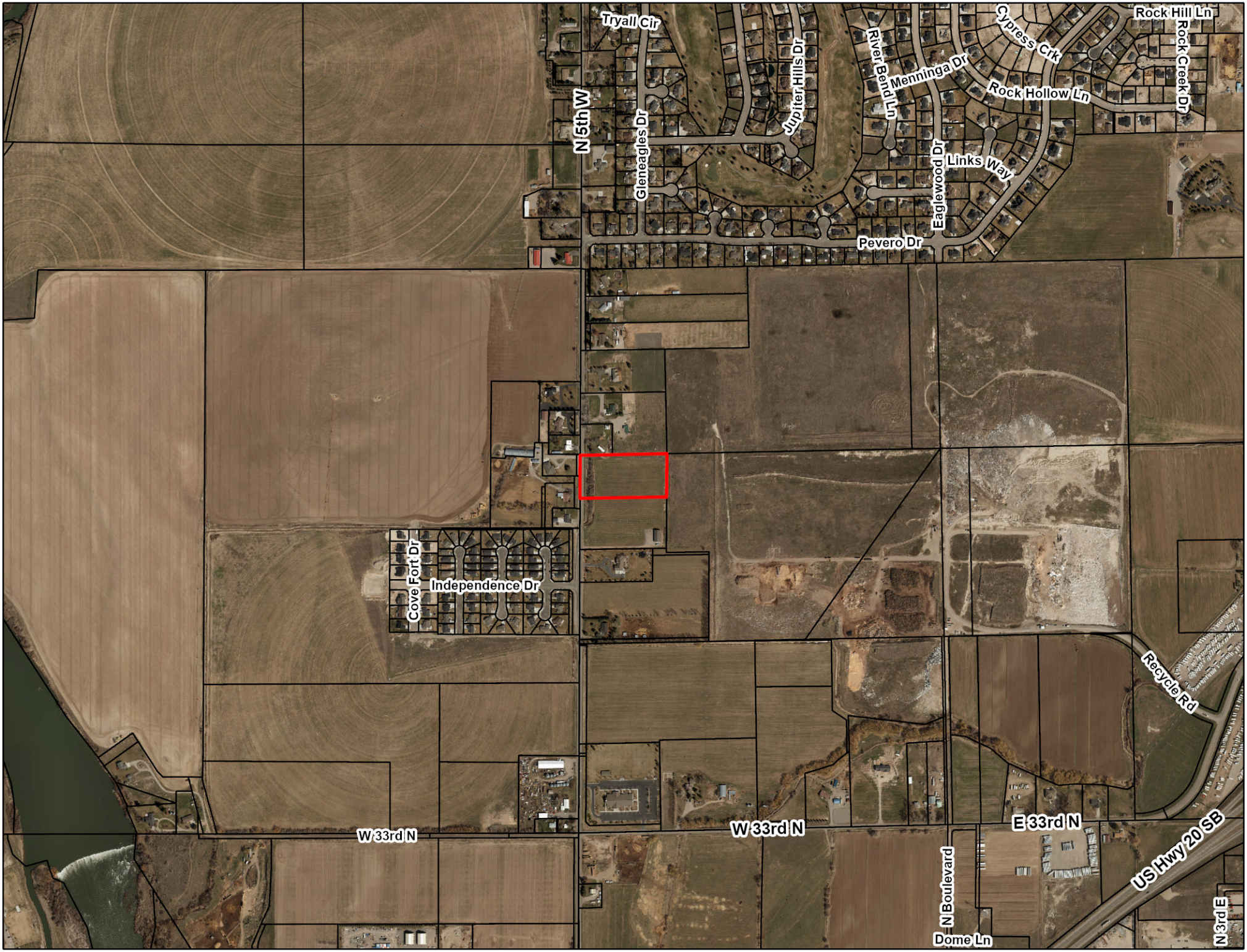
P



IDAHO FALLS

Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276

N


Tryall Cir
N 5th W
Gleneagles Dr
Jupiter Hills Dr
River Bend Ln
Menninga Dr
Cypress Crk
Rock Hill Ln
Rock Creek Dr
Rock Hollow Ln
Eaglewood Dr
Links Way
Pevero Dr
Cove Fort Dr
Independence Dr
Recycle Rd
W 33rd N
W 33rd N
E 33rd N
US Hwy 20 SB
N Boulevard
Dome Ln
N 3rd E

SYMBOL LEGEND

PRO.	EXIST.	DESCRIPTION
BK CB 49.00	+49.00	PROPOSED/EXISTING ELEVATION
		PROPOSED/EXISTING FIRE HYDRANT
		PROPOSED/EXISTING VALVE
		PROPOSED/EXISTING PLUG
		PROPOSED/EXISTING MANHOLE
		PROPOSED/EXISTING STORM DRAIN INLET
		PROPOSED/EXISTING POWER POLE
		PROPOSED/EXISTING CURB AND GUTTER
		PROPOSED/EXISTING WALK

LINETYPE	DESCRIPTION	Ø
W	PRESSURE LINE (WATER LINE)	
SS	PIPE FLOW LINE (SANITARY AND STORM)	
OP OP	OVERHEAD POWER LINE	
E E E	UNDERGROUND PVC POWER CONDUIT	
	EXISTING SERVICE LINE	
W	PROPOSED SERVICE LINE	
	Section Line	
	Subdivision Boundary	
	Lot Line	
	Road Centerline	
	Public Utility Easement (Width as Noted)	
	Canal Right-Of-Way (Width as Noted)	
	Existing Easement as Noted	
	CANAL EDGES	
	EXISTING CANAL	
	STORM POND EASEMENT	
X	FENCE	

Basis of Bearing
Record of Survey by Ellsworth Engineering, PLLC. Having Inst. No. 1626781

Vertical Datum
City of Idaho Falls Benchmark Number 830 Being a 1" Steel Rod
El.=4725.64 (NAVD 88)

Project Benchmark
Point Number 8
1/2" Iron Rod with Plastic Cap
PLS 10944
El.=4729.85

The existing Anderson Canal will be moved to the West side of Lots 1 and 16 as shown by the easement hereon.

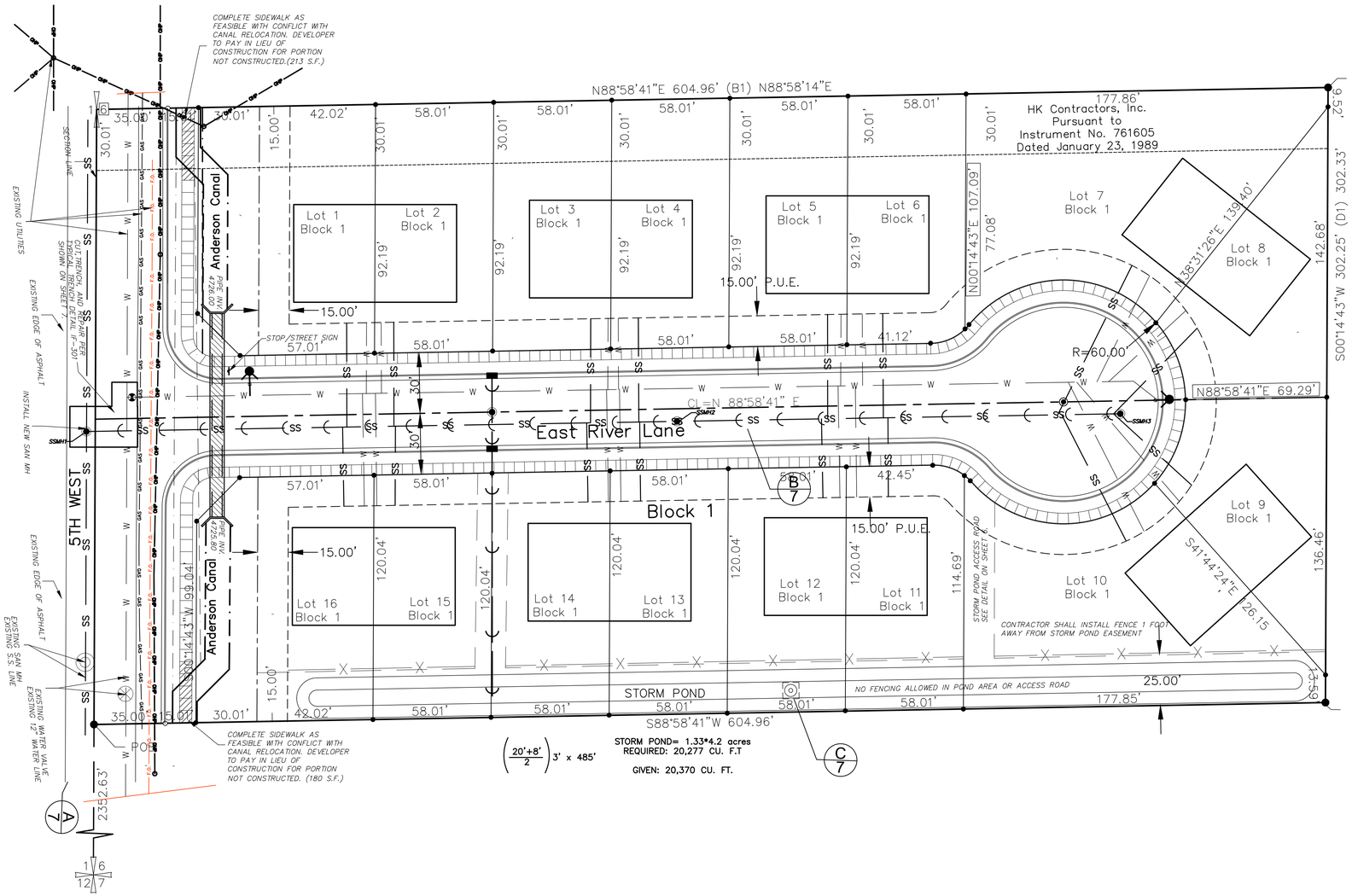
LANDSCAPING BETWEEN CURB AND SIDEWALK ON BOTH 5TH WEST AND EAST RIVER LANE SHALL BE MAINTAINED BY THE INDIVIDUAL PROPERTY OWNERS UNLESS A HOMEOWNER'S ASSOCIATION (HOA) IS ESTABLISHED AND THEN THE MAINTENANCE SHALL BE AS AGREED BETWEEN THE PROPERTY OWNERS AND THE (HOA).

N

30 0 30 60
SCALE: 1"= 30
(SCALE FOR 24"x36" PRINTS ONLY)

CITY OF IDAHO FALLS APPROVAL
Revision 10/2018

Approved _____ Date _____
City of Idaho Falls



PROFESSIONAL ENGINEER REGISTERED 8712 07/25/22 STATE OF IDAHO J. RYAN LOFTUS

Aspen Engineering, Inc.
743 S. Capital Avenue
Idaho Falls, Idaho 83402
Phone (208) 542-1911

COPYRIGHT 2022
ASPEN ENGINEERING, INC.
All rights reserved.
Reproduction or translation of any part of this work without written permission of ASPEN ENGINEERING is unlawful. Violators will be prosecuted.

DAVID KUHN
GENERAL IMPROVEMENTS
IDAHO FALLS IDAHO

GENERAL LAYOUT

JOB NO.	2020.048
DATE	MAY 2022
DRAWN BY	JRL
CHECKED BY	JRL
REVISIONS	DATE

SHEET NO. 2 OF 8

STAFF REPORT
FINAL PLAT
East River Estates Division 1,
August 11, 2022

IDAHO FALLS
Community Development Services

Applicant: Aspen Engineering

Project Manager: Naysha Foster

Location: north of W 33rd N, east of N 5th W, south of Pevero Dr., west of N 5th E.

Size: 4.2 acres

Lots: Buildable: 16
Average Lot Size:
0.30 acres (13,138 sq. ft.)

Net Density: 0.20 Units

Existing Zoning:
Site: R1
North: County A-1
South: County A-1
East: County, A-1
West: County A-1 & City R1

Existing Land Uses:
Site: Vacant
North: Residential
South: Residential
East: Residential
West: Gravel Pit

Future Land Use Map:
Attachments:
1. Subdivision and Zoning Ordinance Requirements
2. Comprehensive Plan Policies
3. Maps and aerial photos
4. Final Plat

Requested Action: To approve the final plat for East River Estates Division 1.

History: This property was annexed in July of this 2021 with initial zoning of R1, Single Dwelling Residential and the Airport Overlay Zone, Limited Development. The Limited Development overlay zone allows residential. The Planning and Zoning Commission unanimously voted to recommend approval on September 7, 2021.

Staff Comments: The plat includes 16 buildable lots. The R1 zone requires a minimum lot size of 7,000 square feet and a maximum lots size of 13,500 square feet. The average lots size is 8,363.52 square feet. The density in the R1 zone is 6 units per net acre. This density would allow 19 units, the developer is proposing 16 unit which is 0.20 units per net acre. A dedicated right of way will be accessed from 5th W. a Principle Arterial. Curb, gutter, and sidewalk will be improved along 5th W.

The block measures approximately 604.96 feet. The block does not exceed the max length of 1,300 feet, nor is it less than the minimum length of 400. The street is 382.31 feet in length before the cul-de-sac which is under the maximum of 400 feet for a dead-end street. The street right of way and cul-de-sac radius met minimum standards in the Subdivision Ordinance.

Staff Recommendation: Staff has reviewed the final plat and finds that it complies with the subdivision ordinance and consistent with the development standards of the R1 Zone. Staff, as well as the Planning & Zoning Commission recommend approval of the plat.

Subdivision Ordinance: Boxes with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	
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.	N/A
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 proposes access.	N/A
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 R-3, 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.	N/A
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	N/A
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 150 ft 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.	N/A
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	New Local Street

Section 10-1-9A
(9) If the final plat conforms to the provisions of this Chapter and all other applicable State or Federal laws, or local ordinances, the Council shall approve the final plat and authorize the Mayor and Clerk to sign the original plat.

Zoning Ordinance:
11-3-3: Purpose of Residential Zones, (C) R1 Single Dwelling Residential
This zone provides a residential zone which is representative of a less automobile-oriented, more walkable development pattern, characterized by somewhat smaller lot widths; and somewhat denser residential environment than is characteristic of the RP Residential Park Zone. The principal use in the R1 shall be single detached and attached dwelling units. The zone is also generally located near limited commercial services that provide daily household needs.

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	36	*			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.								

Comprehensive Plan Policies:
Residential development should reflect the economic and social diversity of Idaho Falls. New and existing development should foster inclusiveness and connectivity through mixed housing types and sizes. Neighborhood connections through paths, parks, open spaces, and streets. (p 40.)
Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p.67)

September 7, 2021 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Brent Dixon, Natalie Black, Lindsey Romankiw, Joanne Denney, Gene Hicks, George Morrison, Margaret Wimborne, Arnold Cantu.

MEMBERS ABSENT: none.

ALSO PRESENT: Assistant Planning Director Kerry Beutler, and planners Naysha Foster and Caitlin Long, and interested citizens.

CALL TO ORDER: Brent Dixon called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Hicks moved to approve the Minutes from August 3, 2021 with two minor corrections, Denney seconded the motion and it passed unanimously.

Business:

3. PLAT 20-046: FINAL PLAT. Final Plat for East River Estates Division No. 1.

Applicant: No applicant appeared.

Foster presented the staff report, a part of the record.

Dixon asked about the distance between W 33rd N and Pevero, as it doesn't appear that there is a way to get east off of East River Road. Foster is unsure of the distance, looks to be ½ -3/4 mile. Dixon asked if staff has a problem with cul-de-sac's laying straight on to an arterial. Foster stated that N. 5th West is an arterial and there is nothing that would prohibit the developer from doing this layout as presented as it meets the requirements of the Subdivision Ordinance. Foster added that this plat has been reviewed by Foster, Public Works, Engineering, and so far, no one has found any issues besides minor technical comments. Dixon asked if Staff has concerns as far as how to get to the interior property off of the major arterials going east. Foster stated that they are not concerned as it goes to a gravel pit to the east that is owned by HK and the City of Idaho Falls, and there is no need to connect.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for East River Estates, Division 1, Romankiw seconded the motion. Dixon called for roll call vote: Black, yes; Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF EAST RIVER ESTATES DIVISION 1. GENERALLY LOCATED NORTH OF W 33RD N, EAST OF 5TH W, SOUTH OF PEVERO DR., WEST OF N 5TH E.

WHEREAS, the applicant filed an application for a final plat on December 23, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on September 7, 2021; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on August 11, 2022 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 4.20 acres parcel located generally north of W 33rd N, east of N 5th W, south of Pevero Dr., west of N 5th E.
3. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance for the R1, Single Dwelling Unit Zone.
4. 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 East River Estates Division 1.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS_____DAY OF_____, 2022

_____

Rebecca L. Noah Casper, Mayor

DEVELOPMENT AGREEMENT
EAST RIVER ESTATES DIVISION NO. 1

This DEVELOPMENT AGREEMENT EAST RIVER ESTATES DIVISION NO. 1 ("AGREEMENT"), made this _____day of _____, 2022, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and KUHN PROPERTIES, LLC, a limited liability company ("DEVELOPER"), whose mailing address is 1070 Riverwalk Drive, Ste. 252, Idaho Falls, Idaho 83402.

W I T N E S S E T H:

WHEREAS, DEVELOPER is the sole owner, in law or equity, of a certain tract of land in the County of Bonneville, State of Idaho, which land (hereafter referred to as "Subdivision"), is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof; and,

WHEREAS, DEVELOPER desires to develop the Subdivision within CITY and has submitted a plat bearing the Subdivision name described in the caption of this AGREEMENT; and,

WHEREAS, City Engineer, and the Idaho Falls Planning and Zoning Commission, have recommended such development be allowed, subject to certain requirements and obligations on the part of DEVELOPER; and

WHEREAS, CITY is willing to allow the development of the Subdivision within City of Idaho Falls, Idaho, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto; and

WHEREAS, CITY has authority to approve Subdivision plats and the construction of streets, utility lines and other public improvements within CITY; and

WHEREAS, DEVELOPER specifically waives DEVELOPER's right to protest development requirements described in this AGREEMENT, including DEVELOPER's right of judicial review contained in Chapter 52, Title 67, Idaho Code, and pursuant to the standards set forth in § 67-5279, Idaho Code; and,

WHEREAS, DEVELOPER understands that the public improvements required herein are standards required pursuant to Idaho Falls City Code, Title 10, Chapter 1, and are authorized by Idaho Code §§ 67-6513 and 67-6518; and,

WHEREAS, DEVELOPER and CITY believe that without the public improvements required herein, CITY would not be able to otherwise provide for mitigation of the effects of the Subdivision development on the ability of CITY to deliver services without compromising quality of such service delivery to current CITY residents, or without imposing substantial additional costs upon current CITY residents to accommodate the proposed Subdivision; and,

WHEREAS, CITY desires to ensure that public improvements consisting of those described in this AGREEMENT, including Special Conditions for the Subdivision, are constructed; and,

WHEREAS, DEVELOPER understands that a waiver of public improvements is available pursuant to Idaho Falls City Code, but DEVELOPER specifically does not wish to request such a waiver and wishes to enter into this AGREEMENT; and,

WHEREAS, DEVELOPER enters into this AGREEMENT of DEVELOPER's own free will and accord, without coercion and without inducement and at DEVELOPER's request; and,

WHEREAS, DEVELOPER has read this AGREEMENT, has understood it, and has had the opportunity to avail itself of legal and other counsel prior to entering into this AGREEMENT and prior to signing it; and,

WHEREAS, DEVELOPER has submitted a preliminary plat bearing the Subdivision name described in the caption of this AGREEMENT; and,

WHEREAS, City Engineer and City Planning and Zoning Commission have recommended such Subdivision be approved subject to certain requirements and obligations on the part of DEVELOPER; and,

WHEREAS, CITY is willing to approve the Subdivision to CITY, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto;

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

1. Approval of Subdivision. CITY hereby approves the Subdivision plat as described in Exhibit "A" attached hereto and made a part to this AGREEMENT by reference, and agrees that upon DEVELOPER's full and complete performance of the terms and conditions hereto, it will accept and maintain the property dedicated to CITY on the Subdivision plat and all public facilities and improvements shown in the Improvement Plans for the Subdivision.

2. Improvement, Preliminary, and Final Improvement Plans. "Improvement Plans," used in this AGREEMENT, are engineer-designed plans showing all streets, sewer lines, water lines, storm drains, street signs, traffic control devices, barricades, other public utilities (telephone, gas, electricity, fiber optic and irrigation facilities) and other public improvements contemplated within the Subdivision. "Preliminary Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted and considered for the Subdivision development prior to the approval of City Engineer, and not yet approved for construction. "Final Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted, considered and approved by City Engineer for the Subdivision development.

DEVELOPER anticipates that development of the entire Subdivision will occur in phases or divisions. DEVELOPER has filed, and City Engineer has approved, Improvement Plans for the public improvements to be constructed within public rights-of-way exterior to the Subdivision, (hereafter referred to as the "Exterior Improvement Plans") showing the width, location and alignment of all streets, sewer lines and water lines within the Subdivision and the size and materials specifications for such water and sewer lines. Prior to the commencement of any construction or development within any phase or division of the Subdivision, DEVELOPER shall also file with, and obtain the approval of, City Engineer Improvement Plans (hereafter the "Interior Improvement Plans") for all streets, sewer lines, water lines, storm drainage facilities, street signs, traffic control devices, barricades and other public improvements contemplated within such phase or division of the Subdivision. The filed Improvement Plans shall also show the proposed location of other public utilities (telephone, gas and electricity), and irrigation facilities affected by the development of such phase or division of the Subdivision. Preliminary Improvement Plans are incorporated herein by reference as though set out in full, and the Final Improvement Plans shall also, upon approval by City Engineer, be deemed to be incorporated herein by reference.

3. Construction of Public Improvements. Unless otherwise agreed in the Special Conditions, DEVELOPER shall, at its expense, design and construct all public improvements shown in the Exterior Improvement Plans and Interior Improvement Plans. Unless otherwise agreed in writing by City Engineer, DEVELOPER shall construct all required public improvements within such Improvement Plans in strict accordance with the approved Preliminary and Final Improvement Plans and CITY Standard Engineering Drawings and Specifications (hereafter referred to as the "Standard Specifications") in effect at the time the construction is accomplished. The Standard Specifications are incorporated herein by reference as though set out in full and compliance to the Standard Specifications is a condition of this AGREEMENT.

4. Permits. DEVELOPER shall obtain all right-of-way, excavation and/or other permits required by local ordinance and comply with all requirements therein with respect to the

timely performance of the work governed by such permits.

5. Inspection. DEVELOPER shall retain a professional engineer (hereafter referred to as the "Project Engineer") licensed within the State of Idaho to supervise, inspect and test the construction of all public improvements within the Subdivision in order to ensure such improvements are constructed in accordance with this AGREEMENT, the Improvement Plans and the Standard Specifications. DEVELOPER shall not materially deviate from the Improvement Plans or Standard Specifications without the express written approval of the City Engineer.

6. Corrected Improvement Plans. Prior to acceptance of any phase or division of the Subdivision, DEVELOPER will file "As Constructed"/ "As Built" Improvement Plans (hereafter referred to as the "Corrected Improvement Plans") with City Engineer. Such Corrected Improvement Plans shall be prepared by the Project Engineer and shall show the actual constructed location of all public improvements within the Subdivision including the horizontal and vertical location of all water, sewer and storm drain lines, individual building service lines curb and gutter alignment and street grades. Such Corrected Improvement Plans shall also specifically show all changes between the Final Improvement Plans and the public improvements as actually constructed. The Project Engineer shall also certify upon the Corrected Improvement Plans that such Corrected Improvement Plans correctly show all public improvements as actually constructed and that such public improvements have been constructed in accordance with the Standard Specifications in effect at the time such construction was accomplished. The Project Engineer shall also deliver to City Engineer all compaction reports, daily construction logs, reports, written tests, analysis and other data as may be necessary to verify or support the certification of the Project Engineer.

7. Acceptance of Subdivision. Upon satisfactory completion of such public improvements and facilities, DEVELOPER's delivery of Corrected Improvement Plans and the filing and approval by CITY of a final plat, CITY will accept that portion of the Subdivision for which a final plat has been approved. Such acceptance shall not be valid unless expressly acknowledged in writing by City Engineer. Except as otherwise expressly provided in the Special Conditions, upon acceptance of any phase or division within the Subdivision, CITY shall assume ownership and control of all public facilities within any dedicated street or public utility right-of-way within the Subdivision and shall execute and record an instrument documenting such acceptance and that also references the recording information for this AGREEMENT and thereby releasing the Subdivision, or the accepted portion thereof, from the encumbrances of this AGREEMENT. Acceptance of the Subdivision Improvements and recording the acceptance instrument shall not be deemed as a waiver of DEVELOPER's agreement herein to fully and completely perform the terms and conditions of this AGREEMENT, or as a waiver or release of the warranty set forth below in this AGREEMENT.

8. Warranty. DEVELOPER warrants that the materials and workmanship employed in the construction of all public improvements within the Subdivision shall be good and sound, and shall conform to generally accepted standards within the construction industry. Such warranty shall extend for a period of one (1) year after acceptance of any phase or division of the Subdivision within which such improvements are located, by CITY, provided nothing herein shall limit the time within which CITY may bring an action against DEVELOPER on account of DEVELOPER's failure to construct such improvements in accordance with this AGREEMENT, the Improvement Plans or the Standard Specifications. DEVELOPER, and DEVELOPER's heirs, successors and assigns, shall and do hereby respectively warrant and agree, to defend the quiet and peaceful possession of CITY in all easements, rights-of-way, street dedications or other estates conveyed pursuant to the terms of this AGREEMENT or pursuant to the subdivision plat which is the subject hereof, from and against all claims against DEVELOPER and DEVELOPER's successors or assigns, respectively, and against every person whomsoever who lawfully holds, or who later lawfully claims to have held, rights in the premises by or through DEVELOPER and DEVELOPER's successors or assigns, respectively, as of the date of this AGREEMENT.

9. Water and Sewer Main Connection Charges. DEVELOPER agrees to pay to CITY at the time any separate sanitary sewer service or culinary water service connection to CITY sanitary sewer system or culinary water system is requested, all connection fees, main connection charges, and main charges as set forth in the City Code in effect at the time such request for service is made.

10. Failure to Pay Fees. In the event DEVELOPER fails or refuses to pay any of the fees, charges or costs set forth herein, CITY may disannex any property owned by DEVELOPER within the Subdivision or declare the entire unpaid balance immediately due and payable and collect such sums in the manner provided by law, or may pursue any other remedy set forth herein or as may be available at law or in equity. All such remedies shall be cumulative and CITY may pursue the same separately or simultaneously as it deems necessary or appropriate. In the event of such acceleration, all sums due shall bear interest at the rate established by law for judgments entered in the State of Idaho, commencing on the date the unpaid amount is declared immediately due and written demand therefor is delivered to DEVELOPER.

11. Participation by CITY. The parties agree that those portions of the water main, the sanitary sewer line, storm drains and street section work (hereafter collectively referred to as the "Shared Work"), the cost of which CITY has expressly agreed to pay pursuant to the Special Conditions, including any water or sewer line or storm line extensions, increased line size or capacity and road width or thickness, are required because of future service needs originating from properties not owned by DEVELOPER and located within the vicinity of the Subdivision, and that sound planning requires construction thereof at the present time in order to accommodate future expansion and development. In recognition of the cost savings which can be accomplished by

construction of such excess capacity and improvements concurrently with the facilities to be constructed for DEVELOPER's purposes, and the impracticality or impossibility of constructing such excess capacity and improvements separately or at a later time, DEVELOPER agrees to design and construct such facilities subject to CITY's agreement to reimburse DEVELOPER for a portion of such costs, all as set forth in the Special Conditions. Prior to the commencement of the Shared Work, DEVELOPER shall obtain and deliver to CITY three (3) independent bona fide bids for the performance of such work from qualified and responsible contractors. Such bids shall be solicited and itemized in a manner which allows clear and specific identification of that portion of the construction work for which CITY is responsible. CITY shall have no obligation to pay for any portion of the costs of the Shared work unless prior to the commencement of the work, the parties have expressly agreed in writing to a specific amount for which CITY will reimburse the DEVELOPER. Payment of such costs by CITY shall be due within thirty (30) days from acceptance of the Subdivision by CITY and delivery of an itemized statement to CITY setting forth in detail the total amount of the costs for which CITY is responsible.

12. Special Conditions. In recognition of the unique circumstances relative to this Subdivision the parties agree to the Special Conditions attached hereto as Exhibit "B" and by this reference made a part hereof.

13. Irrigation Facilities. DEVELOPER shall relocate or reconstruct, at DEVELOPER's expense, all ditches, headgate structures, culverts, siphons, drywells or other similar appurtenant structures that will be impaired or otherwise disturbed by the construction of this Subdivision. DEVELOPER shall also obtain the consent of all persons or entities who have any water right or control over such structures. DEVELOPER shall also indemnify and hold CITY harmless from any action, claim, demand or cost of any kind, including attorney's fees and court costs, arising from the relocation or reconstruction of such facilities or DEVELOPER's failure to properly relocate or reconstruct such facilities.

14. Relocation of Power Lines. DEVELOPER shall relocate at its expense, all existing electric utility poles or other utility lines or fixtures necessary to construct the public improvements within this Subdivision as shown on the Improvement Drawings.

15. Construction Schedule Change. Any modification to the public improvements shown in the Improvement Drawings or to the construction phase limits shall be approved by City Engineer. Prior to said approval, revised Improvement Drawings shall be resubmitted to City Engineering Department showing the proposed changes.

16. Taxes and Assessments. DEVELOPER shall pay all real property taxes and assessments levied or assessed against any interest in real property which DEVELOPER has agreed to convey to CITY pursuant to this AGREEMENT up to the date the final Subdivision plat

for this Subdivision is recorded. Such taxes and assessments shall be paid prior to the acceptance by CITY of the public improvements within any phase or division of the Subdivision.

17. Occupancy. No building or structure within the Subdivision shall be used or occupied for any purpose other than for the construction of such building or structure, unless a final plat has been filed and approved and all public improvements within the plat have been completed and accepted by City Engineer. CITY may withhold Certificates of Occupancy until all such work has been completed. Nothing herein shall prevent the use of a model building for the purpose of DEVELOPER's sales promotional efforts provided the building is not occupied for any other commercial or industrial purposes.

18. Default. In the event DEVELOPER fails to comply with the terms and conditions hereof in any material respect, CITY may, without further notice to DEVELOPER, exercise any or all of the following remedies:

A. Withhold the issuance of any building permit or certificate of occupancy for any structure located within any phase or division of the Subdivision affected by such default;

B. Withhold the connection of water, sewer or electric service to any property located within any phase or division of the Subdivision affected by such default;

C. Refuse to accept public ownership and maintenance of public improvements within any phase or division of the Subdivision affected by such default and record a notice of such action with the Bonneville County Recorder's office;

D. Issue a stop work order for any building under construction within any phase or division of the Subdivision affected by such default;

E. Withhold reimbursement of Subdivision inspection fees collected pursuant to the Idaho Falls City Code; and

F. Bring an action for damages, injunctive relief, specific performance or any other remedy available at law or in equity.

19. Notices. Any notice required by this AGREEMENT shall be mailed to the receiving party at the address set forth above or such other address as may be delivered to the sending party in writing. Such notice shall be mailed by certified mail, return receipt requested, postage prepaid and addressed as set forth above and shall be deemed received upon its deposit in the United States mail in such manner.

20. Recording and Recording Fees. CITY may record this AGREEMENT with the

Bonneville County Recorder's office and prior to the execution and approval of this AGREEMENT, DEVELOPER shall pay to CITY all recording fees necessary to record this AGREEMENT with the Bonneville County Recorder's office. Prior to the approval of any final plat within the Subdivision, DEVELOPER shall pay to CITY all recording fees necessary to record such final plat with the Bonneville County Recorder's office.

21. Irrigation District Release. Prior to the approval of the Subdivision plat, DEVELOPER shall: (i) include a statement on the Subdivision plat that the property subject to this AGREEMENT has been excluded from the applicable irrigation district and reference the district's exclusion order by recording date and instrument number; or (ii) obtain a certification upon the Subdivision plat signed by any irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision. This certification shall contain a statement certifying that the property subject to this AGREEMENT has been excluded from the irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision or the water rights for all property within the Subdivision have been transferred from such property and that all liens and assessments of such water delivery entity have been satisfied and released.

22. Compliance With Applicable Law and Regulation. DEVELOPER agrees to comply with all applicable rules, regulations, Ordinances, Resolutions, statutes or administrative laws having applicability to development to this Subdivision and or phase of this Subdivision including, of those of CITY, Bonneville County, the State of Idaho, the United States of America, or any agency or political subdivisions thereof having jurisdiction over the Subdivision and to obtain any permits, licenses, permissions, authorizations, etc., that are required for such development.

23. Conflict With Standard Specifications. In the event of any conflict between the terms of this AGREEMENT or the Improvement Plans and the Stand Specifications, the terms of this AGREEMENT or the Improvement Plans shall prevail over any contrary provision of the Standard Specifications. In the event of any conflict between the terms of this AGREEMENT and the Improvement Plans, the terms of this AGREEMENT shall prevail.

24. Covenants Appurtenant to the Land. All covenants and conditions set forth herein shall be appurtenant to and run with the Subdivision and shall be binding upon DEVELOPER's heirs, successors or assigns.

25. Governing Law. 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 District of the State of Idaho, Bonneville County or in the United

States District Court for the District of Idaho.

26. Anti-Boycott Against Israel Act. Pursuant to Idaho Code section 67-2346, if payments under this AGREEMENT exceed one hundred thousand dollars ($100,000) and DEVELOPER employs ten (10) or more persons, DEVELOPER certifies that it is not currently engaged in, and will not for the duration of this AGREEMENT engage in, a boycott of goods or services from Israel or territories under its control. The terms in this Paragraph that are defined in Idaho Code section 67-2346 shall have the meaning defined therein.

27. Non-Discrimination. DEVELOPER shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical, or mental handicap, gender identity/expression, sexual orientation, or national origin.

28. Entire Agreement. This writing evidences the final and complete agreement between the parties and no other prior statement, representation or understanding shall be binding upon the parties unless expressly set forth herein.

29. Effective Date. This AGREEMENT shall become valid and binding only upon its approval by CITY Council of CITY and upon its execution by the Mayor.

INWITNESS 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

By _____
Rebecca L. Noah Casper, Ph.D., Mayor

KUHN PROPERTIES, LLC

By David L Kuhn
David L. Kuhn, Manager

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2022, 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 they are 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 of Idaho
(Seal) Residing at: _____

My Commission Expires:_____

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 2 day of August, 2022, before me, the undersigned, a notary public, in and for said State, personally appeared David L. Kuhn, known or identified to me to be an authorized signator of Kuhn Properties, LLC, and whose name is subscribed to the within instrument and acknowledged to me that they are authorized to execute the same for and on behalf of said company.

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

CYNTHIA CURRAN NOTARY PUBLIC Comm. No. 2017-0071 STATE OF IDAHO

(Seal)

Cynthia Curran
Notary Public of Idaho
Residing at: Bonneville
My Commission Expires: 7/12/23

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

EAST RIVER ESTATES DIVISION NO. 1

A parcel of land being part of the Southwest Quarter of Section 6, Township 2 North, Range 38 East, Boise Meridian, described as follows:

Tract 3 as described on Record of Survey by Ellsworth and Associates, PLLC having Inst. No. 1626781.

Commencing at the Southwest corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; running thence N00°14'43"E along the Section line 2352.63 feet to the TRUE POINT OF BEGINNING, running thence N00°14'43"E along the Section line 302.25 feet; thence N88°58'14"E 604.96 feet; thence S00°14'43"W 302.33 feet; thence S88°58'41"W 604.96 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO; existing County Road Rights-of-Way and easements of record.

Containing 182,828 Sq. Ft. or 4.197 Acres.

EXHIBIT "B"

SPECIAL CONDITIONS
EAST RIVER ESTATES DIVISION NO. 1

S.C. 1.00 Traffic Signs. DEVELOPER agrees to install all street signs designating the names of all streets within the Subdivision. Street signs designating the name of public streets shall be constructed with white letters over green background. Street signs designating the name of private streets shall be constructed with white lettering over blue background. Such signs shall be installed in the manner and locations as directed by CITY's Engineer.

S.C. 2.00 Access to 5th West. Access to 5th West shall be in accordance with the Bonneville Metropolitan Planning Organization ("BMPO") Access Management Plan.

S.C. 3.00 Existing Infrastructure. When it is necessary to move or remove existing infrastructure not belonging to CITY and not within CITY right-of-way, DEVELOPER shall coordinate such activities with the applicable owner, (e.g., poles owned by Pacificorp, dba Rocky Mountain Power). Any existing electrical infrastructure owned by Pacificorp, dba Rocky Mountain Power, will require a buy-out from DEVELOPER prior to receipt of electrical service from CITY. Request for the buy-out, if any, is to be initiated by DEVELOPER after annexation.

S.C. 4.00 Street Section Improvements for 5th West. DEVELOPER shall be responsible for the design and construction of Arterial Roadway (302 ft) improvements in 5th West through the limits of the Subdivision in accordance with CITY approved Improvement Drawings. DEVELOPER shall be reimbursed for this work and is subject to paragraph 11 of this AGREEMENT. Reimbursement schedule is also subject to CITY's ability to collect impact fees and final acceptance of 5th West.

S.C. 5.00 Subdivision Seal Coat. In order to preserve the long-term effectiveness of required roadway seal coat in the Subdivision, DEVELOPER shall pay all seal coat costs associated with Subdivision improvements rather than applying the seal coat. In lieu of DEVELOPER seal coat application, DEVELOPER shall pay Nine Thousand One Hundred Seventy-Five Dollars and Ninety-Five Cents ($9,175.95) (2,913 square yards at $3.15 per square yard). CITY shall use such payment to apply the required seal coat at a later date, when Subdivision building permits are completed and at CITY's sole discretion on timing.

S.C. 6.00 Water Line Connection Fee. CITY agrees to allow DEVELOPER to connect to the water main located in 5th West, subject to DEVELOPER's payment of the water main connection fees in the amount of Thirteen Thousand Two Hundred Fifty-Seven Dollars and Eighty Cents ($13,257.80; 302 feet currently at $43.90 per foot), upon execution of this AGREEMENT, pursuant to Section 8-4-14 (C) of the City Code. Pursuant to section 8-4-14 (B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual water system connection fees each time an individual water service line is connected to CITY water systems. Such fees shall be paid in the amounts and manner set forth in such Code Sections.

S.C. 7.00 Sewer Main Connection Fee. CITY agrees to allow DEVELOPER to connect to the sewer previously constructed within the Subdivision, subject to DEVELOPER's payment of the sewer main connection charge pursuant to section 8-1-23(C) of the City Code in the amount of

Seven Thousand Seven Hundred Sixty-One Dollars and Forty Cents ($7,7761.40 302 feet; currently at $25.70 per foot). Mainline connection fee costs will be adjusted accordingly in the event that the connections are not made at time when CITY fee resolution reflects the rate referenced herein. Pursuant to section 8-1-23(B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual sewer connection fees each time an individual sewer service line is connected to CITY sewer system. Such fees shall be paid in the amounts and manner set forth in such Code Section.

S.C. 8.00 Storm Drainage. Storm Drainage shall be designed and constructed to accommodate drainage of the lots within the Subdivision by DEVELOPER. The storm drainage system shall meet CITY's Storm Drainage Policy. The storm pond shall be constructed as shown on the Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system, at DEVELOPER's sole expense, to serve this Subdivision. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPER's heirs, successors, or assigns.

S.C. 9.00 5th West Sidewalk. Due to ditch relocation coordination issues at the North and South end of 5th West along the Subdivision, DEVELOPER cannot complete the sidewalk at this time. DEVELOPER shall be responsible for the construction cost of sidewalk, ditch relocation and landscape strip at the North and South ends of 5th West of the Subdivision. Payment in lieu of construction shall be provided to CITY in the amount of Seventeen Thousand and Thirty Dollars ($17,030.00) for work associated with the referenced construction.

Memorandum

File #: 21-593 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Tuesday, August 2, 2022
DEPARTMENT: Community Development Services

Subject

Quasi-judicial Public Hearing-Rezone from R2, Mixed Residential to R3, Multiple Dwelling Residential with the Airport Limited Development Overlay Zone, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1.

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing

☐ Other Action (Approval, Authorization, Ratification, etc.)

1. Approve the Ordinance Rezoning approximately 2.821 acres of a portion of Lot 1, Block 1 of Park Village Addition, Division 1 from R2 to R3 with the Airport Limited Development Overlay Zone, under 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 Rezone from R2 to R3 with the Airport Limited Development Overlay Zone and give authorization for the Mayor to execute the necessary documents (or take other action as deemed appropriate).

Description, Background Information & Purpose

Attached is the application for Rezoning from R2 to R3 with the Airport Limited Development Overlay Zone, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 2.821 acres for a portion of Lot 1, Block 1 of Park Village Addition, Division 1. The Planning and Zoning Commission considered this item at its July 5, 2022, meeting and recommended to the Mayor and City Council denial of the zone change to R3 with a vote of 3 to 1.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☒ ☐

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

The Rezone was reviewed by staff from the Planning Division.

Fiscal Impact

NA

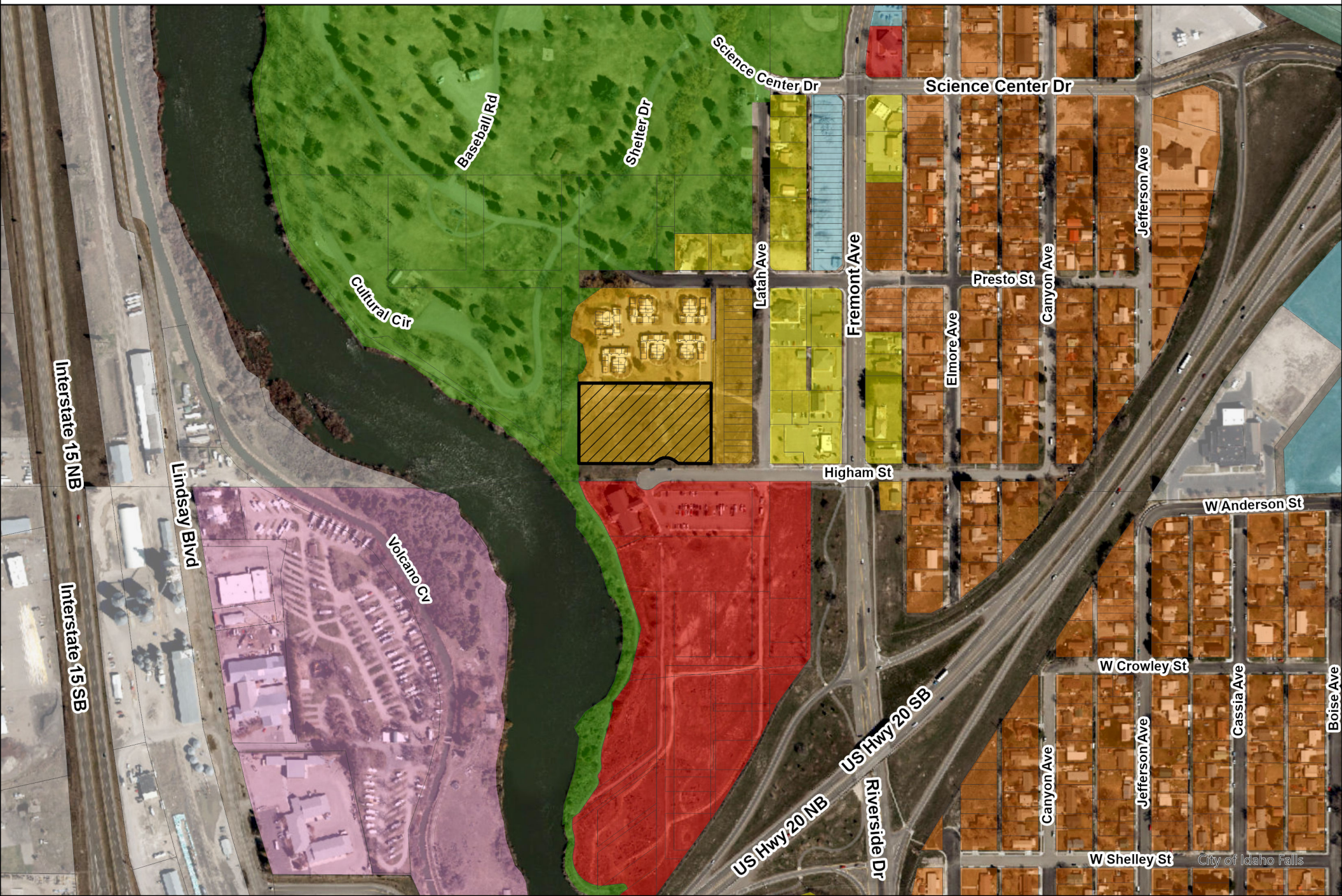
Legal Review

The application and ordinance have been reviewed by the City Attorney pursuant to applicable law.

Zoning

RZON22-009

RE R1 TN R3 PB LC R&D I&M
RP R2 RMH R3A CC HC LM P



Aerial

RZON22-009



Comprehensive Plan

RZON22-009

General Urban
Industrial
Mixed Use Centers and Corridors
Natural and Open Space
Special Use
Suburban
Urban Core



IDAHO FALLS
STAFF REPORT
REZONE FROM R2 TO R3
Highland Park Addition & A portion of Park Village Division No. 1
August 11, 2022

IDAHO FALLS
Community Development Services

Applicant:
Connect Engineering

Project Manager:
Brian J. Stevens

Location: north of Higham St, east of the Snake River, south of Presto St and west of Latah Ave.

Existing Zoning:
Site: R2
North: R2
South: LC w\PUD
East: R2
West: P

Existing Land Uses:
Site: Vacant
North: Condominiums
South: Office
East: Residential construction
West: Park

Future Land Use Map:
Urban Core

Attachments:
1. Zoning Ordinance Information
2. Comprehensive Plan Policies
3. Maps and aerial photos

Requested Action: To **recommend** approval of a rezone from R2, Mixed Residential to R3, Multiple Dwelling Residential.

Staff Recommendation: Staff recommends approval of the rezone as presented to the Mayor and City Council.

History: This area was part of a 210-unit condominium project that was approved by the City Council in 1981. The project included just over 8 acres and a proposed density of 26 units per acre. At that time, the property was rezoned from R1 to R2. Only a portion (84 units) of that project was built and now sits immediately to the north of the proposed rezone area. In December 2000, the property was rezoned from R2 to PB for office development. In 2005 it was requested that the property be rezoned from PB to R-2A to allow for high density residential development. At that time surrounding residents opposed the rezone request and felt the property should be left as PB for office development. The Planning Commission recommended approval of a more restrictive zoning of R2 with the PUD overlay. The rezone request was never forwarded on to City Council for action. In 2018 as part of the new zoning ordinance being adopted this area was changed from PB to R2. A public hearing was held February 4, 2020, with the Planning and Zoning Commission to rezone the property from R2 and PB to LC. Fifty-nine public hearing notices were mailed to surrounding property owners within 320 feet of the location. The recommendation to the City Council was to deny the request for the LC zone. On February 27, 2020, the Mayor and City Council remanded the rezone request back to the Planning and Zoning Commission for consideration of R3A Zoning designation. The Applicant decided to hold off on further pursuit of rezoning.

Staff Comments: The property is proposed to be rezoned from R2 Mixed Residential to R3, Multiple Dwelling Residential. The R3 Zone provides a residential zone which is characterized by a variety of dwelling types with a denser residential environment. It is also generally located near pedestrian connections and commercial services. The Comprehensive Plan identifies this area as urban core. The R3 designation is consistent with Comprehensive Plan policies.

Continued on next page

The R3 Zone is characterized by variety of dwelling types with a denser residential environment. The maximum density of 35 units per acre. As was mentioned previously this area was originally zoned and planed for higher density housing. The original plan approved in 1981 proposed 105 condo units or a density of approximately 13 units per acre. Higher density residential is appropriate within this area and consistent with the designation in the Comprehensive Plan.

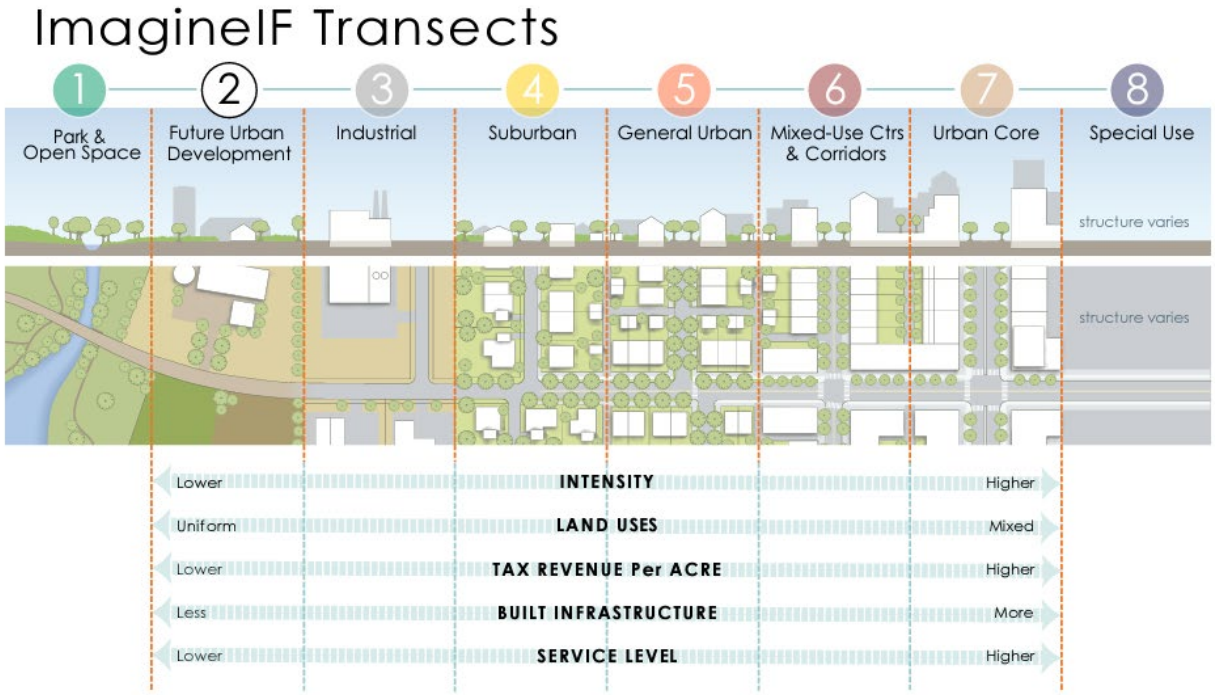
The Comprehensive Plan provides for higher density housing to be located closer to service areas and those streets designed to move traffic, such as arterial streets and collectors. Larger lots necessary for higher density housing offer opportunities for building layout, setbacks, and buffering to minimize the impact of street noise. Locating apartments and townhouses near streets designed to move traffic to higher classified streets will allow traffic from apartments to not have to move through the neighborhood. Although Higham Street and Latah Avenue are local streets they provide immediate access to Fremont Avenue, a minor arterial without the need for any of the higher density residential traffic to flow through a residential neighborhood.

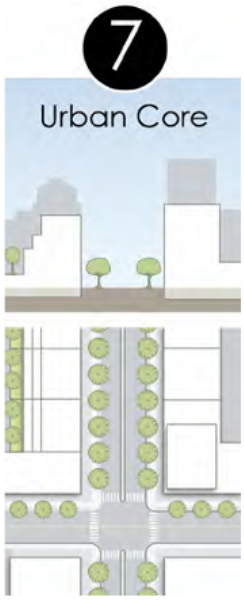
Development in this area will also have immediate access pathways along the river walk and Freeman Park to the west. Having access to open space and amenities further supports higher density residential. Downtown is a 30 min walk along the river pathway or an 8 min bike ride. The area is well connected to restaurants and entertainment along both sides of the river walk and park. Daily services are both easily accessible to the east along Andersen or Southwest along the river walk.

The comprehensive plan recommends diversifying housing options creating housing choice, both in type and price point. In order to accomplish this, neighborhoods will need to also have a diversity in zoning districts. This Area is currently a mix of traditional neighborhood, R1, R1 with the PT overlay, R2 and LC. R3 at this location provides for a transition from the LC to the south. The R3 zone could allow increasing in height allowing this property to take advantage of its proximity to the river and Freeman Park.

Utilities are also present.

Comprehensive Plan Policies:





7. **Urban Core**

Snapshot: The Urban Core Transect denotes the central area which functions as the City core and areas within or in close proximity to Downtown and South Downtown. The Urban Core also includes legacy residential subdivisions platted in a traditional grid pattern. These subdivisions tend to be characterized by taller structures, mixed-use buildings, pedestrian-oriented movement of people, commercial and entertainment enterprises. All housing types, civic buildings, town squares and transit stations are typical, but vary between neighborhoods.

Local examples: Downtown, Original Townsite, Highland Park Addition, Crows Addition, Brodbecks Addition, Riverside Addition

Pg 86, 87

In the past, the pattern has been to spread out as a city grows. While this is a normal growth pattern for many communities, it is also costly in terms of providing services to an ever-expanding geography and it consumes valuable land, which is a non-renewable resource.

Such urban sprawl inherently reduces the natural resources and amenities surrounding the city; resources and amenities which are valued by our citizens and the reason many people are drawn to move to our region. These growth patterns must shift inward to create housing choices that interact with the

established environment, creating nodes of development that harmonize housing and the services that surround it. Yet codes and policies often are the greatest barrier to providing such housing and growth.

To address this issue, many of the action policies of Imagine IF promote housing patterns that bring diversity and fills the middle ground. MMH units such as triplexes, duplexes, bungalow courts and courtyard apartments bring housing that can fulfill the needs of different populations and they can help create more pockets of mixed residential and commercial development, which lessens the community's dependency on cars and instead fosters more walkable and rideable centers for people to live, work and have more direct and easy access to daily services. Many residents, when asked about housing, recognized the need for housing that was more aligned with bringing in diversified housing types to support growth.

By using the Idaho Falls Comprehensive Plan to outline objectives, goals and action policies about housing, the City can create a plan which envisions the future of Idaho Falls as a City rich in housing diversity which allows all residents, new and old, to find an attainable place to call home.

Rezoning Considerations: Because the comprehensive plan provides only general guidance for zoning decisions, the Planning Commission shall also take the following considerations into account:

	Applicant Response
Explain how the proposed change is in accordance with the City's Comprehensive Plan.	The rezone from R2 to R3 is in accordance with the City of Idaho Falls Comprehensive Plan due to the high demand for affordable housing. The rezone supports the comp plans effort to maintain and support housing diversity to facilitate a healthy housing market.
What Changes have occurred in the area to justify the request for a rezone?	Change in this area are the increased demand for housing in the area. With the sustained growth in the area, demand for housing is increasing and an R3 zone will provide the flexibility that is needed for development to meet demand.
Are there existing land uses in the area similar to the proposed use?	Yes, new office buildings and multifamily units on adjacent properties.
Is the site large enough to accommodate required access, Parking, landscaping, etc. for the proposed use?	Yes
Will a Neighborhood meeting be held prior to the Planning Commission Meeting: if Yes, Where and When:	Yes, Idaho Falls public library 5/10/22 6PM

	Staff Comment
The potential for disruption of agricultural irrigation and drainage systems	Minimal
The potential for damage to neighboring properties or public facilities (including streets, culverts, bridges, and existing storm drains) from accelerated storm water or snow melt run-off	Minimal.
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	Rezoning to R3A will not result in traffic congestion or the need for wider streets, etc.
The potential for exceeding the capacity of existing public services, including, but not limited to: schools, public safety services, emergency medical services, solid waste collection and disposal, water and sewer services, other public utilities, and parks and recreational services	Rezoning to R3A will not have an impact on infrastructure in the area

The potential for nuisances or health and safety hazards that could have an adverse effect on adjoining properties	Staff is unaware of specific nuisances or hazards
Recent changes in land use on adjoining parcels or in the neighborhood of the proposed zoning map amendment	R3A on Fremont Ave.

Zoning Ordinance:

11-3-3: PURPOSES OF RESIDENTIAL ZONES.

(F) R3 Multiple Dwelling Residential Zone. This zone provides a residential zone which is characterized by a variety of dwelling types with a denser residential environment. This Zone is situated along or near major streets such as collectors and arterials. It is also generally located near pedestrian connections and commercial services.

11-3-4: DIMENSIONAL 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	36	*			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.								

(7) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, TN or unincorporated land designated for Low Density Residential in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires an additional two feet (2') in setback with the minimum setback being thirty feet (30').

Airport Compatible Land Use

RZON22-009

Approach Surface

Controlled Development Approach Surface

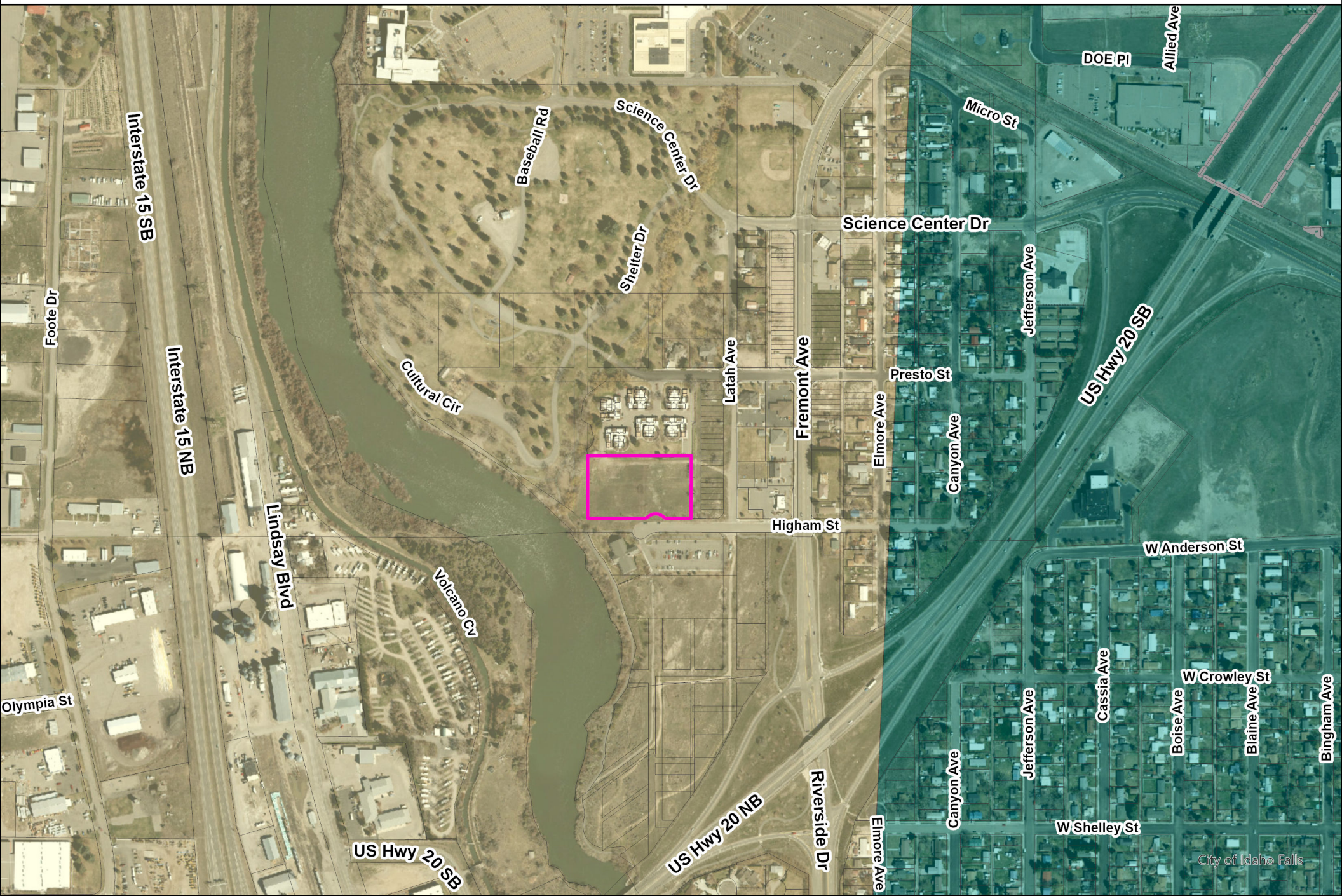
Limited Development Approach Surface

Controlled Development

Limited Development

No Development

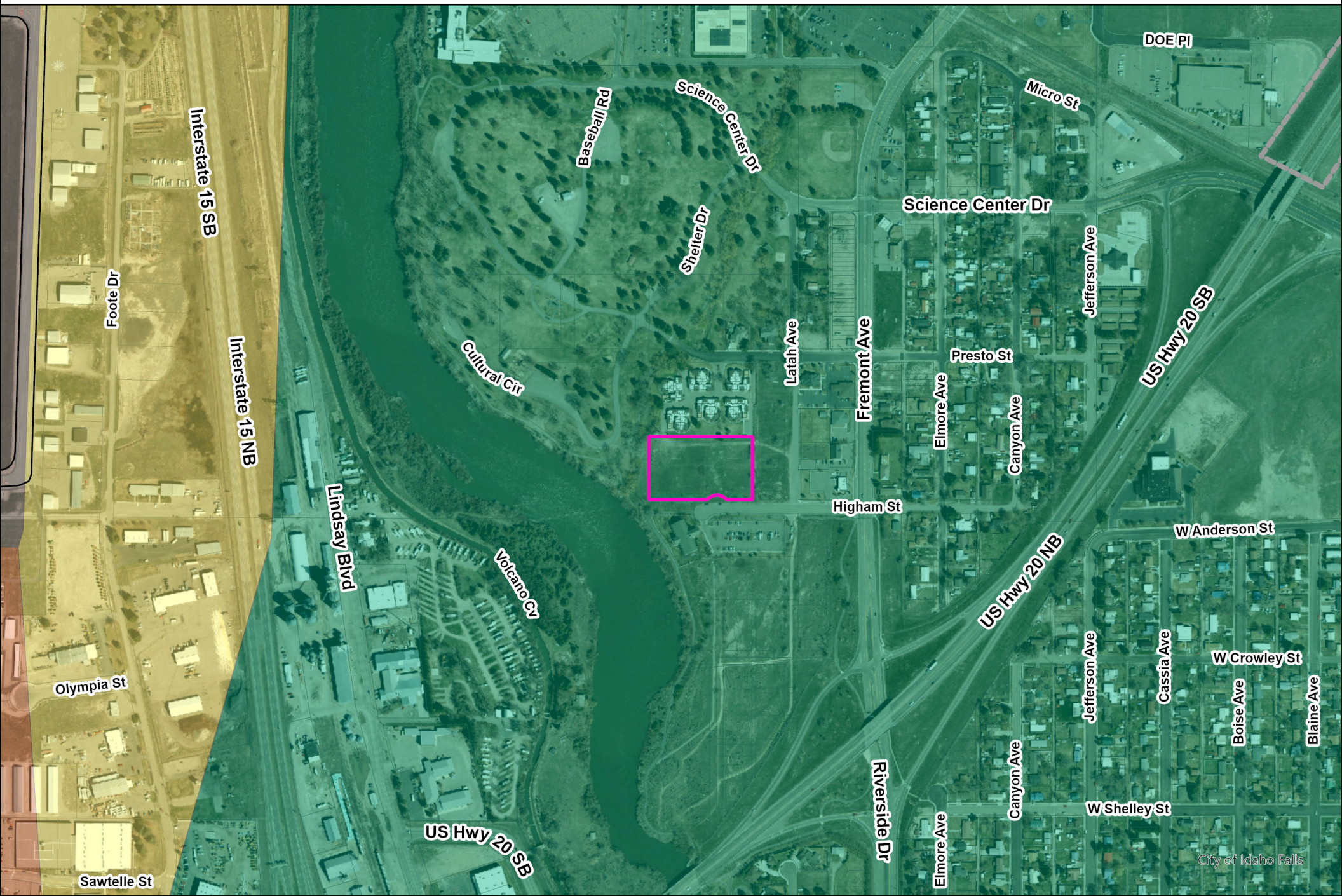
N



Airport Height Limitations

RZON22-009

Transitional Surface
Approach Surface
Conical Surface
Horizontal Surface
Primary Surface



July 5, 2022 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Joanne Denney, Glen Ogden, Brent Dixon, Kristi Brower, Lindsey Romankiw.

MEMBERS ABSENT: Margaret Wimborne, George Morrison, Arnold Cantu

ALSO PRESENT: Assistant Planning Director Kerry Beutler; planner Caitlin Long, Naysha Foster, Assistant City Attorney Michael Kirkham, Esq. and interested citizens.

CALL TO ORDER: Joanne Denney called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Ogden had one typo to change. **Ogden moved to accept the minutes of June 7, 2022, Dixon seconded the motion and the motion passed unanimously.**

Public Hearing(s):

1. RZON 22-009: REZONE. Rezone Approximately 2.821 acres from R2 to R3.

Denney opened the public hearing.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho. Bane stated that the property is over by Freeman Park and is approximately 2.8 acres and is currently zoned R2, and they want to rezone to R3. Bane stated that the property is designated as Urban Core in the Comprehensive Plan and the R3 designation is consistent with the Comprehensive Plan as Urban Core is one of the higher intensity parts of the designations. Bane stated that this area is a walkable area, with Freeman Park, Pathway along Greenbelt, Downtown is a 15-minute walk. Bane feels that this change to R3 and a higher density would fit what Idaho Falls is wanting for more walkability. Bane stated that the surrounding zones are LC, and R2 and some R1, TN and R1 used as commercial, and this property as R3 would be a good down-step from the LC to the south to the R2 surrounding. Bane held a neighborhood meeting and there was a handful of neighbors at the meeting. Bane stated that they had an open conversation, and the concerns were with traffic and density. Bane stated that they are seeking R3, rather than R2 is so they have the ability to go multiple stories high. Bane stated that the overall footprint of the development will be smaller with two taller buildings and add more green space. Bane stated that Fremont Ave, is a minor arterial which most of the traffic will be fed out on Higham or another street that goes to Fremont Ave. Bane stated that there is a deceleration lane off Fremont onto Higham, and there is a light at Science Center Drive. Bane stated that in discussions with staff and engineering, there are no major traffic concerns, and if it warrants a traffic study, at the time of final plat, a traffic study will be done, and all improvements will be done at that time. Bane stated that right now they are just looking for a rezone. Bane feels that this will bring in much needed housing for the area.

Ogden asked if the access would come from Higham and Presto. Bane stated that they will plan for access to the back alley, as well as off Higham. Bane stated there will be multiple ways to get out to Fremont Street.

Bane added that the neighbors had concerns about parking, and they did show a conceptual lay out, but where buildings and parking will go has not been decided. Bane stated that they will comply with all buffers, and landscape requirements.

Beutler presented the staff report a part of the record.

Dixon asked for clarification about how the property went from PB to R2 in 2018 as he understood they were trying to keep zoning with the same use when the City did the City-Wide Rezone. Beutler stated that in general in 2018 when the Ordinance changed, they tried to keep the same zoning designation, but that was not always possible, as some zones in 2018 were eliminated. Beutler stated that there were places in town that they did an in depth look at land uses, and land patterns and they changed the zone to R2. Dixon asked if they had a hearing for the use change. Beutler stated that they had hearings for each of the properties that the zoning designation changed and if the zone was eliminated the property owner had to be notified of the rezone request, and that was the case for this property. Dixon asked if the maximum building height is to the peak of the roof, or to the eaves. Beutler indicated that the height restriction is to the eaves, and potentially a 3-story building could be built in R2. Dixon presumed that if the applicant is asking for R3, they want to go higher than three stories. Beutler agreed that R3 would allow higher than three stories. Dixon asked in the future for staff to add LC to the table, since it is residential, to the table and notes. Beutler stated that if LC is developed as residential, it is developed to the R3A standards.

Ogden asked if R3 had a height restriction. Beutler stated that R3 has no height restriction, and the parking and storm drainage and site development standards are what limit the development.

Support/Opposition

Greg Crockett, Esq., 428 Park Ave., Idaho Falls, Idaho. Crockett is appearing for the North Park Village HOA (Condo Project). Crockett appeared on behalf of the 42 units and 70+ residents that live in North Park Village. Crockett stated that North Park Village is condominium units, and they were platted in 1981. Crockett stated that North Park Village is currently zoned R2 which is the perfect fit for the entire neighborhood. Crockett stated that the proposal to the neighbors was five stories high. Crockett stated that five stories would make it the tallest building in Idaho Falls. Crockett stated that North Park Village is contiguous to this parcel and living next to a 5-story apartment does not accommodate much buffering. Crockett stated that R2 has thirteen units per acre, and R3 has 35 units per acre, which could have a potential of ninety-nine units on this site. Crockett stated that is remarkable for that neighborhood. Crockett stated that he does not feel this parcel deserves or should be rezoned to R3, as it does not fit the area. Crockett stated that the most iconic feature of the entire neighborhood is Freeman Park. Crockett stated that to park a "skyscraper" next to the park is incongruous. Crockett stated that this proposal does not fit, and North Park Village residents are asking that the Commission deny the request.

Dr. Brook, 1405 Presto #4, Idaho Falls, Idaho. Brook has lived there for 30 years. Brook finds it unfortunate that Green Giant could not build their corporate headquarters on this property, as that would have been acceptable and would have fit in the area. Brook stated that he is saddened to see the evolution of the Planning Board who initially were very helpful in doing some kind of planning that would respect Freeman Park to where they currently are. Brook stated that this is

the Board's only chance to think about what was said 4-5 years ago, when they encouraged the neighbors that they would have a good plan for this neighborhood.

William Meekin, 1405 Presto #3, Idaho Falls, Idaho. Meekin was here 3 years ago, and this is his third time standing before the Board. Meekin stated that this property is right on the edge of the town's pride and joy, the Greenbelt. Meekin thanked the Committee for the meeting with the developer where they laid out what the plan was and that was helpful. Meekin is not against development of the land so that we can all stop meeting together. Meekin thought the developer proposed an awesome development plan as their phase 1, which is quad-plexes which fit in the R2 and the original scheme of what the property was proposed to originally be and be Phase 2 of North Park Village. Meekin stated that the quad-plexes that the developer is proposing along the strip as Phase 1 would work perfectly in Phase 2 and be consistent with the original plan. Meekin drove around town to see what five story buildings he could find. Meekin found that Snake River Landing built three stories, new apartments on 1st street are 3 stories, Energy Drive has 2 story apartments, Broadway has 3 story apartments, INL Willowcreek is only 3 stories, with one building that looks like a big industrial plant and that is 4 stories. Meekin could not find anything that was five stories. Meekin stated that other than the office building US Bank, this will be the highest residential building, and nothing like it anywhere near it. Meekin does not feel that this fits in this area. Meekin understands that the grand plan states that it could be a possibility, but he does not feel that it fits. Meekin stated that his window looks out onto what is to be developed. Meekin asked the Commission to envision looking out their window and picture a 5-story building and ask themselves how excited they would be.

Carol Robinson, 1425 Presto #2, Idaho Falls, Idaho. Robinson has lived there for 23 years. Robinson has been to several meetings. Robinson is disturbed by the height of the proposed building, as well as the fact that the buildings on Fremont Street that have the wrought iron fencing, make it hard to see traffic. Robinson is worried about garbage and sewer that she feels will happen with so many residents. Robinson is concerned about the lack of details in the presentation. Robinson would like to postpone the decision until the details are known, so that they can be commented on.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho. Bane stated that at this stage even if they wanted to share the details of the project at the rezone hearing, they cannot, and if they pulled up slides showing what they wanted to put in certain places, the City Attorney would tell them that it is not applicable for the rezone hearing, as the rezone has to apply to anything that can go in that zone. Bane stated that if they come back with a PUD that is the time that they can go over the details. Bane stated that they did share some details, but they cannot share a lot because they do not know exactly what they are going to put on the property until they get a rezone. Bane stated that sewer and garbage will be addressed on the site plan and that will be reviewed by sewer and sanitation. Bane stated that there is sewer and water stubbed in that site, and public works has no concerns on overloading the system. Bane stated that the Comprehensive Plan is to give a game plan of what might fit in the area, and the Comprehensive Plan shows this area as Urban Core, which does allow for R3 and R3 would fit that area, with the commercial close and Freeman Park. Bane stated that the Comprehensive Plan talks about how they need to change housing patterns and not spread out as the City grows as it is costly to provide services to the expanding geographic area. Bane stated that the growth patterns need to shift inward to create housing choices that interact with the established environment. Bane agrees that Freeman Park is iconic, and they feel that internal growth and

infill is important. Bane stated that potentially a five story could go on this property and the developer was open and up front in the meeting and indicated that they do plan to go taller. Bane stated that the R3 zone has the buffer that as you go taller you have to have a bigger buffer, so starting at 25' setback, for every foot that they extend the building upward, they have to have an additional 2' of setback, so an additional story on the building, would require another 20' of setback.

Denney closed the public hearing.

Ogden clarified that the vote tonight is on the zone change, and not the final site plan. Ogden asked if the residents will have a chance to speak on the final site plan or is this the only public hearing. Beutler stated that it depends how they develop, and if the property is developed according to R3 standards, then they would not need an additional public hearing, but if they chose a PUD then another public hearing would be required.

Dixon stated that this was originally changed from R1 to R2 in 1981 which allowed the first portion of the condominium project, and in 2000 the remaining portion was rezoned to PB, in 2005 there was a request to go from PB to R2A, then in 2018 it was zoned back to R2 and R2 was consistent with the existing residential to the north, and in 2020 it was requested to be LC and they recommended denial of LC and this property is now back. Dixon feels that they just keep asking until they wear out and give up. Dixon feels that R2 is on two sides of the property and a park on another and office building, and Dixon does not see what is wrong with R2. Dixon stated that they went to R3A on Riverside (Fremont) and the buildings they got were the exact same thing for the entire block, which is not attractive. Dixon does not see the need to go to higher density than what is already allowed. Dixon stated that this has come to the Commission, and it has been rejected before.

Dixon moved to recommend to the Mayor and City Council denial of the Rezone from R2 to R3 as presented, Ogden seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, no; Ogden, yes; Dixon, yes. The motion passed 3-1.

Brower opposed the motion because she feels that it is a lot of resistance to change and growth, and she does not see how rules are being broken to ask for R3.

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 2.821 ACRES, HIGHLAND PARK ADDITION & A PORTION OF PARK VILLAGE DIVISION NO. 1 AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R2, MIXED RESIDENTIAL TO R3, MULTIPLE DWELLING RESIDENTIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed zoning district of lands described in Section 1 is R3 Zone for such annexed lands and such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Urban Core"; 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 5, 2022, and recommended denial of zoning the subject property to R3 Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on August 11, 2022.

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:

Approximately 2.821 acres, Highland Park Addition & a portion of Park Village Division No. 1

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "R3, 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 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_____, 2022.

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 APPROXIMATELY 2.821 ACRES, HIGHLAND PARK ADDITION & A PORTION OF PARK VILLAGE DIVISION NO. 1 AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R2, MIXED RESIDENTIAL TO R3, MULTIPLE DWELLING RESIDENTIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____

Kathy Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REZONE OF R2, MIXED RESIDENTIAL TO R3, MULTIPLE DWELLING RESIDENTIAL, APPROXIMATELY 2.821 ACRES, HIGHLAND PARK ADDITION & A PORTION OF PARK VILLAGE DIVISION NO. 1, GENERALLY LOCATED NORTH OF HIGHAM ST, EAST OF THE SNAKE RIVER, SOUTH OF PRESTO ST AND WEST OF LATAH AVE.

WHEREAS, the applicant filed an application for a rezone on May 24, 2022; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 5, 2022; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on August 11, 2022; 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 2.821 acres generally located north of Higham St, east of the Snake River, south of Presto St and west of Latah Ave.
3. The Comprehensive Plan designates this area as Urban Core.
4. The proposed zoning is R3, Multiple Dwelling Residential, with Airport limited Development overlay, Multiple Dwelling Residential is consistent with the Comprehensive Plan map and policies.
5. Idaho Falls Planning and Zoning Commission recommended denial of rezone 3 to 1 vote of the subject property from R2, Mixed Residential to R3, Multiple Dwelling Residential.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the rezone as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2022

_____

Rebecca L. Noah Casper - Mayor