IDAHO FALLS



City Council Agenda

City of Idaho Falls
Regular Council Meeting
501 S Holmes Ave

Thursday
July 27,2023
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 City Council meetings are open to the general public. City Council meetings are also live-streamed and archived on the City website. Please be aware that the meeting agenda will differ from the published version if amendments to the agenda are made by the Council during the meeting.

The Council encourages public input. While a general public comment option is not required by Idaho law, the Idaho Falls City Council welcomes general public input as part of regular City Council meetings. General public comment will be allowed for up to 20 minutes. However, citizens are 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, civility, mutual respect, proper decorum and freedom from discrimination or harassment.

Those who wish to address City Council during the council meetings are encouraged to adhere to the guidelines below.

Public Comment Guidelines

Speakers are encouraged to:

- State their name and city of residence.
- Focus comments on matters within the purview of the City Council.
- Limit comments to three (3) minutes or less.
- Refrain from repeating information already presented to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the entire group.
- Practice civility and courtesy. City leaders have the right and the responsibility to maintain order and decorum during the meeting. Time may be curtailed 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 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 prior to the meeting. Please indicate which public hearing the testimony is intended for on the agenda. Please note that this 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 the City Clerk at (208) 612-8414 or the ADA Coordinator at (208) 612-8323 not less than 48 hours prior to the meeting. They will help accommodate special needs wherever possible.

City Council Meeting

Agenda

501 S Holmes Ave
Idaho Falls, ID 83402

Thursday, July 27, 2023 **7:30 PM** **Idaho Falls Civic Center**

City Council Agenda:

1. Call to Order.

2. Pledge of Allegiance.

3. Public Comment.

Please see guidelines above.

4. Special Presentation - Award Winning CSPAN StudentCam video

5. Consent Agenda.

A Consent Agenda item may be moved to the Regular Agenda for separate consideration if requested by a Council member. Other changes to this agenda may require the approval of a majority of Council.

A. Idaho Falls Power

1) IFP 23-29 Westside Substation Concrete Upgrades **23-212**

Attachments: IFP 23-29 Bid Tab.pdf

B. Office of the City Clerk

1) Minutes from Council Meetings **23-217**

Action Item:
Approve the minutes from June 26, 2023 City Council Work Session, June 29, 2023 City Council Meeting, and January 12, 2023 City Council Meeting.

Attachments: 2023 0626 Work Session - Unapproved
2023 0629 City Council - Unapproved
2023 0112 Draft City Council

2) 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).

6. Regular Agenda.

A. Community Development Services

1) Business Improvement District Management Agreement between the City of Idaho Falls and the Downtown Development Corporation. **23-214**

The management agreement is between the City of Idaho Falls and the Idaho Falls Downtown Development Corporation (IFDDC) and it must be renewed each year. It authorizes the Business Improvement District (BID) for the downtown area to collect district assessments, and spells out other management requirements. The agreement establishes what funds IFDDC will receive in support of achieving identified IFDDC goals and objectives. The agreement also requires IFDDC to hold an annual meeting with BID members and report to the City Council.

Action Item:
Approve the Business Improvement District Management Agreement between Idaho Falls Downtown Development Corporation and the City of Idaho Falls (or take other action as deemed appropriate).

Attachments: BID Management Agreement

2) Final Plat Extension for Cassiopeia Parks Subdivision. **23-213**

The City Council approved the final plat for Cassiopeia Parks Subdivision at its September 6, 2022, meeting. The Subdivision Ordinance requires that the plat be provided to the city for recording within 6 months of Council approval of the plat unless the Council provides an extension. The developer has been working with staff continually to address platting issues. The plat layout has not changed and staff continues to recommend approval as it meets all the minimum subdivision standards. The developer anticipates being able to provide the plat for recording in the near future but requests an extension to January 27, 2024 to allow them to complete the process.

Action Item:
Approve the extension for the Final Plat for Cassiopeia Parks Subdivision (or take other action deemed appropriate).

Attachments: Final Plat.pdf
Signed Reasoned Statement

3) Final Plat, Reasoned Statement of Relevant Criteria and Standards, Wasatch Apple Subdivision, 1st Amended. **23-211**

Attached is the application for the Final Plat and the Reasoned Statement of Relevant Criteria and Standards for Wasatch Apple Subdivision, 1st Amended. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

Action Item:
1. Accept or approve the Final Plat for Wasatch Apple Subdivision, 1st Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Wasatch Apple Subdivision, 1st Amended and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Final Plat
Original Plat
Staff Report
PC Minutes
Reasoned Statement.docx

B. Public Works

1) Easement Vacation - First Amended Growth Center Addition, Division 2 **23-218**

The owner of the property in question has requested vacation of the easements depicted within Exhibit A of the Ordinance. Staff and private utilities owners have reviewed the vacation request and recommend approval.

Action Item:
Approve the easement vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it by read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Attachments: Ordinance

C. Municipal Services

1) Tentative Approval of the 2023/24 Fiscal Year Budget **23-210**

Pursuant to Idaho code §50-1002, authorization is requested to publish the Notice of Public Hearings for the 2023/24 fiscal year budget, fees and desired forgone with publication dates set for Saturday, July 29, 2023, and Saturday, August 5, 2023. The Public Hearings are scheduled for 7:30 pm, Thursday, August 10, 2023, in the Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Action Item:
Approve the tentative 2023/24 fiscal year budget for a not to exceed amount of $339,533,522 and give the authorization to publish the Notice of Public Hearing (or take other action deemed appropriate).

D. City Attorney

1) An ordinance amending City's childcare regulations in order to prohibit persons who have been convicted of certain violent or threatening crimes within three years from holding a City childcare license. **23-209**

The Council recently took action to align the City's childcare regulation with the State's disqualifying offenses. These proposed amendments would add additional disqualifying offenses, thereby making the City's childcare regulations more restrictive than the State's, as permitted by Idaho Code § 39-1108.

Action Item:

Approve the Ordinance amending City's childcare regulations in order to prohibit persons who have been convicted of certain violent or threatening crimes within three years from holding a City childcare license under a suspension of the rules requiring three complete and separate readings, 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).

Description, Background Information & Purpose

Attachments: Ordinance - Title 6 Chapter 3 Day Care 6.21.23.pdf

7. Announcements.

8. Adjournment.

Memorandum

File #: 23-212 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Friday, July 14, 2023
DEPARTMENT: Idaho Falls Power

Subject
IFP 23-29 Westside Substation Concrete Upgrades

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

Accept and approve the bid award for the Westside substation concrete upgrade from Depatco of Idaho Falls, Idaho for a not-to-exceed total of $92,887.65 and give authorization to the Mayor and City Clerk to execute the necessary documents, (or take other action deemed appropriate).

Description, Background Information & Purpose
Idaho Falls Power solicited bids from qualified contractors to construct and upgrade the concrete pads at the Westside substation. Four bids were received with Depatco being the lowest responsive, responsible bidder. This was a planned capital project in the CIP budget for this fiscal year.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

This action supports our readiness to improve public infrastructure, ensuring long-term reliability. This action also supports the threat to aging infrastructure element of the IFP Strategic Plan.

Interdepartmental Coordination
City Attorney's Office

Fiscal Impact
Sufficient funding and budget authority exist within the 2022/23 Capital Improvements Projects budget.

Legal Review
The City Attorney's office concurs that this action is within state statute.

Idaho Falls Power

Bid Tabulation

Project IFP 23-29 Westside Substation Concrete

Number: IFP 23-24

Submitted: Nikki Bradford, IFP Administration Assistant

Date: 07/14/2023

			Bidder		Bidder		Bidder		Bidder	
			JM Concrete		Depatco		HK		Knife River	
Description	**Esimated Quantity**	**Unit**	**Unit Price**	**Total Amount**	**Unit Price**	**Total Amount**	**Unit Price**	**Total Amount**	**Unit Price**	**Total Amount**
Grubbing/Excavation of (4) 11'X84'3" Concrete Pads	400	C.Y.	**Dollars**	**Dollars**	**Dollars**	**Dollars**	**Dollars**	**Dollars**	**Dollars**	**Dollars**
Garnular Borrow (Pti Run)	305	TNS	$25.00	$10,000.00	$30.45	$12,180.00	$29.00	$11,600.00	$14.00	$5,600.00
3/4" Aggregate Base	218	TNS	$25.00	$7,625.00	$26.25	$8,006.25	$25.00	$7,625.00	$25.00	$7,625.00
(4) 11'X84'3" Concrete Pad 8" Thick	3,740	S.F.	$35.00	$7,630.00	$38.50	$8,393.00	$36.50	$7,957.00	$47.00	$10,246.00
(2) 11'X14'3" Concrete Pad 10" Thick and (1) 2'X2' Concrete Pad 4" Thick	314	S.F.	$20.00	$74,800.00	$12.50	$46,750.00	$22.50	$84,150.00	$18.50	$69,190.00
Mobilization	1	L.S.	$23.00	$7,222.00	$15.60	$4,898.40	$30.50	$9,577.00	$20.00	$6,280.00
			$30,000.00	$30,000.00	$12,660	$12,660.00	$13,750	$13,750.00	$13,055	$13,055.00
				$137,277.00		**$92,887.65**		**$134,659.00**		**$111,996.00**

CONSTRUCTION AGREEMENT

THIS AGREEMENT, entered into this __ day of _____, 2023, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho (hereinafter referred as "CITY"), and SUNROC CORP. DBA Depatco, 910 Pier View Drive, Suite 201, Idaho Falls, ID 83402 (hereinafter "Agreement"):

WITNESSETH:

WHEREAS, pursuant to the invitation of CITY to construct concrete pads for future transformer, wire racking and fuel tanks at the Westside Substation located at 3338 W 33rd South, Idaho Falls, ID 83402 as detailed on the project drawing (the "Project"), CONTRACTOR did, in accordance therewith file with CITY a proposal containing an offer which was invited by said notice; and

WHEREAS, CITY has determined that that CONTRACTOR was the lowest responsive responsible bidder.

NOW THEREFORE, the parties to this Agreement, in consideration of the mutual covenants and stipulations set out, agree as follows:

SECTION 1
PROJECT DOCUMENTS

The Project Documents which comprise the entire Agreement between CITY and CONTRACTOR concerning the work to be performed include this Agreement and the Project Plans attached to this Agreement as Exhibit "A" and incorporated in this Agreement by this reference.

SECTION 2
SCOPE OF WORK

CONTRACTOR shall perform all services necessary to complete the entire work described in the Project Documents, in accordance with the plans and specifications established for this Project, except where specifically indicated in the Project Documents to be the responsibility of others.

SECTION 3
PROJECT TIME / SUBSTANTIAL COMPLETION

The work to be performed pursuant to this Agreement shall be substantially complete on or before October 1, 2023, unless adjustment of the Project completion time is made in accordance with the provisions of the Project Documents or in written agreement between the parties.

SECTION 4
NOT-TO-EXCEED AMOUNT

CITY shall pay CONTRACTOR for completion of work in accordance with the Project Documents in current funds, the not-to-exceed amount of ninety two thousand eight hundred eighty seven dollars and sixty five cents ($92,887.65).

This not-to-exceed amount is based upon the estimate from CONTRACTOR dated 07/18/2023 and attached to this Agreement as Exhibit “B” and incorporated heren by this reference.

SECTION 5
FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the not-to-exceed amount, shall be made by CITY to CONTRACTOR when CONTRACTOR has fully performed the Agreement except for CONTRACTOR's responsibility to correct Work, and to satisfy other requirements, if any, which extend beyond final payment.

SECTION 6
INDEPENDENT CONTRACTOR

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

SECTION 7

CONTRACTOR’S RESPONSIBILITIES

1. Permits: Contractor shall obtain and comply with the provisions of all applicable permits and licenses relative to the services to be performed hereunder as may be required by the local jurisdiction.

2. Work in the Right-of-Way. During any period of relocation, construction, or maintenance in the public easement or Right-of-Way, Contractor shall comply with all applicable public health and safety rules and regulations, as required by and law, statute, regulation, ordinance, or resolution of any jurisdiction, regulator, agency, or authority of the City, State, or Federal government.

SECTION 8
HOLD HARMLESS INDEMNIFICATION

In addition to other rights granted CITY by the Project Documents, CONTRACTOR shall indemnify and save harmless CITY, its officers and employees, from all suits, actions, or claims of any character brought because of any injuries or damages received or sustained by any person,

persons, or property on account of the negligent operations of CONTRACTOR or its subcontractors; or on account of or in consequence of any neglect in safeguarding the Work.

Within the limits of the Idaho Tort Claims Act and the Idaho Constitution, CITY agrees to indemnify, defend, and hold harmless CONTRACTOR and its officers, agents, and employees against all liability, loss, and costs arising from actions, suits, claims, or demands for the acts or omission of CITY and its officers, agents, and employees, in performance of this Agreement.

SECTION 9
CONFLICT OF INTEREST

CONTRACTOR covenants that it presently has no interest and will not acquire any interest, direct, or indirect, in the Project which would conflict in any manner or degree with the performance of its services hereunder. CONTRACTOR further covenants that, in performing this Agreement, it will employ no person who has any such interest. Should any conflict of interest arise during the performance of this Agreement, CONTRACTOR shall immediately disclose such conflict to CITY.

SECTION 10
ENTIRE AGREEMENT, MODIFICATION AND ASSIGNABILITY

This Agreement and Project Documents hereto contain the entire agreement between the parties for this subject matter, and no other statements, promises, or inducements made by either party, or agents of either party are valid or binding. This Agreement may not be enlarged, modified or altered except upon written agreement signed by the parties hereto. CONTRACTOR may not subcontract or assign its rights (including the right to compensation) or duties arising hereunder other than as contemplated by the Project Documents, without the prior written consent and express authorization of CITY.

SECTION 11
ADHERENCE TO LAW REQUIRED

All applicable local, state and federal statutes and regulations are hereby made a part of this Agreement and shall be adhered to at all times. Violation of any of these statutes or regulations by CONTRACTOR shall be deemed material and shall subject CONTRACTOR to termination of this Agreement for cause. CONTRACTOR and CONTRACTOR’s surety shall indemnify and save harmless CITY and its employees, agents and representatives against any claim or liability arising from or based on the violation of any such laws, codes, ordinances, or regulations by CONTRACTOR.

CITY shall not terminate this Agreement for a minor or immaterial violation of the law.

SECTION 12
LEGAL FEES / JURISDICTION AND VENUE

In the event either party incurs legal expenses to enforce the terms and conditions or this Agreement, the prevailing party is entitled to recover reasonable attorney's fees and other costs and expenses, whether the same are incurred with or without suit.

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 this Agreement, 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.

SECTION 13
NON-DISCRIMINATION

CONTRACTOR 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.

Nothing in this section shall require CONTRACTOR to go beyond the reasonable accommodation requirements of the Americans with Disabilities Act in regards to accommodating any employee or applicant for employment.

SECTION 14
SPECIAL WARRANTY

CONTRACTOR warrants that nothing of monetary value has been given, promised or implied as remuneration or inducement to enter into this Agreement. CONTRACTOR further declares that no improper personal, political or social activities have been used or attempted in an effort to influence the outcome of the competition, discussion, or negotiation leading to the award of this Agreement. Any such activity by CONTRACTOR shall make this Agreement null and void.

SECTION 15
COMMUNICATIONS

Written notice as are required by this Agreement shall be satisfied by mailing, emailing, or by personal delivery to the parties at the following mailing addresses:

CONTRACTOR:
SUNROC CORP. DBA Depatco
910 Pier View Drive, Suite 201
Idaho Falls, ID 83402
Office: (208) 458-4000
Cell: (208) 313-7620
Email: chuntsman@depatco.com

CITY:
Idaho Falls Power
Attn: Nathan Anderson
140 S. Capital Ave.
Idaho Falls, ID 83402
Office: (208) 612-8447
Cell: (208) 497-7362
Email: nanderson@ifpower.org

Neither CITY's nor CONTRACTOR's representative shall be changed without ten (10) days prior written notice to the other party.

SECTION 16
INSURANCE AND BOND REQUIREMENTS

CONTRACTOR shall purchase and maintain insurance and provide performance and payment bonds as specified in Project Documents.

SECTION 17
CITY'S RIGHT FOR TERMINATION OR SUSPENSION

1. Termination of the Construction Agreement for Default. Without limitation to any of CITY's other rights or remedies at law or in equity, and reserving to itself all rights to losses related thereto, CITY shall have the right to terminate this Agreement, in whole or in part, upon the failure of CONTRACTOR to promptly cure any default within fourteen (14) days of CITY's written notice to CONTRACTOR. CITY's election to terminate the Agreement for default shall be communicated by giving CONTRACTOR a written notice of termination. Any notice of termination given to CONTRACTOR by CITY shall be effective immediately, unless otherwise provided.

2. Suspension by City for Convenience. CITY may, at any time and from time to time, without cause, order CONTRACTOR, in writing, to suspend, delay, or interrupt the Project in whole or in part for such period of time, as CITY may determine, up to a period of five (5) days. The period of suspension shall be computed from the date of the written order.

   Upon receipt of a Suspension Order, CONTRACTOR shall, at CITY's expense, comply with its terms and take all reasonable steps to minimize costs allocable to the Project covered by the Suspension Order during the period of the Suspension Order.

   Within the period of the above noted aggregate time, or such extension to that period as is agreed upon by CONTRACTOR and CITY, CITY shall either

   a. cancel the Suspension Order; or

   b. delete the portion of the Project covered by the Suspension Order by issuing a change order.

   If a Suspension Order is canceled or expires, CONTRACTOR shall resume and continue with the Project. A change order shall be issued to cover any adjustments of the not-to-exceed amount or the Project Time necessarily caused by such suspension. The provisions of this section shall not apply if an order to stop or suspend work is not issued by CITY.

   A Suspension Order shall not be required to stop the Work as permitted or required under any other provision of the Project Documents.

3. Termination Without Cause. CITY shall have the option, at its sole discretion and without cause, of terminating this Agreement in part or in whole by giving thirty (30) days written notice to CONTRACTOR. CONTRACTOR agrees to accept such sums as allowed under this section as its sole and exclusive compensation and waives any claim for other compensation or losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect or incidental damages of any kind.

   Following such termination and within forty-five (45) days after receipt of a billing from CONTRACTOR seeking payment of sums authorized by this section, CITY shall pay to CONTRACTOR as its sole compensation for performance of the Project the following: .

   a. For Work Performed. The amount of the not-to-exceed amount allocable to the portion of the Project properly performed by CONTRACTOR as of the date of termination, less sums previously paid to CONTRACTOR.

   b. For Close-out Costs. Reasonable costs of CONTRACTOR and its Subcontractors and Sub-subcontractors for:

      i. Demobilizing, and

      ii. Administering the close-out of its participation in the Project (including, without limitation, all billing and accounting functions, not including attorney or expert fees) for a period of no longer than thirty (30) days.

   c. For Fabricated Items. Previously unpaid cost of any items delivered to the Project site which were fabricated for subsequent incorporation in the Project.

   d. As a liquidated damage, CITY shall pay CONTRACTOR six percent (6%) of the remaining sums less the amount paid and owed for work performed and for Close-out Costs.

4. Subcontractors. CONTRACTOR shall include provisions in all of its subcontracts, purchase orders, and other contracts permitting termination for convenience by CONTRACTOR on terms that are consistent with this Agreement and that afford no greater rights of recovery against CONTRACTOR than are afforded to CONTRACTOR under this section.

5. CONTRACTOR's Duties Upon Termination. Upon receipt of a notice of termination for default or for convenience, CONTRACTOR shall, unless the notice directs otherwise, do the following:

   a. Immediately discontinue the Project to the extent specified in the notice;

   b. Place no further orders or subcontracts for materials, equipment, services or facilities, except as may be necessary for completion of such portion of the Project as is not discontinued;

c. Provide to CITY a description, in writing no later than fifteen (15) days after receipt of the notice of termination, of all subcontracts, purchase orders and agreements that are outstanding, including, without limitation, the terms of the original price, any changes, payments, balance owing, the status of the portion of the Project covered and a copy of the subcontract, purchase order or agreement and any written changes, amendments or modifications thereto, together with such other information as CITY may determine necessary in order to decide whether to accept assignment of or request CONTRACTOR to terminate the subcontract, purchase order or Agreement;

d. Promptly assign to CITY those subcontracts, purchase orders or agreements, or portions thereof, that CITY elects to accept by assignment and cancel, on the most favorable terms reasonably possible, all subcontracts, purchase orders or agreements, or portions thereof, that CITY does not elect to accept by assignment; and

e. Thereafter do only such work as may be necessary to preserve and protect the Project already in progress and to protect materials, plants, and equipment on the Project site or in transit thereto.

SECTION 18
CONTRACTOR'S RIGHT FOR TERMINATION

1. Termination for Cause. CONTRACTOR may terminate this Agreement for cause only upon the occurrence of one of the following:

    a. For Work Stoppage. The Work is stopped for sixty (60) consecutive days, through no act or fault of CONTRACTOR, any Subcontractor, or any employee or agent of CONTRACTOR or any Subcontractor, due to issuance of an order of a court or other public authority, other than CITY, having jurisdiction or due to an act of government, such as a declaration of a national emergency making material unavailable.

    b. For City's Non-Payment. If CITY does not make payment of sums that are not in good faith disputed by CITY and does not cure such default within fourteen (14) days after receipt of notice from CONTRACTOR, then upon an additional fourteen (14) days' notice to CITY, CONTRACTOR may terminate the Agreement.

2. Damages to CONTRACTOR. In the event of termination for cause by CONTRACTOR, CITY shall pay CONTRACTOR the sums provided for in Section 16.3 above. CONTRACTOR agrees to accept such sums as its sole and exclusive compensation and agrees to waive any claim for other compensation or losses, including, but not limited to, loss of anticipated profits, loss of revenue, lost opportunity, or other consequential, direct, indirect and incidental damages, of any kind.

IN WITNESS WHEREOF, said CONTRACTOR and CITY have caused this Agreement to be executed on the day and year first above written.

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

"CITY"
CITY OF IDAHO FALLS, IDAHO

By_____
Rebecca Casper, Mayor

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____day of _____, 2023, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca Casper, known to me to be the Mayor for the City of Idaho Falls, Idaho, a municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

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

_____
Notary Public of Idaho

Residing at: _____

My Commission Expires:_____

(Seal)

"CONTRACTOR"
SUNROC CORP. DBA Depatco

By_____

STATE OF)

) ss.

County of)

On this _____day of _____, 2023, before me, the undersigned, a notary public, in and for said State, personally appeared _____, known or identified to me to be the _____ 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 SUNROC CORP. DBA Depatco.

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

_____

Notary Public of _____

Residing at: _____

My Commission Expires:_____

(Seal)

LEGEND (NEW CONSTRUCTION)

C–2	EXISTING 2" SCHEDULE 40 PVC CONDUIT (FIBER)
C–2	INSTALL 2" SCHEDULE 40 PVC CONDUIT (FIBER)
C–2	EXISTING 2" SCHEDULE 40 PVC CONDUIT
C–2	INSTALL 2" SCHEDULE 40 PVC CONDUIT
C–2.5	EXISTING 2-1/2" SCHEDULE 40 PVC CONDUIT
C–2.5	INSTALL 2-1/2" SCHEDULE 40 PVC CONDUIT
C–3	EXISTING 3" SCHEDULE 40 PVC CONDUIT
C–3	INSTALL 3" SCHEDULE 40 PVC CONDUIT
C–4	EXISTING 4" SCHEDULE 40 PVC CONDUIT
C–4	INSTALL 4" SCHEDULE 40 PVC CONDUIT
	INSTALL SINGLE PHASE A PRIMARY OVER-HEAD CONDUCTOR
	EXISTING SINGLE PHASE A PRIMARY OVER-HEAD CONDUCTOR
	INSTALL SINGLE PHASE A PRIMARY UNDERGROUND CONDUCTOR IN 2-1/2" SCHEDULE 40 PVC CONDUIT
	EXISTING SINGLE PHASE A PRIMARY UNDERGROUND CONDUCTOR
	INSTALL SINGLE PHASE B PRIMARY OVER-HEAD CONDUCTOR
	EXISTING SINGLE PHASE B PRIMARY OVER-HEAD CONDUCTOR
	INSTALL SINGLE PHASE B PRIMARY UNDERGROUND CONDUCTOR IN 2-1/2" SCHEDULE 40 PVC CONDUIT
	EXISTING SINGLE PHASE B PRIMARY UNDERGROUND CONDUCTOR
	INSTALL SINGLE PHASE C PRIMARY OVER-HEAD CONDUCTOR
	EXISTING SINGLE PHASE C PRIMARY OVER-HEAD CONDUCTOR
	INSTALL SINGLE PHASE C PRIMARY UNDERGROUND CONDUCTOR IN 2-1/2" SCHEDULE 40 PVC CONDUIT
	EXISTING SINGLE PHASE C PRIMARY UNDERGROUND CONDUCTOR
FO	EXISTING IDAHO FALLS FIBER OPTIC LINE
FO	INSTALL IDAHO FALLS FIBER OPTIC LINE IN 2" SCHEDULE 40 PVC CONDUIT
OH	INSTALL THREE PHASE PRIMARY OVER-HEAD CONDUCTOR
UG	INSTALL THREE PHASE PRIMARY UNDERGROUND CONDUCTOR IN 4" SCHEDULE 40 PVC CONDUIT
OH	EXISTING THREE PHASE PRIMARY OVER-HEAD CONDUCTOR
UG	EXISTING THREE PHASE PRIMARY UNDERGROUND CONDUCTOR
	INSTALL SECONDARY OVER-HEAD CONDUCTOR
	EXISTING SECONDARY OVER-HEAD CONDUCTOR
	INSTALL SECONDARY UNDERGROUND CONDUCTOR
	EXISTING SECONDARY UNDERGROUND CONDUCTOR
	EXISTING PARCEL LINE
	EXISTING EASEMENT LINE
	EXISTING THREE PHASE TRANSFORMER
	INSTALL THREE PHASE TRANSFORMER PAD (6'X 7' - SMALL OR 7'X8') (BY CONTRACTOR) INSTALL THREE PHASE TRANSFORMER (BY IDAHO FALLS POWER)
	EXISTING SINGLE / THREE PHASE SECTIONALIZING CABINET
	INSTALL SINGLE / THREE PHASE SECTIONALIZING CABINET BASE (PROVIDED BY IDAHO FALLS POWER-INSTALLED BY CONTRACTOR) INSTALL SINGLE / THREE PHASE SECTIONALIZING CABINET (BY IDAHO FALLS POWER)
	EXISTING SINGLE PHASE TRANSFORMER
	INSTALL SINGLE PHASE TRANSFORMER BASE (PROVIDED BY IDAHO FALLS POWER-INSTALLED BY CONTRACTOR). INSTALL ONE -10' LENGTH OF 2-1/2" PVC SECONDARY SERVICE CONDUIT FROM THE CENTER OF EACH TRANSFORMER IN BOTH DIRECTIONS AT 45° ANGLE INTO EACH LOT. UNLESS OTHERWISE NOTED. CAP END OF CONDUITS AND MARK WITH 2X4.)
	EXISTING POWER POLE / EXISTING POWER POLE WITH ANCHOR GUY
	INSTALL POWER POLE / INSTALL POWER POLE WITH ANCHOR GUY
	EXISTING POWER POLE WITH OVER-HEAD TRANSFORMER
	EXISTING POWER POLE WITH OVER-HEAD TRANSFORMER TO BE MOVED OR REMOVED
	INSTALL POWER POLE WITH OVER-HEAD TRANSFORMER (PHASE NOTED BY COLOR)
	EXISTING CITY OF IDAHO FALLS STANDARD STREET LIGHT
	INSTALL CITY OF IDAHO FALLS STANDARD STREET LIGHT
	EXISTING SMALL/LARGE FIBER OPTIC JUNCTION BOX
	INSTALL SMALL/LARGE FIBER OPTIC JUNCTION BOX W/ 1" CONDUIT STUB 45°ANGLE INTO EACH LOT
P	EXISTING SECONDARY PEDESTAL
P	INSTALL SECONDARY PEDESTAL(PROVIDED BY IDAHO FALLS POWER-INSTALLED BY CONTRACTOR). INSTALL ONE -10' LENGTH OF 2-1/2" PVC SECONDARY SERVICE CONDUIT FROM THE CENTER OF EACH SECONDARY PEDESTAL IN BOTH DIRECTIONS AT 45° ANGLE INTO EACH LOT. UNLESS OTHERWISE NOTED. CAP END OF CONDUITS AND MARK WITH 2X4.
M	EXISTING METER
E	EXISTING JUNCTION BOX
E	INSTALL JUNCTION BOX

GENERAL CONSTRUCTION AND ELECTRICAL NOTES:

1. ALL NEW ELECTRICAL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT IDAHO FALLS POWER SERVICE POLICY. COORDINATE ALL ELECTRICAL CONSTRUCTION WITH IDAHO FALLS POWER.

2. PRIMARY SECTIONALIZING CABINETS, TRANSFORMER GROUND SLEEVES, SECONDARY PEDESTALS, FIBER BOXES, AND GROUND RODS SHALL BE PROVIDED BY IFP, BUT SHALL BE PICKED UP AT THE IFP WAREHOUSE AND/OR WEST SIDE YARD AND INSTALLED BY THE CONTRACTOR.

3. ALL PVC ELECTRIC CONDUITS SHALL BE PVC SCHEDULE 40 (SEE NOTE 5 AND 6 FOR EXCEPTIONS). ALL ELBOWS SHALL BE PVC SCHEDULE 40 LARGE RADIUS SWEEP (36”) OR AS OTHERWISE SPECIFIED BY IFP (SEE NOTE 5 AND 6 FOR EXCEPTIONS). RGS CONDUIT MUST BE USED AT RISER POLES. CONDUITS MUST BE CAPPED AND LABELED TO IDENTIFY ROUTING.

4. THE MINIMUM POWER TRENCH SHALL HAVE A MINIMUM DEPTH OF FIFTY-FOUR INCHES (54”) AND MAXIMUM DEPTH OF SIXTY INCHES (60”) BELOW FINISH GRADE (CONDUIT TO BE INSTALLED 48” BELOW FINISH GRADE). INCLUDING 6” OF SAND BEDDING BELOW AND ABOVE TOP OF CONDUITS. MINIMUM TRENCH WIDTH SHALL BE TWENTY-FOUR INCHES (24"), UNLESS OTHERWISE NOTED. ALL PRIMARY CONDUIT MUST HAVE A MINIMUM OF ONE (1) FOOT SEPARATION BETWEEN OTHER CONDUITS IN TRENCH. BOTTOM OF TRENCHES MUST BE LEVEL FOR CONDUIT INSTALLATION. ALL TRENCHES AND CONDUITS (INCLUDING ROAD CROSSINGS) MUST BE INSPECTED BY IDAHO FALLS POWER PRIOR TO BACK-FILLING. BACKFILL AND COMPACT ALL TRENCHES TO A MINIMUM OF 95% OF MAX DENSITY. (SECONDARY CONDUITS CAN BE REDUCED TO 30" OF COVER)

5. MINIMUM CONDUIT DEPTH CAN BE REDUCED TO EIGHTEEN INCHES (18") OF COVER BELOW FINAL GRADE THROUGH BASALT OR OTHER ROCK UPON PRIOR APPROVAL OF IFP. RIGID GALVANIZED STEEL (RGS) CONDUIT SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR. IFP WILL SPECIFY THE CONDUIT SIZE.

6. 2” HDPE SDR 13.5 CONTINUOUS DUCT WITH PRE-LUBRICATED RIBBED INTERIOR WALL CAN BE UTILIZED BY THE CONTRACTOR INSTEAD OF 2 ½” PVC SCHEDULE 40 AS SPECIFIED ON THE CONTRACTOR MAP FOR PROPOSED 1/0 SINGLE PHASE PRIMARY CONDUCTOR. CONDUIT TO BE RED IN COLOR OR BLACK WITH RED STRIPES (RED CONDUIT PREFERRED). IF POSSIBLE HDPE TO BE ORDERED WITH “IFP” STAMPED ON CONDUIT. THE HDPE CAN BE TURNED UP INSIDE OF GROUND SLEEVES OR CONTRACTOR MAY TRANSITION TO 2” PVC SCHEDULE 40 LARGE RADIUS SWEEP (36”) WITH PERMA-GUARD/UL FITTINGS BY ARNCO SHUR-LOCK II OR APPROVED EQUAL BY IFP.

7. CONTRACTOR / DEVELOPER TO INSTALL A 2500 LB MULE TAPE STRING THROUGH EACH PRIMARY POWER CONDUIT RUN MORE THAN 75 LF, ALL SERVICES FROM THE METER BASE TO THE TRANSFORMER / SECONDARY PEDESTAL, AND INSTALL PULL STRING FOR FIBER OPTIC CONDUIT RUNS.

8. THE DEVELOPER/CONTRACTOR SHALL PROVIDE ALL STAKING AND LAYOUT OF NEW ELECTRICAL AND FIBER FACILITIES INCLUDING POWER POLES. ALL LOT CORNERS ADJACENT TO ALL POWER TRENCHES MUST BE CLEARLY MARKED FOR INSTALLATION OF ELECTRICAL FACILITIES.

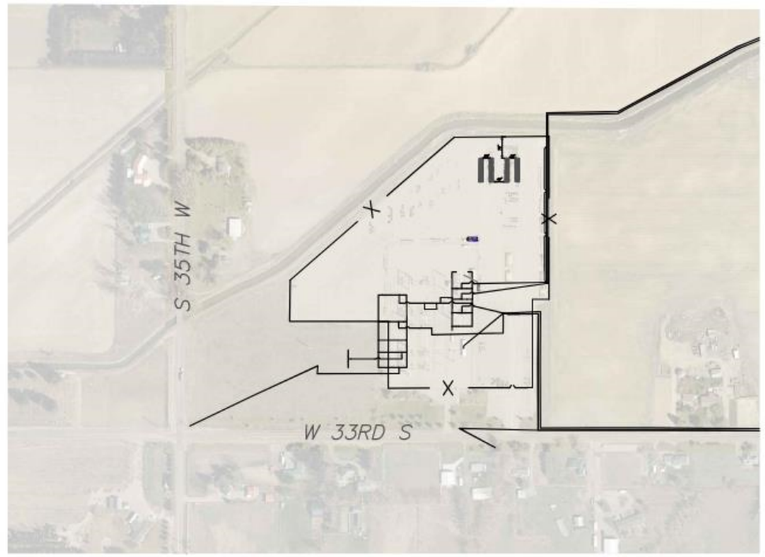
9. THE CONTRACTOR SHALL RETAIN AND PROTECT ALL EXISTING CITY POWER POLES AND ELECTRICAL AND FIBER FACILITIES DURING CONSTRUCTION. ALSO, REPAIR / REPLACE ALL CONCRETE, ASPHALT, AND LANDSCAPING THAT IS DISTURBED DURING CONSTRUCTION.

10. IT SHALL BE THE CUSTOMER OR CONTRACTOR'S RESPONSIBILITY TO PROVIDE ILLUMINATION (STREET LIGHTS) ALONG OR WITHIN THE PUBLIC RIGHTS-OF-WAY CONTAINED WITHIN A NEW DEVELOPMENT.

11. ALL NEW LIGHT POLE FOUNDATIONS AND LIGHTING CONDUITS SHALL BE CONSTRUCTED BY THE CONTRACTOR IN ACCORDANCE WITH CURRENT CITY OF IDAHO FALLS STANDARD DRAWINGS AND SPECIFICATIONS. IFP WILL FURNISH TO THE CONTRACTOR A BOLT HOLE TEMPLATE (PENDING AVAILABILITY), ANCHOR BOLTS, NUTS, WASHERS, GROUNDING BUTT PLATE, AND GROUND WIRE NEEDED FOR THE INSTALLATION OF THE LIGHT POLES.

12. IFP WILL INSTALL POLES AND LUMINAIRES WITH THE COST OF MATERIALS PAID BY THE CONTRACTOR PRIOR TO INSTALLATION.

13. ON ALL SUBDIVISIONS THE PADMOUNTED EQUIPMENT (INCLUDING GROUND SLEEVES / PEDESTALS, ETC.) WILL NOT BE PROVIDED OR SET UNTIL CURB AND GUTTER HAS BEEN INSTALLED. IDAHO FALLS POWER WILL PROVIDE GROUND RODS AND CONTRACTOR WILL INSTALL GROUND RODS PRIOR TO INSTALLATION OF CONDUIT.



N

0 250 500 1000

1 " = 500'

Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

CadFile: Westside Pole Rack Design

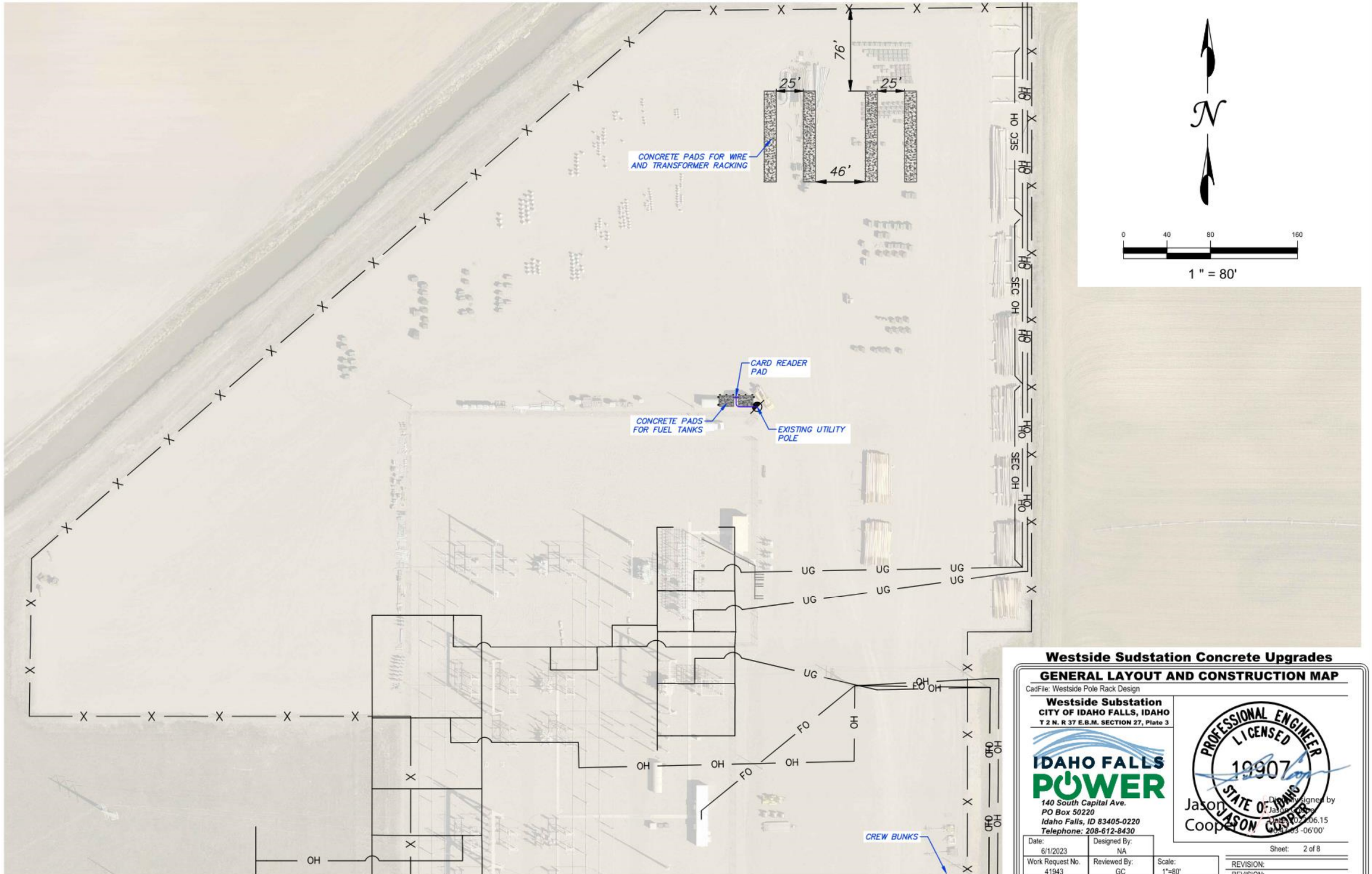
Westside Substation
CITY OF IDAHO FALLS, IDAHO
T 2 N. R 37 E.B.M. SECTION 27, Plate 3

IDAHO FALLS POWER
140 South Capital Ave.
PO Box 50220
Idaho Falls, ID 83405-0220
Telephone: 208-612-8430

PROFESSIONAL ENGINEER LICENSED 19907 STATE OF IDAHO JASON COOPER

Jason Cooper — Digitally signed by Jason Cooper, 2023.06.15 08:47:55 -06'00'

Date: 6/1/2023	Designed By: NA		Sheet: 1 of 8
Work Request No. 41943	Reviewed By: GC	Scale: NO SCALE	REVISION:
			REVISION:



Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

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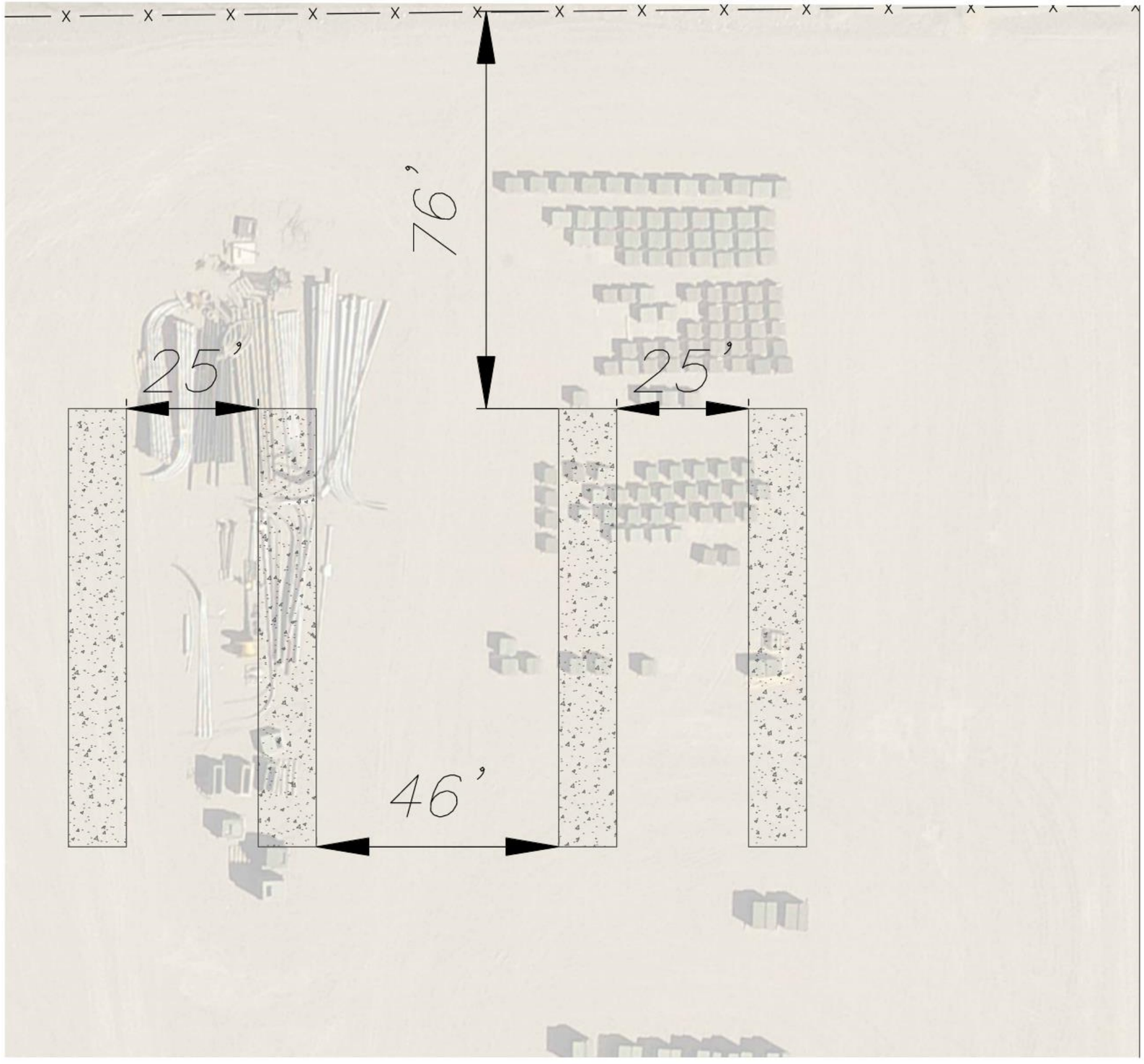
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CITY OF IDAHO FALLS, IDAHO
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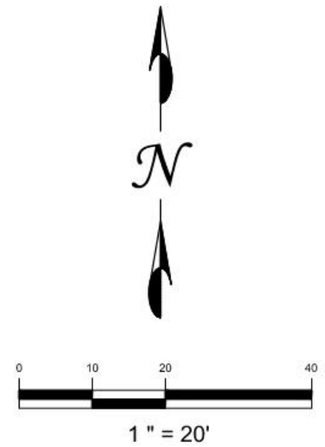
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Date: 2023.07.06.15 06:03 -06'00'

Date:	Designed By:		Sheet: 2 of 8
6/1/2023	NA		
Work Request No.	Reviewed By:	Scale:	REVISION:
41943	GC	1"=80'	REVISION:





CONCRETE PADS FOR WIRE AND TRANSFORMER RACKING

Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

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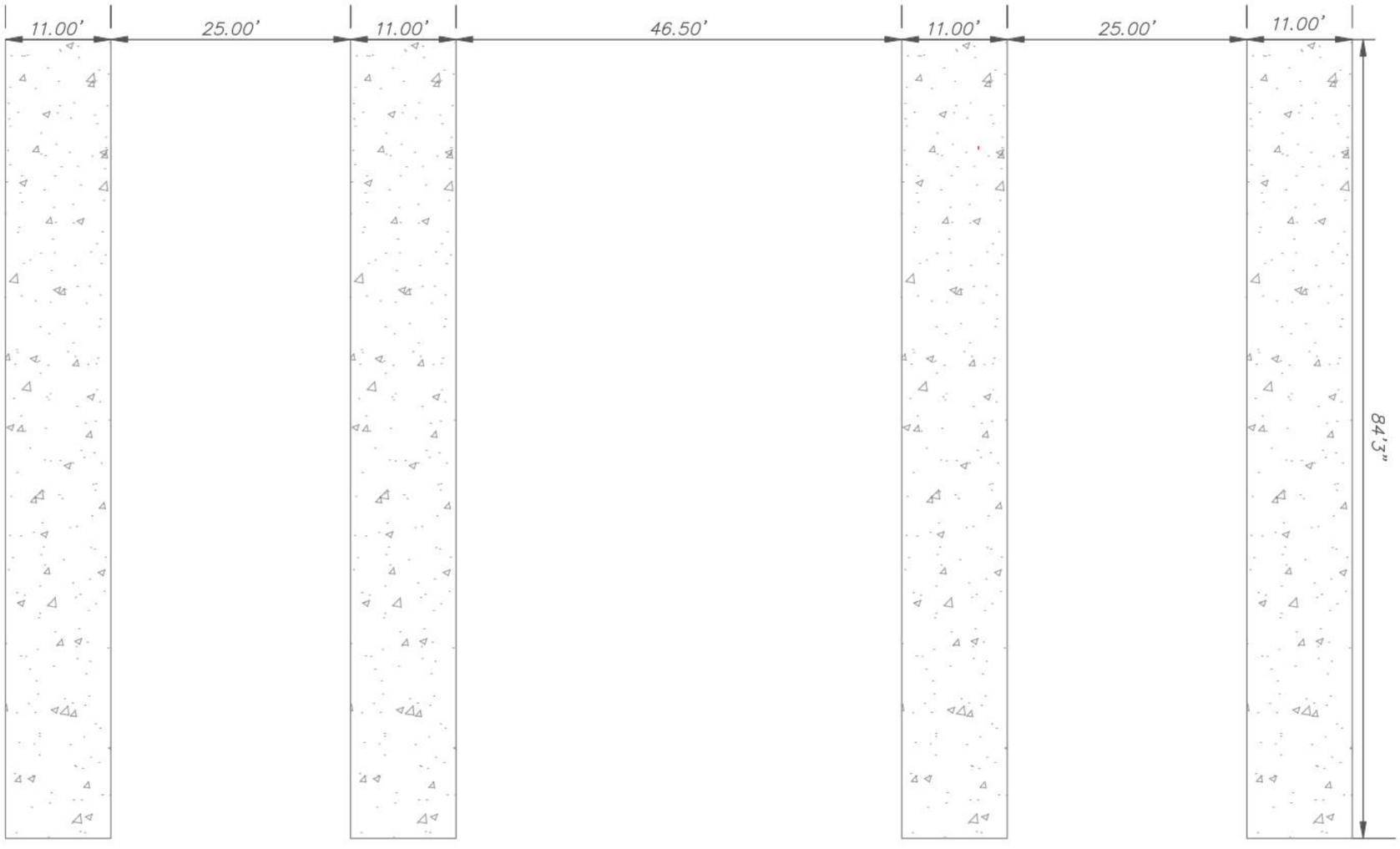
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Date: 2023.06.15 06:45:30 -06'00'

Date:	Designed By:		Sheet: 3 of 8
6/1/2023	NA		
Work Request No.	Reviewed By:	Scale:	REVISION:
41943	GC	1"=20'	REVISION:



Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

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CITY OF IDAHO FALLS, IDAHO
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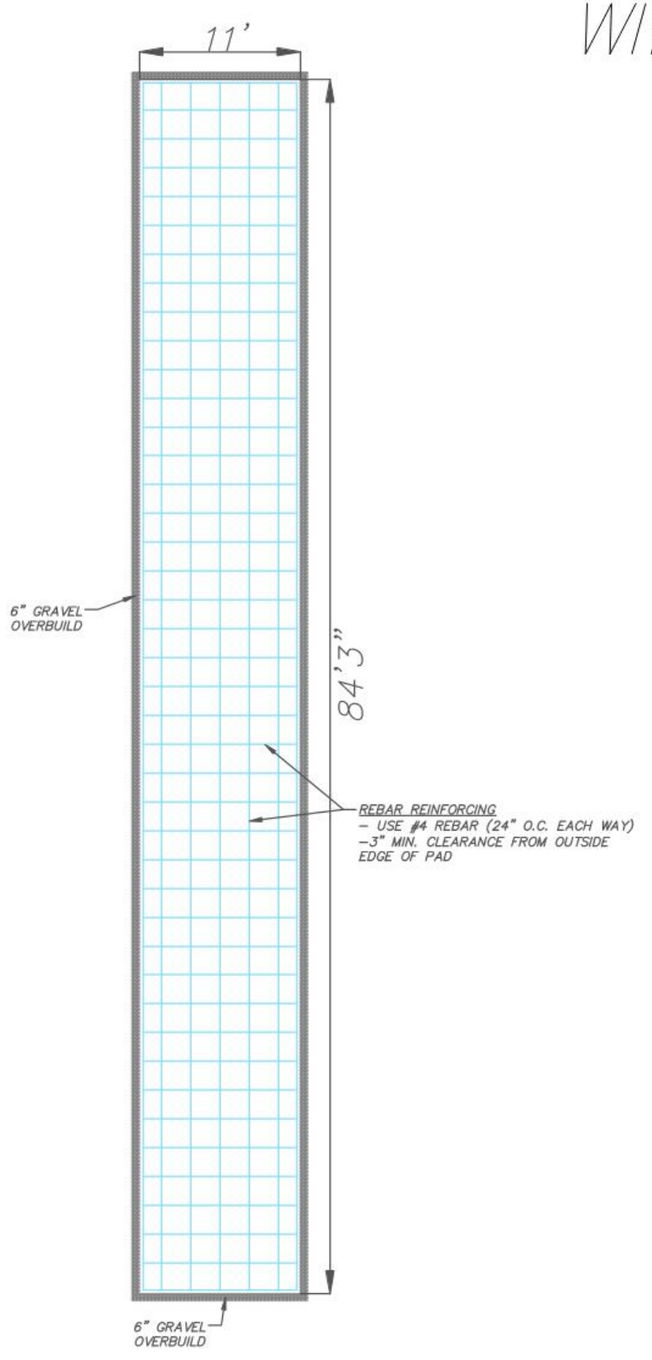
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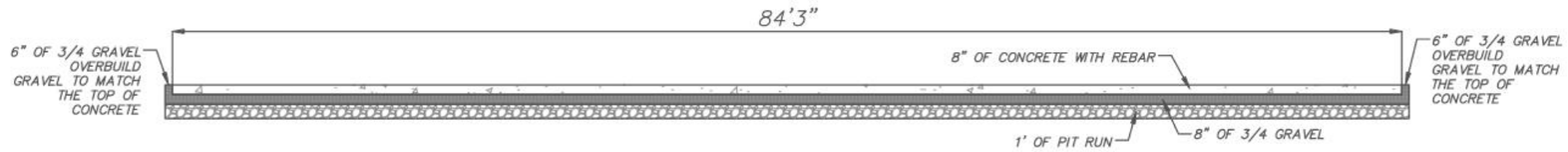
PROFESSIONAL ENGINEER LICENSED 19907 STATE OF IDAHO JASON COOPER

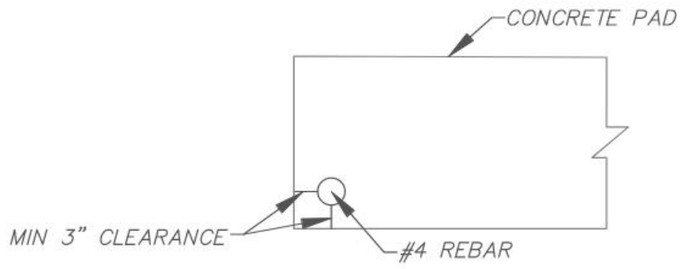
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Jason Cooper Date: 2023.06.15 06:43:52 -06'00'

Date:	Designed By:		
6/1/2023	NA		
Work Request No.	Reviewed By:	Scale:	Sheet: 4 of 8
41943	GC	NOT TO SCALE	REVISION:
			REVISION:

WIRE RACK CONCRETE SLAB







NOTES:
1. THE PAD LOCATION SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY PRIOR TO PLACEMENT OF CONCRETE.
2. THE RACKING SYSTEM WILL NOT BE INSTALLED UNTIL THE CONCRETE HAS CURED A MINIMUM OF (7) DAYS. IF THE TEMPERATURE IS EXPECTED TO DROP BELOW 40°, THERMAL BLANKETS MUST BE USED FOR A MINIMUM PERIOD OF 72 HOURS. DO NOT PLACE PAD ON THE FROZEN EARTH.
3. REBAR REINFORCING SHALL BE #4 REBAR (24" O.C. EACH WAY) WITH A MINIMUM OF 3" CLEARANCE FROM OUTSIDE EDGE OF PAD.
4. 6" OVERBUILD WITH 3/4" COMPACTIBLE GRAVEL IS REQUIRED AROUND CONCRETE PADS.

Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

CadFile: Westside Pole Rack Design

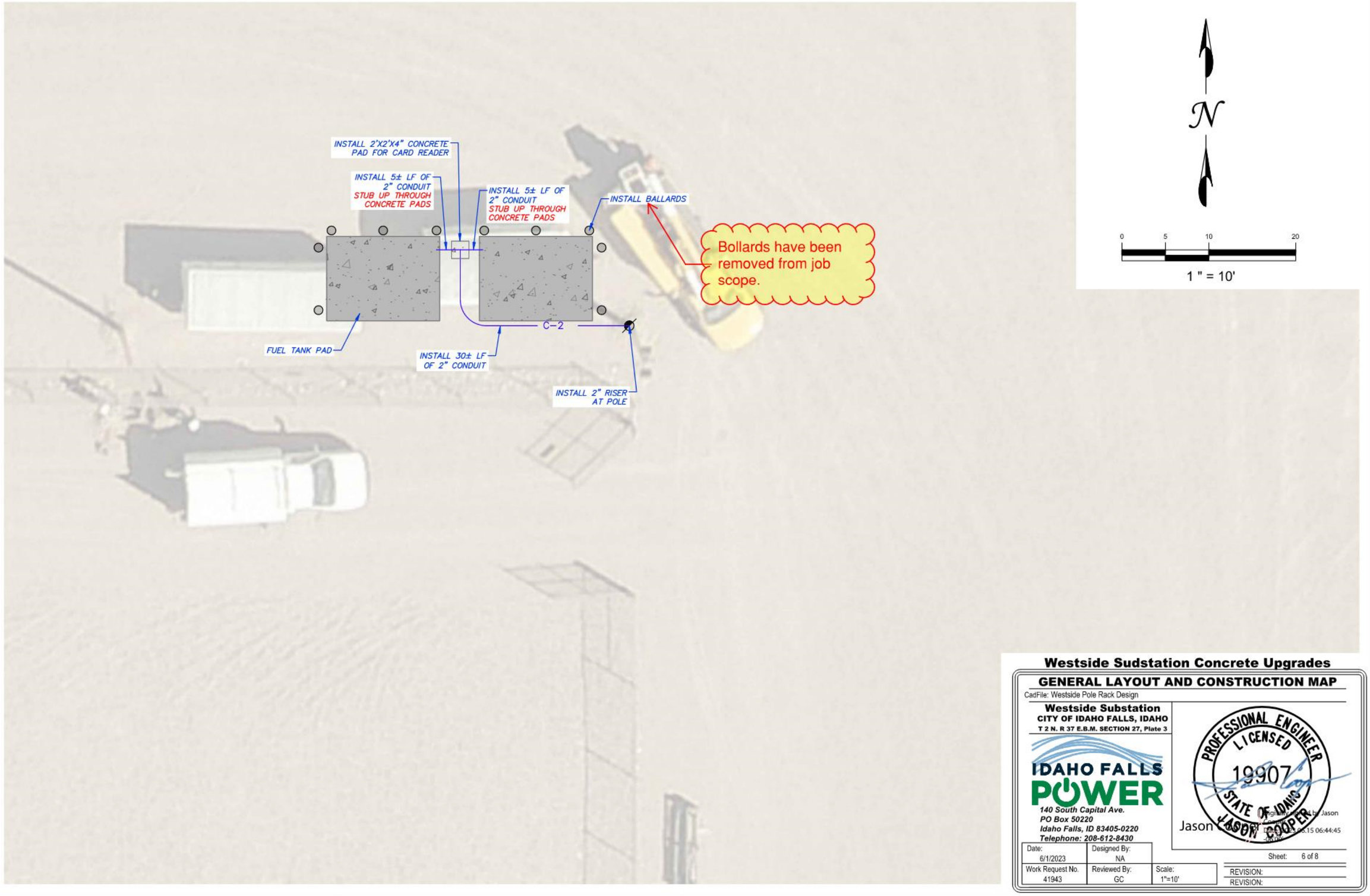
Westside Substation
CITY OF IDAHO FALLS, IDAHO
T 2 N. R 37 E.B.M. SECTION 27, Plate 3

IDAHO FALLS POWER
140 South Capital Ave.
PO Box 50220
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PROFESSIONAL ENGINEER LICENSED 19907 STATE OF IDAHO JASON COOPER

Jason Cooper

Date:	Designed By:		
6/1/2023	NA		
Work Request No.	Reviewed By:	Scale:	Sheet: 5 of 8
41943	GC	1"=10'	REVISION:
			REVISION:



Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

CadFile: Westside Pole Rack Design

Westside Substation
CITY OF IDAHO FALLS, IDAHO
T 2 N. R 37 E.B.M. SECTION 27, Plate 3

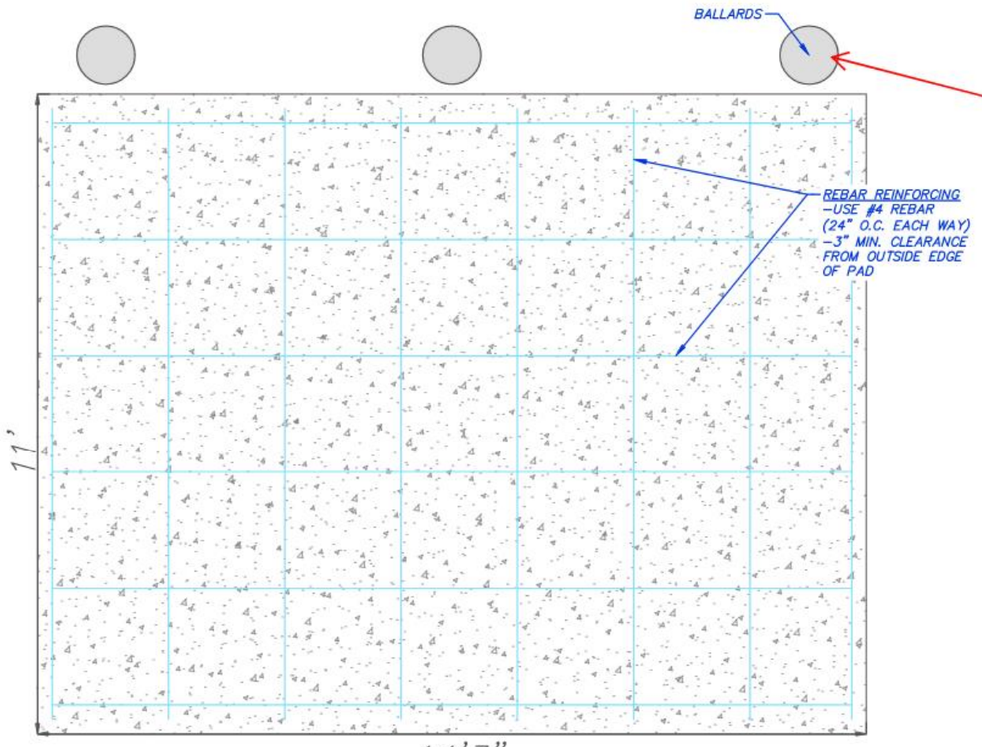
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Jason Cooper Digitally signed by Jason Cooper Date: 2023.06.15 06:44:45 -06'00'

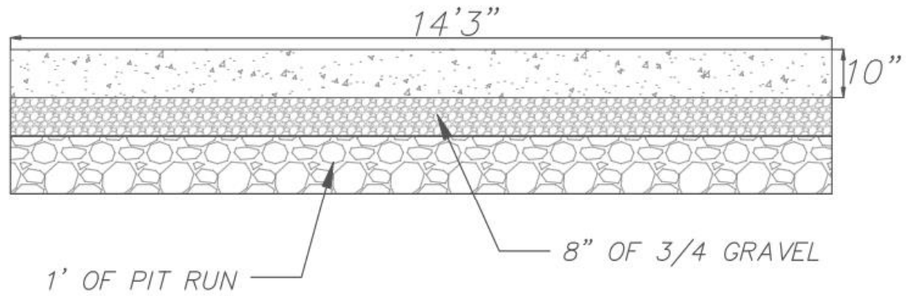
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6/1/2023	NA		
Work Request No. 41943	Reviewed By: GC	Scale: 1"=10'	REVISION:
			REVISION:

FUEL TANK SLAB

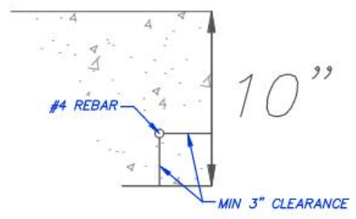


TOP VIEW

Bollards have been removed from job scope.



SIDE VIEW



EDGE DETAIL

NOTES:
1. THE PAD LOCATION SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM DENSITY PRIOR TO PLACEMENT OF CONCRETE.
2. THE FUEL TANK WILL NOT BE INSTALLED UNTIL THE CONCRETE HAS CURED A MINIMUM OF (7) DAYS. IF THE TEMPERATURE IS EXPECTED TO DROP BELOW 40°, THERMAL BLANKETS MUST BE USED FOR A MINIMUM PERIOD OF 72 HOURS. DO NOT PLACE PAD ON THE FROZEN EARTH.
3. REBAR REINFORCING SHALL BE #4 REBAR (24" O.C. EACH WAY) WITH A MINIMUM OF 3" CLEARANCE FROM OUTSIDE EDGE OF PAD.

Westside Substation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

CadFile: Westside Pole Rack Design

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CITY OF IDAHO FALLS, IDAHO
T 2 N. R 37 E.B.M. SECTION 27, Plate 3

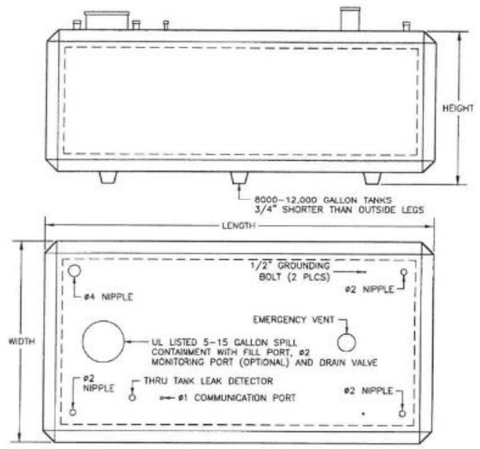
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Jason Cooper

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6/1/2023	NA		
Work Request No. 41943	Reviewed By: GC	Scale: NO SCALE	REVISION:
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Figure No. 2
Tank Weights and Dimensions *
Single Primary Tank



FIELD VERIFY

SIZE	LENGTH	WIDTH	HEIGHT	WEIGHT
125	4' – 1"	4' – 1"	3' – 11"	6,000
250	7' – 8"	3' – 9"	3' – 3"	8,000
500	11' – 0"	4' – 6"	3' – 4"	12,000
1000	11' – 0"	5' – 8"	4' – 4"	18,000
2000	11' – 3"	8' – 0"	5' – 6"	30,000
3000 LP (Low Profile)	11' – 3"	8' – 0"	7' – 3"	35,500
4000 LP (Low Profile)	17' – 7"	8' – 0"	6' – 5"	45,000
4000 DW	12' – 2"	8' – 0"	8' – 9"	40,000
5200 G (General)	15' – 6"	8' – 0"	8' – 9"	47,000
6000	17' – 7"	8' – 0"	8' – 9"	59,000
8000	23' – 1"	8' – 0"	8' – 9"	72,000
10000	28' – 7"	8' – 0"	8' – 9"	87,500
12000	34' – 1"	8' – 0"	8' – 9"	101,000

- The above sizes are typical, however some plants may not offer all tank sizes listed above. For additional sizes, or specific needs in your area, refer to your Convault® distributor/salesman.
- Double-wall steel tanks are optional and external dimensions are identical to single wall tank.
- Nipple layout and designs vary according to customer needs.

* NOTE: These are nominal weights of the tanks. Check with your distributor/salesperson for accurate weights.

Westside Sudstation Concrete Upgrades

GENERAL LAYOUT AND CONSTRUCTION MAP

CadFile: Westside Pole Rack Design

Westside Substation
CITY OF IDAHO FALLS, IDAHO
T 2 N. R 37 E.B.M. SECTION 27, Plate 3

IDAHO FALLS POWER
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Idaho Falls, ID 83405-0220
Telephone: 208-612-8430

PROFESSIONAL ENGINEER LICENSED 19907 STATE OF IDAHO JASON COOPER

Digitally signed by Jason Cooper
Date: 2023.06.15 06:45:36

Date:	Designed By:		Sheet: 8 of 8
6/1/2023	NA		
Work Request No. 41943	Reviewed By: GC	Scale: NO SCALE	REVISION:
			REVISION:

Exhibit “B”

Original bid was $109,537.65. Idaho Falls Power removed the installation of the bollards for $16,650.00. The new bid is reflected below for $92,887.65.

SUNROC CORP. DBA Depatco

DEPATCO

CONSTRUCTION DIVISION

910 Pier View Dr., Suite 201, IDAHO FALLS, IDAHO 83402 (208) 458-4000

CONTRACT PROPOSAL

Customer:	Idaho Falls Power	**Contact:**	Nate Anderson
Address:	140 South Capital Avenue Idaho Falls, ID 83405		
Project:	WESTSIDE SUBSTATION CONCRETE UPGRADES		
Project Location:	Idaho Falls, Idaho	**Date:**	7/18/2023

SUNROC CORPORATION MAY WITHDRAW THIS PROPOSAL IF WRITTEN ACCEPTANCE IS NOT RECEIVED FROM THE BUYER WITHIN 15 DAYS OF THE PROPOSAL DATE

Bid item Code	Description	Quan	Unit	Unit Price	Ext Price
10	MOBILIZATION/SUPERVISION	1.000	LS	$12,660.00	$12,660.00
20	OVERDIG AND HAUL OFF MATERIAL FOR BALLAST (6 PADS)	400.000	CY	$ 30.45	$12,180.00
30	PLACE 1" PIT RUN (WIRE RACK SLABS 4 EA)	280.000	TNS	$ 26.25	$7,350.00
40	PLACE 8" ROADBASE (WIRE RACK SLABS 4 EA)	200.000	TNS	$ 38.50	$7,700.00
50	8" REINFORCED CONCRETE PAD (WIRE RACK SLABS 4 EA)	3,740.000	SF	$ 12.50	$46,750.00
60	PLACE 1" PIT RUN (FUEL TANK SLABS 2 EA)	25.000	TNS	$ 26.25	$ 656.25
70	PLACE 8" ROADBASE (FUEL TANK SLABS 2 EA)	18.000	TNS	$ 38.50	$ 693.00
80	10" REINFORCED CONCRETE PAD (FUEL TANK SLABS 2 EA)	314.000	SF	$ 15.60	$4,898.40
Grand Total:					**$92,887.65**

NOTES :

1.) Additional Concrete Mobilizations to be billed at $3,000/EA if concrete cannot be placed concurrently. Bollards to be done by others to accomodate the fuel tanks.

2.) Price is based on full production grading and concrete placement. Any downtime will be charged at standby rate.

3.) A mix design is included, all other QC/QA and/or testing by others.

4.) No items may be added or deleted from quote without prior consent of DePatco.

6.) Quantities are an estimate only. Contractor is responsible for verification of actual quantities. To be billed as per unit price * the actual quantity installed.

7.) Any handwork patching (non-paver), will be billed at per ton price plus an additional $2.80 per sf.

8.) No winter conditions included.

9.) Surveying, testing, any layout, fees, permits, traffic control and any other items not specifically mentioned in item descriptions is by others or on a time and material basis.

10.) No soft spot repair is included.

11.) No rock excavation, blasting, and haul off and replacement of rock is included. No dewatering included.

12.) All electrical trenching and landscape sleeves to be done by others.

13.) Bond is not included. If required add 1.5%.

14.) This proposal shall become part of the contract.

15.) Prices based upon DePatco having full access to work areas for full productions. Any down time, production losses, or remobilization will be billed on a time and material basis in addition to contract prices.

16.) Unless otherwise noted, the prices are good for the work season of the proposal only.

17.) No weekend work included.

18.) DePatco will not warranty any concrete if work is performed next to concrete within 7 day cure period.

19.) No work to begin until Governing Entity has approved plans.

20.) Any contract language conflicting with this proposal notes are null and void.

21.) All permits to be in place by owner before Depatco will mobilize to project.

22.) Concrete current price is with taxes and delivery is $180.00/CY. Any additional costs at time of installation to be billed at cost plus 15%. Lithium mitigation is not included and will be billed extra.

The following terms and conditions are entered into between DePatco, Inc. ("DePatco") and the customer/owner ("Owner") referred to in the Estimate and/or Agreement and are expressly understood and agreed upon.

Standard of the Work:

All work will be performed in accordance with the most current written plans, drawings and specifications provided to DePatco by the Owner, or the Owner's agent, which become part of this agreement. The Estimate/Agreement is specifically limited to performance of work identified in the submitted Proposal from DePatco. As to specifications and procedures not stated in writing, the work will be performed in a good and workmanlike manner according to the standard practices of the industry. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written agreement signed by both parties and will be charged over and above the previously agreed price.

Pricing of the work:

Price is all inclusive unless stated otherwise. Unless an earlier limit is expressly stated, the prices herein stated shall be good for not more than thirty (30) days. Where unit prices are quoted, the total price shall be determined by multiplying the unit prices set forth herein by the quantities actually used. Unit volume will be determined according to DePatco's standard practices. If the work is terminated for any reason, DePatco shall be entitled to payment for all work done on its standard unit price. DePatco shall have no obligation to pay for any permits, testing, surveying, traffic control, fees or inspections required, unless specified in writing in the Proposal.

Timing of the Work:

Unless specified in writing on the front of this agreement, DePatco makes no promise of the specified time for the work to be commenced or completed but agrees to perform the work with due diligence in connection with its other work., No work will be scheduled by DePatco until the Estimate/Agreement has been signed and accepted by the Owner and by Depatco. Work will be scheduled in a timely manner to take advantage of DePatco's existing schedule with other jobs and projects in the same area. DePatco will not be liable for liquidated damages. DePatco shall be given full access to the Project site to perform any work required under the Proposal.

Site Conditions:

The pricing set forth in this agreement, unless expressly stated otherwise in the bid, is based on the mutual assumption that there shall be no need to excavate lava rock or other major rock deposits by blasting or other methods not normally used in the excavation of dirt or alluvial materials and that there will be no underground water or other conditions which will require special equipment, de-watering or other efforts, including soft spots and/or winter conditions. If such conditions are present, owner agrees to pay DePatco additional fair compensation for the extra work necessary to overcome unexpected conditions.

Insurance and Damages to Work in Progress:

DePatco shall maintain worker's compensation insurance and liability insurance to cover its liability only. DePatco will not insure the owner. Should the work in progress be damaged by any accident or natural disaster such as wind, flood or earthquake, owner shall have the option to terminate the project and pay for the work done to date of destruction as provided herein or to pay DePatco the extra cost of repairing or replacing the damaged work in progress.

Payment Terms:

Unless otherwise specified, Owner shall pay contract price on the completion of the project or if the project takes more than one month, then upon invoice for work completed during the prior billing period.

Finance charges and collection costs:

Any invoice billed by DePatco not paid on time shall be subject to an eighteen percent (18%) per annum finance charge. Failure to pay on time may result in DePatco filing a lien on the subject property at its discretion. The cost of filing and releasing the lien will be borne by owner. Any and all other collection costs, including attorneys fees, incurred in DePatco's effort to collect the balance due together with interest at eighteen percent (18%) per annum will be solely borne by owner.

Additional Terms and Conditions and Statutory Notice:

DePatco will not be held responsible for any loss caused by delays in manufacturing or subsequent delays from its shippers, subcontractors, or suppliers.

Commencement of work is subject to approved credit of owner. By law, owner may require proof of our completed operations and worker's compensation insurance and the name, address and phone number of any subcontractors or material providers (aka subs). Owner may get extended coverage title insurance to protect against liens. By giving DePatco written notice and advance payment before the contract is finalized, owner may require that DePatco provide a surety bond, at the Owner's cost, in an amount up to the value of the project and/or that DePatco obtain lien waivers from any subs. By signing this contract, owner acknowledges receipt of this notice.

ADDITIONAL TERMS AND CONDITIONS OF AGREEMENT

1. Purchaser represents to be the record owner or authorized agent of the record owner of the real property that shall be improved pursuant to this Agreement (the "Property") with authority to enter into contractual agreements and to grant SUNROC authority to perform the work identified herein. The Purchaser agrees that all materials in this Agreement will be used in the construction, alteration, or improvement of the Property. Purchaser shall not use this document to acquire financing.
2. This Contract Proposal/Agreement shall only be modified by written change order signed by SUNROC and Purchaser. Oral requests for change shall not be binding on SUNROC unless reduced to writing by change order.
3. Purchaser shall assume full responsibility for the accuracy of all lines, levels, quantities, locations and measurements and their relation to the work to be performed by SUNROC. No representation or warranty, express or implied, is made as to the quantities, sizes, grades, specifications, or other matters relating to the needs of the project. In all cases where dimensions are governed by conditions, already established or otherwise, the responsibility for coordination of such conditions as it relates to SUNROC's work shall rest entirely on the Purchaser. It is the Purchaser's sole responsibility to compare the items on this Contract Proposal/Agreement with plans and specifications for accuracy and completeness. Any variations or modifications from specified lines, grades or dimensions required shall be the responsibility of the Purchaser and subject to a change order should additional work be required of SUNROC.
4. In the event the record owner of the Property sells, mortgages, or otherwise transfers or encumbers the Property, the total amount herein provided shall become immediately due and payable as to any and all amounts then unpaid.
5. Purchaser agrees that all alleged defects in work, material or labor shall be made in writing to SUNROC within ten (10) calendar days of the date of the billing invoice for the work performed. If said writing has not been made within the time period specified herein, Purchaser waives any right to claim defects and/or offsets for these alleged defects. In the event of defective work, SUNROC's sole and exclusive liability shall be to repair or replace defective work at its discretion. In no event shall SUNROC be liable for special, incidental, or consequential damages, including, but not limited to, loss of good will, loss of profits, or loss of use.
6. In the event that material costs on which this Contract Proposal/Agreement is based rise in excess of fifteen percent (15%) during the course of work, Purchaser agrees that these increased costs, in their entirety, shall be billed to Purchaser as an automatic adjustment to the Contract Proposal/Agreement.
7. To the extent that the contracted price is based on a specified unit or square foot price, Purchaser agrees that the number of units or square feet indicated is an approximation, and that SUNROC shall be paid in full for the actual units or square feet completed as determined by field measurement by SUNROC.
8. SUNROC shall not be liable for failure of performance or failure of delay in delivery by reason of any event beyond the control of SUNROC, including, but not limited to, strikes; labor disputes; fire; flood; weather; embargo; war or other hostilities; government authority or regulation; acts of God; shortage of material or fuel; as a result of actions of Purchaser, record owner, or any other person; or as a result of the extension of time granted by Purchaser. Upon the occurrence of such delay, SUNROC shall receive an equitable extension of time for completion of the Agreement. SUNROC shall not be entitled to any damages or compensation as a result of said delay except to the extent that said delay was caused by the Purchaser, record owner, or persons employed by the Purchaser or record owner.
9. SUNROC assumes no risk of non-disclosed or unforeseen conditions of the Property, including, but not limited to, hazardous substances (as defined by applicable law). In the event that hazardous substances are present on the Property (other than hazardous substances introduced by SUNROC), Purchaser agrees to indemnify SUNROC and its officers, directors, employees, agents, representatives, and subcontractors from and against any and all losses, claims, damages, fines, penalties, liabilities, injuries, costs and expenses (including all attorney fees and costs incurred in any civil, criminal, or administrative proceeding) arising from such hazardous substances, including, but not limited to, the presence or use, generation, storage, treatment, containment, release, threatened release, disposal of, exposure, or threatened exposure.
10. Unless otherwise noted, all federal, state, and other taxes of any nature related to this Agreement shall be borne by Purchaser.
11. SUNROC warrants that all materials covered by this Agreement shall conform to industry standards. No implied warranties of fitness or merchantability are given and are expressly disclaimed by SUNROC.
12. The parties agree that the prevailing party in any lawsuit arising from or as a result of this Agreement, whether the action is based on the Agreement's terms and provisions or on any other theory of liability, shall be entitled to an award of attorney fees and costs incurred in said action.
13. This Contract Proposal/Agreement is the total agreement and supersedes all negotiations, representations, prior discussions, and preliminary agreements between the Parties hereto, whether oral or written. This Agreement shall be construed and interpreted as if drafted equally by all Parties hereto.
14. This Agreement shall be governed by the laws of the Local State where the project resides, without regard to its choice of law provisions.
15. Sunroc Public Work License Is PWC-C-17452-U-1-4
16. PAYMENTS IS TO BE MADE AS FOLLOWS: All accounts due 15th of month following date of billing. In the event payment is not made by the due date, I or we agree to pay if collection is made by suit or otherwise a reasonable attorney's fee, plus a FINANCE CHARGE OF 1½% per month (ANNUAL PERCENTAGE RATE 18%), and hereby waive all rights to claim exemption under state laws. Signature by owner or agent constitutes acceptance of the above.
17. This proposal is based on plans dated by

ACCEPTED:	CONFIRMED:
The above prices and specifications are satisfactory and hereby accepted.	**SUNROC CORP. DBA Depatco**
Buyer: _____	Authorized Signature: _____
Signature: _____	Estimator: Chad Huntsman
Date of Acceptance: _____	Estimate #: 23EI228

Memorandum

File #: 23-217 **City Council Meeting**

FROM: Corrin Wilde, City Clerk
DATE: Wednesday, July 19, 2023
DEPARTMENT: Mayor's Office

Subject
Minutes from Council Meetings

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

Approve the minutes from June 26, 2023 City Council Work Session, June 29, 2023 City Council Meeting, and January 12, 2023 City Council Meeting.

Description, Background Information & Purpose
June 26, 2023 City Council Work Session and June 29, 2023 City Council Meeting and January 12, 2023 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

June 26, 2023, Council Work Session - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, June 26, 2023, in the Idaho Falls Civic Center located at 501 S Holmes Avenue in Idaho Falls 3:00 p.m.

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

Also present:
Mark Hagedorn, Treasurer
Randy Fife, City Attorney
Ryan Tew, Human Resources Director
Julie Combe, Human Resources Manager
Heather Wade, Human Resources Manager
Bruce Young, Assistant Airport Director
Rick Cloutier, Airport Director
Eric Grossarth, Public Information Officer
Corrin Wilde, City Clerk

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

Airport: Presentation and Discussion-Parking and Revenue Control System Recommendations.
Bruce Young and Rick Cloutier Present the following:
Director Cloutier reminded everyone that the Airport tenant BBQ is this Friday from 11 am to 2 pm. He also noted that there is an Airport Board meeting on July 18th, from 8 am to 11 am. Bruce Young presented three options for Parking and Revenue Control Systems. Mr. Young stated that the current equipment was installed 20 years ago around 2001. He said typically, these machines are replaced every 7 to 10 years and so you can see that we are way overdue for replacement. The current equipment requires daily maintenance and malfunctions are common and it is very expensive to find any replacement parts if you can find them. Bruce stated the system that we use to get the revenue control still works but it is outdated and is comparable to using Windows 95. Bruce says they started RFQ (request for qualifications) in March and had five proposals come in. He said during that time we had vendors come out and do a walk through and they took notes and asked questions. Bruce stated they ranked the vendors according to criteria in the RFQ and narrowed it down to 3 vendors, Flash Parking, DGM (Amano), and Spaces USA. Flash Parking is a National brand with Cloud-based and highly customizable equipment. Mr. Young stated one thing we want is to allow options for our parkers, not just to be able to get a ticket but allow other options including cell phone, credit card, and license plate. Mr. Young says this company allows for growth as needed, and because the Kiosks are USB-based it allows you to pull out the modules and use them somewhere else. This would allow the airport to be able to scale operations giving the ability to open additional gates or open another exit. Mr. Young talked about the cons of going with Flash Parking. He says it will be expensive costing around 260 thousand just to get everything installed. Mr. Young stated we do not have that kind of money in our

budget this year or next year. Mr. Young says the company is based on the west coast and they do not have a call center. Flash company does recommend a third party for the call center but that adds additional cost, and you have the call center being the middle management to the company to resolve issues. Mr. Young presented another company called DGM (Amano) DGM is the authorized dealer based out of Seattle, WA, or Portland, OR. Mr. Young says Amano Equipment is a national manufacturer of parking equipment and would work with the Airport for troubleshooting issues. The equipment (kiosk) is not very customizable but does offer a cloud-based solution. Mr. Young stated that Amano installed their current equipment 20 years ago and we do have a working relationship with them. Mr. Young noted that this equipment would be 4 or 5 versions ahead of what we currently have and feels the staff will know how to use it and that should be straightforward for users. This equipment has multiple entrance options such as tickets, QR codes, proximity cards, and prepaid however you cannot use your cell phone with it. Mr. Young talked about the cons of going with DGM (Amano); he says it is expensive costing 260 thousand to install it. He says the equipment is not customizable so using cell phones is not an option. This company does not have a call center and would require a third party to provide that service. Mr. Young presented the third company called Spaces USA. Mr. Young stated we have been working with this company since May of last year in our remote parking lot and have experienced very little maintenance to the equipment. He says they have had to reset power maybe 5 times within the year. Mr. Young stated Spaces is a hybrid kiosk and does not require as much maintenance as the other kiosks. He said there are no tickets; it requires the use of a cell phone to get in and out. The core system utilizes cell phones and LPRs (license plate readers) allowing you to pull up to the gate and gain entry by reading your license plate. Mr. Young stated that Spaces USA has partnered with a company called Flowbird to provide ticketing options. Mr. Young says the cost of equipment is funded through technology fees charged to the user, so the users pay the technology fee that funds the equipment instead of the Airport funding it. He says this company has its call center and because it is their equipment they know how to troubleshoot. He says it does cost a little more because they provide a call center however it is not nearly as much as the third-party for the other two companies. Mr. Young talked about the cons of going with Spaces. Mr. Young points out that there is a possibility there will be communication between Flowbird and Spaces USA. Mr. Young stated Spaces has assured him that it will work fine but you never know until it is up and running. He says there may be some issues with the acceptance of users that don't carry cell phones or only have a flip phone and for that reason, we wanted to bring in Flowbird so they can still pull a ticket. Mr. Young says the reporting data and revenue data are accessible through their portal and is the least user-friendly and has the least ability to get information that is needed; however, they do send monthly reports that have been tailored to his needs. Councilor Burtenshaw clarified that the posted fee is the fee the customer is charged. Director Cloutier agreed the fee will be posted and the technology fee will only be charged once so if you have your car parked for 30 days you will only be charged the technology fee once. Mr. Young also pointed out that there is no convenience fee for using your credit card because it can be upsetting for the customer to see a technology fee and a convenience fee. Mr. Young stated the recommendation is to go with Spaces USA the biggest part of that is the cost of implementation and this allows us to pass the cost on to the user instead of raising the ticket fee much higher to pay for those over time. Spaces also has an in-house call center and users have had good experiences when talking to the call center. Mr. Young stated with Flowbird kiosks allow users the ability to get the traditional ticketed entry and exit method.

Mayor Casper asked what involvement IT (Information Technology) has had or will have in the process of using the equipment selected. Mr. Young stated that Joseph Nilsson, Derek Bates, and Cameron Ward have come out multiple times and visited with us. He said we also have included in our conversation Fiber because all of these are cloud-based, we must run fiber connections out to all the entry and exit lanes and should be able to start on the installation in the next couple weeks. Councilor Francis wanted to know if Spaces is a large national company doing a lot of parking in various urban areas. Mr. Young stated that Spaces is fairly new to the realm of parking together and have been in business for 10 to 15 years and have been involved in parking lots such as hospital, shopping malls; and parking garages. He said they are new to Airport parking, but they have experience in parking. Councilor Freeman is curious about the routing of the parking lots and asked if that is going to be included at all with these changes. He said will there be improvements to the ease of getting in and out of the parking lots. Mr.

Young stated they do have some plans including closing off some of the entrances for example the entrances after the terminal where there is a three-headed parking are going to be closed off and will only have one entrance per lot. Director Cloutier noted that the Council will receive a Master Plan update in the next couple of months on the future improvements of the parking lot.

Human Resources and Municipal Services: Compensation Strategy, Structure and Recommendations.

Director Tew reviewed some of the key points of the Gallagher study. Mr. Tew says the study was to help us understand how we stack up in the marketplace and to give us guidelines on things like separate salary structures as well as provide potential salary structures that we could consider. Mr. Tew stated that we found out from the study that we are competitive with the market. Mr. Tew presented a slide representing the findings of the market comparison and results. He says the study shows as far as our salaries are concerned at the bottom level, we are well over the market at 19% over the market and in the middle of the salary structure we are about 5% over the market and at the top end we were 9% under the market. Director Tew stated that regarding the salary structure for the bottom of our ranges we are at 10% above the market and at the mid-point, which is what we look at most carefully we are 5% over the market and at the top of the scale we are only 1% above market. Director Tew said Gallagher recommended three salary structures to consider. He said all of them are step and grade structures. The first option is based on a living wage structure. This option anchored the bottom of the scale at the living wage and would cost the city even more than the one million three hundred thousand that Gallagher was projecting. He said the second option is a structure anchored at the lowest 25% of entry-level people. He said the third option they recommended was taking our current salary structure and implementing a 3% inflationary adjustment looking forward.

Director Tew turned time to Mark Hagedorn to present comparisons for these three structures but for option three instead of 3% over the current structure we are recommending a 2% over the current structure. Mr. Hagedorn stated that what we are presenting here is the Minimum, the Mid, and the Max, which are years 1, 6, and 19. Mr. Hagedorn notes that the differential is based on the Mid-point. Option one the Living Wage structure would require regrading of positions to shift down and is an expensive option at 2.75 million and 1.75 million of that out of the General Fund. Mr. Hagedorn presented the second option numbers regarding salary structure Lowest 25th Percentile which is close to our current salary structure, but they proposed to change the step system from being front end from the first one to six years but to make them even for all nineteen years that changes the Midpoint from grade 6 to grade 10. Mr. Hagedorn says that what that means is that everyone would be shifted to the high end to maintain their current wage. He said by doing that raises the cost which is estimated at 1.3 million with $830,000 of that out of the general fund. Mr. Hagedorn presented the third option which is a 2% increase with a grade adjustment. This changes the midpoint differential on higher grades to match the market. Mr. Hagedorn stated that we are taking the data from Gallagher's findings and how it fits our step and grade system. This option changes the midpoint differential on higher grades to match the market and with a minimum 2% increase, higher grades will be repositioned. The estimated total cost is $980,000 and $615, 000 out of the general fund and does include the wages and benefits. Mr. Hagedorn stated that we are on average about 6% deficient on the top end and so we are spreading that out to incorporate that top end and graduating it from grade 12. Mr. Hagedorn recommends a 2% increase and grades 13 to 16 would be readjusted down on their steps to be more in line with a 2% increase. Council President Dingman asked if this recommendation permanently changes the Mid-point. Mr. Hagedorn agreed. Council President Dingman wanted to make it clear to Council members that this is a permanent change here and in subsequent budget years an inflationary adjustment, (she points out that this 2% is a one-time inflationary adjustment) and wanted to make it clear that it is an inflationary adjustment but then adjusting that mid-point so that you relieve some of the compression at the top. Mr. Hagedorn agreed, he said the reason they chose 2% is because it's a blend of cost and understanding what others are doing. He said if we did nothing our market position would go down so this keeps us competitive within that market range as well as resolves some of the compression issues. Mayor Casper stated she is careful when talking about inflation and would not characterize the 2% as something to address inflation. She said right now we are pegging off the market and when you are paying market it doesn't matter what the inflation rate is because you are in the

competitive range, and we are aiming for our mid-point to be at market, and when that is the goal, you don't have to factor inflation in. Mr. Tew stated that the market is moving and that is why we are looking at the 2%. Director Tew recommended that we do a Gallagher-type study every five years. Director Tew says the AmeriBen study is done every year and is a touch point for him giving access to data that can be accessed throughout the year and is used to do the grading. Mr. Hagedorn reminded the Council that we discussed last year that when we passed a flat rate and percentage that it would create a compression problem because that is what happens when you do a flat rate it squeezed everything together and we knew it would be one of the outliers that we would have to address. Mr. Hagedorn stated that we could cover this cost but there will be consequences that will have to be made. He recommended taking Forgone every year from a financial perspective. He said we will have to address the services we provide at some point because we can't always provide the services we want to.
Council President Dingman stated that she feels that we should make this decision upfront and start the budget process knowing these numbers. Councilor Dingman is in support because of the recommendations and does fix the compression issues and is clear that we can still stay competitive in the marketplace. Councilor Freeman agreed with Council President Dingman, he feels it's important to get this figured out to help the Directors set their budgets. Councilor Freeman stated in the past we have not done this early, and it makes it difficult for staff. Councilor Francis stated 4 years ago the council made a promise of substantially more than we were able to give in the end and employees and department heads were upset. He said it's hard for him to commit this money when he cannot see the big picture of how much is available. He feels they agreed to pay 1 million dollars for insurance from the general fund and now here is another 600 hundred thousand dollars and both are done without knowing what the whole picture is. He feels uncomfortable committing that today. Mr. Hagedorn stated each year we come to Council and have a set amount to use to pick and choose what the Council would like for each department and that has not changed this year there is still a set amount, it just won't be 2 million it might be 5 or 6 hundred thousand. Councilor Hally stated there are no services without our employees and we never know the big picture. He said he values the employees and feels we should go to bat for them. Councilor Hally stated he is in support of this recommendation. Council President Dingman stated that if we give no direction today and then we hear the whole budget, she feels that we are either going to prioritize employee wages as a top budgeting priority or we are not. She says it's okay if it is not. Council President Dingman stated fixing the compression issues and staying competitive in the market is our vision and it comes with a price tag. Dingman stated the Council has a way of saying they don't want to make a decision and then on July 20th one of the Council members has a brilliant idea and staff now has 10 more hours of work to do because you didn't like any of the ideas presented today. Council President Dingman stated that is a problem. She says if we don't give direction today it's unfair to staff. She stated that how we pay our employees must come with a clear philosophy and a clear program and direction and not say here is what is left over. Councilor Francis wants to know if there is more than 1.5 million. He said can he count on that money being there. Mr. Hagedorn stated as of this morning there were about 1 million before this decision that is unallocated and would leave $400,000 left over. Mr. Hagedorn stated it is not a question of money it is a question of priority, and this is a big priority and may mean that you will have a different discussion later. Council President Dingman asked Mr. Hagedorn if it was correct that we have dollars budgeted from the general fund last year that we will continue to possess and collect that may have the opportunity to be re-allocated in this year's budget because they were one-time expenses that the general fund allocated last year. Mr. Hagedorn stated the money goes back in to be reallocated however benefits and wages and other requests have come and have used up those funds. Councilor Burtenshaw understands this compression issue and has seen the budget and the biggest ask is for more employees and feels that saying yes to this recommendation is putting the opportunity for some new positions on the chopping block. Councilor Burtenshaw stated that she is in favor of taking care of who we have on payroll now but recognizes that we will not be able to afford the new positions being asked for with this budget. She feels that Directors were hoping for new employees this year. Mayor Casper stated that Mr. Hagedorn's comment about services is insightful because we have more residents and more square miles to serve with the same number of employees therefore, we will have to cut something. We maintain services and get more employees or cut services because we cannot keep overworking people. Councilor Burtenshaw stated that the question from her to Directors is if you do not get new

employees what services will you be cutting? She feels that the answer to this question is important for her to know. Mr. Hagedorn stated that what we should be doing is indexing our position count to the revenue stream because right now our position count is what the Directors are telling you what their needs are and not what the revenue stream says we can handle. Councilor Hally stated that he accepts the 2% increase. Councilor Radford feels his thoughts were represented well in this discussion and does not disagree with anything said. He says he is not fully committed currently. Councilor Freeman and Councilor Burtenshaw are in support of the 2%. Councilor Francis stated that he will support the 2% increase based on the options. Council President Dingman is also in support.

City Attorney: Discussion-Council proposed Amendments to Childcare Ordinance.

Councilor Francis stated the amendment on page 5 is what he was trying to represent at the meeting on June 8th when Council voted to go to the state standards regarding childcare. Councilor Francis stated that what the legal department has done is put on paper a clear statement of what he was trying to accomplish. On June 8th we voted to eliminate section C of the ordinance (page 5) and that meant we were not having any restriction for a violation of a civil protection order, misdemeanor domestic violence, assault, battery, and stalking in the second degree. He said we did eliminate the ones Council has had trouble with like substance abuse, and petite theft but Councilor Francis feels we should keep the violations in our Ordinance that were focused on anger management problems and the threat of violence to a child. He said is presenting this today to see if there is a will of the Council to add those back in and to clarify what he was saying on June 8th. Councilor Francis feels the restrictions we put in for licensing and childcare certificates should be recognized as a different thing than the process. He said we have discussed delays in the process as keeping people from getting a certification in a timely matter but it is not the restrictions that are preventing that, it is the process. He stated that he talked to the Police Department, and they said it takes 3 to 5 days to get results for a background check. Councilor Francis stated that within a week of doing the fingerprinting the answer is back. He says if other elements in the process are delaying it then we should address that differently instead of reducing the restrictions of the things that represent possible threats to children which he says is our purpose. Mayor Casper pointed out that the agenda says the discussion is Council proposed Amendments to Childcare Ordinance to include Citation. Mr. Kirkham does not know what "to include citation" might have meant unless it is a citation to the state code which this Ordinance has several references. Councilor Francis feels that adding these restrictions back into the ordinance is important, especially for misdemeanor domestic violence. He stated that after speaking to a variety of people it seems to be a common practice that what would normally be a felony is pled down to a misdemeanor. He says this type of offense could have been a serious offense and it ends up as a misdemeanor and that is why he feels these restrictions should be added back into the ordinance as a city requirement even though it is stricter than the state. Councilor Freeman wanted to verify that Mr. Kirkham has vetted these restrictions and that it is not in the state statutes. Mr. Kirkham agreed these are not requirements in the state statutes. He said for example you could get a permit to open a childcare facility in the county even if you have a misdemeanor domestic violence charge on your record. He said that will not make you ineligible. Mr. Kirkham stated that what this proposal would do is make you ineligible for a city license if you have been convicted of any of these crimes within the last 3 years and would not be able to own or manage or work at a childcare facility. Councilor Radford feels it is odd that the state would not have these restrictions and feels there are reasons why they do not appear in the state code. Councilor Freeman is in support of this. He stated that Councilor Francis has given this a lot of thought and feels that if legal has found that these things are not in state code then he agrees they should be in the code and is in support of it. Councilor Radford stated that he would like to have some time to talk about this with the Idaho Department of Health and Welfare before voting on this. Councilor Francis stated that a problem with delaying this decision is that we start issuing certificates based on what we passed on June 8th which does not include these. He feels that the more expeditious we could be in coming back to these would allow the most consistency. Councilor Burtenshaw stated that she will go look at 18-901 and wonders what it constitutes to get a conviction on that record and will look at that before the next Council meeting with this agenda item. Mayor Casper stated that this will be on the July 13th Council meeting agenda for consideration.

Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that Council receive the recommendations from the June 6, 2023, meeting of the Planning and Zoning (P&Z) Commission pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis, Nay – none.

Mayor and Council: Calendars, Announcements, Events, Reports, Updates, Concerns, Questions, and Discussion:

Mayor Casper distributed calendar items for June. She stated the employee picnic is tomorrow from 5:30 to 8 pm at Tautphaus Park and Ice Arena. She said the Zoo will be open to the employees and family from 6 pm to 7:30 pm.
Wednesday Ribbon Cutting at Heritage Park, the Rotary Club will also be there and that is where they are holding their weekly meeting so the turn out will be good.
Wednesday evening is the BMPO (Bonneville Metropolitan Planning Organization) policy board meeting in the Annex conference room.
Independence Day holiday next week on the 4th of July.
Station 7 Ribbon cutting on July 10th. Mayor Casper stated July 12th is the Public Works Annual Utilities meeting.
Mayor Casper announced that at AIC (Association of Idaho Cities) GIFT program received an award.
Mayor Casper also announced that our City Attorney Randy Fife received a prestigious William Herrington Career of Service award, she said this is the highest award available to city attorneys in our state.
Randy Fife stated that Assistant City Attorney Mike Kirkham received the 2023 Dale W. Storer Professionalism Award.

- Councilor President Ziel-Dingman had no items to report.
- Councilor Hally had no items to report.
- Councilor Radford had no items to report.
- Councilor Francis stated the Sister Cities committee is doing very well and on at the Wednesday meeting they will be making a recommendation to the mayor's office for their budget of that money both for this year's $11,000 and for the 2024 fiscal year.
- Councilor Freeman stated there was an article recently about the APPA and the work they did at the Legislative rally in D.C. earlier this year seems to be bearing fruit. He said two bills have been introduced to stop the DOE from introducing these new transformer standards and is going through Congress at this time.
- Councilor Burtenshaw stated that 17th Street is now being widened over by the Sandwich Tree. She said there has been a few community groups that have been cleaning the green belt and planning shrubs and flowers around the Funland. She said she saw this on East Idaho News and feels appreciative to those groups getting miles of the green belt cleaned with a company sponsored project.

There being no further business, the meeting adjourned at 5:04 P.M.

s/Corrin Wilde
Corrin Wilde, City Clerk

s/Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

501 S Holmes Ave
Idaho Falls, ID 83402

City Council Meeting
Minutes - Draft

Thursday, June 29, 2023, 7:30 PM Idaho Falls Civic Center

1. Call to Order

Present: Council President Michelle Ziel-Dingman, Councilor Hally, Councilor Freeman, Councilor Francis; and Councilor Burtenshaw

Also present:

All available Department Directors
Randy Fife, City Attorney
Corrin Wilde, City Clerk

Absent:
Mayor Rebecca L Noah Casper
Councilor Radford

2. Pledge of Allegiance

Council President Michelle Ziel-Dingman led those present in the Pledge of Allegiance.

Public Comment

Melody Byers 175 E 15th St. Ms. Byers is here tonight to ask the city for help. She says she has experienced a great deal of stress regarding the issues with drainage at her residence. Ms. Byers says she has collected information on the history of the drainage near her home. She said it rained on May 23, June 7th, and the 12th. She said when we had the rain storm many people's homes flooded and said her basement flooded 60" deep. She feels losing half her house should not have happened. She said there is a history of flooding in the area. Ms. Byers has talked to the city and found out that she is on a list and would like for someone to look at her situation and be moved higher on the list.

East Stepson 185 E 15th St. Mr. Stepson said when they moved into their home, he said there was a large hole caused by the water and rain, he said every time it rains the water floods up to their driveway and after a few days it will go away. Mr. Stepson said the system was installed in 1908 and it is not that the basement flooded it's the fact that the water was still flowing into the basement the next day, and it was just their corner that was still a lake however the rest of the neighborhoods were drained. He wants to raise awareness about this and feels they should have received more city support. He said he sent in a Damage Claim and was denied by ICRMP and felt it was a blanket denial letter. He said in his area the water was deep and was not going anywhere and feels the city should look into the drainage.

Danielle Stepson 185 E 15th St. Ms. Stepson says they have lived in their home for 6 years now and have 2 kids and one of which bedrooms is downstairs and flooded. She feels they have been neglected by the city and even the rejection letter was just a duplicate one and feels that they did not even read the

claim. She said the water in the road stands in that area for days and feels it's an ongoing problem. Ms. Stepson feels their case is a lot different from the rest of the city because the water stayed and was not able to be pumped out until 4:30 pm the next day. Ms. Stepson stated that she was told that her area is one of the first areas they respond to however they did not come until the next day and then left a short time after arriving as they were already going into overtime. Ms. Stepson said the next morning she called begging for the city crew to come again. She said they did come and pumped many truckloads of water out. Ms. Stepson said the area flooded again on the 7th and 12th leaving her afraid to leave the house unattended. She said she has anxiety about it possibly flooding again. Ms. Stepson explained that she will have to get a loan to pay for the flooding damage.

Consent Agenda

A. Idaho Falls Power

1) Paine Feeder Easement with Bonneville County

2) 23-24 Downtown Alley Upgrade Project - Rogers

B. Parks and Recreation

1) Resolution - 2023 Waiver for Certain Fourth of July Celebration Fees

C. **Office of the City Clerk**

1) Meeting minutes as listed on the agenda

2) License Applications, all carrying the required approvals

It was moved by Councilor Francis, 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 Hally, Francis, Dingman, Burtenshaw, Freeman. Nay – None

5. Regular Agenda

A. Municipal Services

1) BID IF-23-12, 16” Pipe and Materials

Director Fredericksen presented the Bid IF-23-12, the purchase of 16" pipe, and materials for routine maintenance and repair by the Water Division.
Funds to purchase the 16” pipe and materials are within the 2022/23 Public Works Water Division budget.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis Pursuant Accept and approve the bid received from the lowest responsive and responsible bidder, Core and Main for $167,429.00. The motion carried by the following vote: Aye – Councilors Freeman, Burtenshaw, Francis, Dingman, Hally Nay – None

B. Airport

1) Approval of Agreement to Acquire Parking and Revenue Control System and Equipment from Spaces, USA

Council President Dingam explained that the equipment in the Airport's main parking lot is over 15 years old and has greatly exceeded its useful life. This equipment requires daily maintenance to keep it running and breakdowns are a common occurrence. Replacing this equipment is a high priority in this fiscal year. A request for qualifications was advertised in March. Airport staff narrowed the list to three vendors. After conducting interviews with the three finalists, Airport staff is recommending Spaces, USA primarily because of their pricing structure, technology features, and proven track record working with the Airport. As part of this project, lot infrastructure will need to be updated including concrete work to facilitate running conduit and connecting fiber. Most of the infrastructure work will be done in-house. The cost of the equipment, installation, and maintenance is minimal to the Airport. The Spaces, USA pricing structure charges parking lot users a small technology fee in addition to the cost of parking. These fees are charged once per transaction. Over the first 2.25 years, the fee will be $1.25 per transaction, after which the fee will reduce to $0.63. In addition to the technology fee, the Airport will pay software fees of $900 per month and call center fees of $0.25 per transaction.

It was moved by Councilor Freeman, seconded by Councilor Francis to approve agreement with Spaces, USA for a new Parking and Revenue Control System (PARCS) including new entrance and exit equipment and authorization for the Mayor to execute the agreement. The motion carried by the following vote: Aye- Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay - None

C. Idaho Falls Power

1) Professional Engineering Services Agreement with Gannett Fleming Inc. for Upper Plant First Part 12 Inspection

Idaho Falls Power Assistant General Manager Stephen Boorman explained that in 2021, Gannett Fleming performed an analysis of the right dike at the Upper Plant, which resulted in a high-hazard status designation from the Federal Energy Regulatory Commission (FERC). All projects with a FERC high hazard designation requires a Comprehensive Assessment, commonly referred to as a "Part 12 Inspection" every 5 years. This professional services agreement is to conduct the first five-year inspection. Gannett Fleming was selected following a solicitation of qualifications (SOQ) process. The agreement will cover work needed for the high-hazard designation work required over the next five years. This agreement will require an expenditure up to $345,925.00 of which $150,000 is currently budgeted in the 2022-2023 budget. The remainder will be included in the IFP 2023-24 fiscal year budget.

It was moved by Councilor Freeman, seconded by Councilor Francis to approve the Upper Plant Part 12 Inspection Professional Services Agreement with Gannett Fleming, and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Dingman, Freeman, Francis. Nay- None

2) IFP 23-22 LED Luminaries Inventory for Idaho Falls Power

Idaho Falls Power Assistant General Manager Stephen Boorman explained that Idaho Falls Power solicited bids from qualified vendors to purchase LED luminary inventory to continue replacing non-LED streetlights in the community. Nine bids were received with these three vendors being the lowest responsive, responsible bidders:

Vendor	Units	Amount
Solarmax LED	1300	$158,500.00
Bell Electrical Supply Co.	160	$24,244.80
Platt Electric	1000	$12,060.00
Total	2460	$194,804.80

It was moved by Councilor Freeman, seconded by Council Francis approve the purchase of 2,460 LED Luminaries for streetlight upgrades and replacements from Solarmax LED, Bell Electrical Supply Co. and Platt Electric for a total of $194,804.80 The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally. Nay- None

3) IFP 23-23 Paine South Feeder Material for Idaho Falls Power

Idaho Falls Power Assistant General Manager Stephen Boorman explained that Idaho Falls Power solicited bids from qualified vendors to purchase material for the Paine South Feeder. Eight bids were received with the following six being the lowest responsive, responsible bidders who also meet our construction schedule:

Vendor	**Amount**
Irby	$2,696,537.60
General Pacific	$112,518.10
Border States	$167,637.76
Anixter	$205.00
D&S Electric	$318,030.56
Mountainland Supply	$217.80
Total	**$3,295,146.82**

It was moved by Freeman, seconded by Council Burtenshaw approve the purchase of material for Paine South Feeder from Irby, General Pacific, Border States, Anixter, D&S Electric, and Mountainland Supply for a total of $3,295.146.82. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

D. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Ivywood Division No. 4

The Planning and Zoning Commission considered this item at its April 4, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Development Agreement for the Final Plat for Ivywood Division No. 4, 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- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Final Plat for Ivywood Division No. 4 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. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Ivywood Division No. 4 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Dingman, Freeman, Francis. Nay- None

2) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, A Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R1, Single Dwelling Residential which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, A Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval of the annexation with initial zoning of R1.

Council President Dingman opened the public hearing and ordered all items presented to be entered into the record.

Applicant Barry Bame, Connect Engineering 2295 N Yellowstone, Idaho Falls Idaho.

Mr. Bame appeared and presented the following.

This property is situated in the Area of Impact and is contiguous to city limits. The proposed annexation is an addition to the Right of Way for Sand Creek Estates, Division 2. The initial right of way into Sand Creek Estates, Division 2 is currently proposed at 49 feet. Additional right of way to the south will be developed by the developer of Sand Creek Estates, Division 2 and when the property to the north is developed additional right of way will be added and developed. The initial zoning of R1 is consistent with the Sand Creek Estates, Division 2.

Assistant Director Kerry Beutler appeared and gave an overview of the Annexation request.

Slides 1, 2, and 3 show an Ariel view of the property. Director Beutler stated this is a Category “A” annexation as it is requested by the property owner. The property is in the Area of Impact and contiguous to City limits along the east and north property lines. Annexation of the property is consistent with the policies of the City’s Comprehensive Plan. Staff recommends approval of the annexation and initial zoning of the R1 Zone.

Council President Dingman requested any public comment. No one appeared. Council President Dingman closed the public hearing.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance annexing 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East, assign a Comprehensive Plan Designation of "Suburban", and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary. The motion carried by the following vote: Aye – Councilors Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Hally, Francis, Dingman, Burtenshaw, Freeman. Nay- None

3) Legislative Public Hearing-Part 2 of the Annexation and Initial Zoning of R1, Single Dwelling Residential, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 0.019 acres of the Sand Creek Estates Division 2 Right-of-way, a Portion of the NW ¼ of Section 4, Township 1 North, Range 38 East.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance establishing the initial zoning for R1, Single Dwelling Residential 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, the 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 Freeman, Burtenshaw, Francis, Dingman, Hally. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R1, Single Dwelling Residential and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Hally, Burtenshaw, Dingman, Freeman, Francis. Nay- None

4) Quasi-judicial Public Hearing-Rezone from R3A, Residential Mixed Use with a PUD, Planned Unit Development overlay to R3A, Residential Mixed Use, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on approximately 2 acres for Lot 23 and 24, Block 1, Lorin C Anderson Addition Division 1, Fourth Amended Plat

Council President Dingman opened the public hearing and ordered all items presented to be entered into the record.

Applicant Bryce Marsh, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls Idaho.

Mr. Marsh stated that this project is located generally north of Parley St. east of St. Clair Ave and south of 17th Street just West of Woodruff Ave. Mr. Marsh described an approximately 2-acre property that is currently zoned R3A and has a historical PUD overlay. Mr. Marsh gave an overview of the history of the property. He stated back in the 1980's they had a PUD that was never built, and it expired. He said in 2004 the PUD master site plan was approved for the same area however only the existing building was

built on it and nothing else. He said a lot of the development around this property to the North and West has developed separately and moved on. Mr. Marsh said the result of this has left this historical PUD rendered in a spot where it can't be developed under the current PUD code. Mr. Marsh stated that is why he is here tonight to request a rezone and remove the historical PUD and have the historical R3A be the underlying zone moving forward so this site can see development.
Assistant Director Beutler presented this request. Mr. Beutler stated that previously when the city adopted a Planned Unit Development, they adopted an overlay zone on the property. Mr. Beutler stated that we don't do that process anymore. Currently, with a Planned Unit Development, we treat it as a conditional use permit resulting in an issuance of a permit rather than an actual zone. Mr. Beutler stated because this property received a zoning designation the only way to remove the zoning designation is to go through this rezoning process. Mr. Beutler stated that the most recent Planned Unit Development from 2004 can no longer be constructed as the property has been split and sold off and other development is accruing. He said the only remaining part of that PUD is on the south end and currently the existing PUD Ordinance does not accommodate for that. Mr. Beutler stated that if the Planned Unit Development is removed nothing would change with the underlining zone; it would remain the R3A the mixed-use residential zone which allows for general office-type uses as well as residential uses. Mr. Beutler stated that staff recommends approval of the removal of the overlay. The planning commission also recommended approval.
Council President Dingman requested any public comment. No one appeared.
Council President Dingman closed the public hearing.

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Ordinance Rezoning approximately 2 acres for Lot 23 and 24, Block 1, Lorin C Anderson Addition Division 1, Fourth Amended Plat from R3A with PUD Overlay to R3A, under 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 Francis, Dingman, Freeman, Hally, Burtenshaw. Nay- None

It was moved by Councilor Burtenshaw, seconded by Council Francis to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R3A with PUD Overlay to R3A 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 - None

5) Amendment to Title 11, Comprehensive Zoning Ordinance, Section 11-2-6(W)10, Standard for Allowed Land Uses, Planned Unit Development, Amenities.

Assistant Director Kerry Beutler appeared. Mr. Beutler stated that what they try to do from time to time is amend the zoning Ordinance when there are adjustments that need to be made. He said what you see here tonight is a specific amendment to the Ordinance related to Planned Unit Development and related to the amenities that are required and provided as part of that Planned Unit Development. Mr. Beutler stated that what they are identifying is a usable outdoor space that is required in a Planned Unit Development and to make sure it is truly a usable space. He said sometimes with Planned Unit Development that comes to us we have had those questions, for example is a 10-foot drainage pond really a usable space for the people who live in that development? Mr. Beutler stated with the amenities we are identifying what are true physical amenities. He said outdoor amenities like swimming pools, hot

tubs, theater rooms, and gyms. He said in the past we have seen a lot of open areas and what we really would like to see is a physical amenity that would service that development. Mr. Beutler stated that another thing we commonly see with Planned Unit Developments is a playground or playground equipment and there is some additional language that would require a minimum of three different functions. He said for example a slide and swing set and climbing wall. Mr. Beutler stated that we have seen a lot of development lately that has dog parks and we do not have any current language in the code regulating dog parks. He said this amendment provides direct language regarding the dog park. He said the dog park should be completely fenced and shall include pet waste stations, trash cans, benches or picnic tables, and a minimum of one of the following: wash station, grooming tables, or agility training equipment. Mr. Beutler stated the last item is for similar amenities that would be approved by the Council. He said it is hard to come up with a complete list of amenities because each development and developer has a different experience, a different product, a different price point, and a different customer base so they are often bringing us things that we have not contemplated or seen before, and the intent is to provide a little flexibility for things that we have not considered. Mr. Beutler stated the planning commission did consider these items both at a work session and then at a regular public hearing and did recommend approval of the changes. He stated that the staff does support the changes. Council President Dingman feels this is a positive change to the Ordinance that lists out our amenities. She said it's important to modernize and update this list of amenities as developments change and housing products change and our communities change, and she feels these potential changes are smart. Councilor Francis appreciates the staff for doing this because it is very responsive to things the Council has said. Councilor Francis emphasized that it is commercial playground equipment and is not something you buy for your backyard. He also noted that he will amend the motion to add the words “such as” instead of “i.e.”, Councilor Burtenshaw stated that she is not a big fan of PUDs but does like that these are the higher development standards because there are some variances allowed in PUDs that make it complicated for the city down the road. She said she appreciates the staff's response on this.

It was moved by Councilor Francis, seconded by Council Burtenshaw. To approve the Ordinance amending amenities in a Planned Unit Development with the amendment of replacing “i.e.”, with “such as” in section 1 (c) (i) 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, Francis, Burtenshaw, Hally, Freeman. Nay- None

3. Announcements

Council President Dingman thanks all the staff members involved in putting together our employee picnic. Tomorrow June 30th there is an Aviation Airport BBQ from 11 am to 1 pm at the Airport. Independence Day holiday and the city will be closed on July 4th to celebrate. All the Council is invited to participate in the parade and we will be collecting items for the Community Food Basket Idaho Falls. Fire Station 7 opens on July 10th and we will be celebrating our expansion of fire services to protect our citizens. July 10th is the next City Council Work Session.

4. Adjournment.

There being no further business, the meeting adjourned at 8:33 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

s/Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

Thursday, January 12, 2023 7:30 PM City Council Chambers

1. **Call to Order**

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor Radford, Councilor Hally, Councilor Freeman, Councilor Francis (Joined Virtually); and Councilor Burtenshaw

Also present:

All available Department Directors
Randy Fife, City Attorney
Corrin Wilde, City Clerk

2. **Pledge of Allegiance**

Mayor Casper led those present in the Pledge of Allegiance.

3. **Special State Agency Project Update: Idaho Transportation Department, I-15/US-20 Connector.**

Karen Hiatt Official of ITD and Ryan Day.
Ryan Day indicated that they have made a recommendation preferred alternative for the I-15/US 20 Corridor in Idaho Falls, choosing Option H. Ryan Day explained that ITD has studied this project for 4 years through a Pell process and now is in the EIS Process. Day stated that they have made an informed decision and can recommend alternative H2. They have Federal Highway, Army Corp of Engineers, and FAA, and they have not made the recommendation and want to move further into the EIS document before making a recommendation. As they move further into the EIS document, if something substantial comes up, they will have to reanalyze and decide if they will go to Option 2 or Option E3. Day stated that he is not going through all the information handed out earlier. Day stated that H2 improves the spacing of the interchange and provides more weaving length. There are 6 interchanges in a 2-mile stretch, and they are so close together and conflict with the entrance and exit of the roadway, and this option spreads the spacing out over a mile for interchanges. E3 also met the condition, but it was minimums and that didn't perform as well. Day stated that when H2 is built out it will leave the opportunity to improve bike and pedestrian facilities on US 20 down the existing corridor because the traffic will be reduced 35-40%. H2 had fewer environmental impacts along the existing corridor and that was a substantial difference between the two alternatives. H2 is easier to construct and phase as it has incremental build-out of the project. E3 has little benefit to the public to be staged. H2 can build a northern bypass and build between Broadway and Grandview and H2 will not be built under traffic and that is a benefit on the construction end. Day stood for questions.
Freeman wants Day to help the public understand H2 and where it is going. Freeman understands it goes through the landfill south of Sage Lakes. Day stated that it is north of the airport that will have a system-to-system interchange that will break to the east along 49th south of Fairway Estates and tie back into US 20 at the St. Leon interchange.
Councilor Hally asked for the estimated total cost. Day indicated between $250 – $300 million, and that is why phasing is important as they might not be able to come up with the funding package all at once, but funding over time in portions.

President Dingman stated in the alternate H2 it has been documented that there has been a suggestion for a split diamond interchange and asked if that would occur between exits 118 and 119, and would that occur regardless of the alternative chosen, or is that only part of alternate H2? Day stated that is part of H2 and they would want to build the northern bypass 1st and then a split diamond between Broadway and Grandview, and it would be a second phase, unless they get a windfall of cash, and they are looking for ways to fund this project.
Councilor Burtenshaw asked if the traffic coming through town now, will have to be worked through with ITD to figure out what that looks like, and how the city takes it over, but there is an estimated 35% reduction of what comes off Grandview now and heads out to the St. Leon interchange. Day stated that the traffic analysis, depending on the season 35-40% of that traffic is regional traffic that is heading from Pocatello to Yellowstone and not stopping, so it will be a big benefit from Grandview where US 20 peels off and onto Science Center Drive and Lewisville Interchange.
Mayor Casper stated that the PEL Study was designed to jump-start, so the EIS takes less time. Day stated that they started with 16 options and started to pair them down to options that are constructible, and as they analyzed the options, they realized some were too far north, and you wouldn't get the benefit of traffic using that route, and they looked at a western bypass and at this time it wasn't a valid option. Mayor Casper stated that as they analyzed them and before they initiated the PEL Study a year or two was put into generating the options and so this has been being looked at for longer than 4 years. Day stated that from at least 2017 forward, the PEL Study was rolled out in December 2020.
Mayor Casper stated that this study at the beginning of the PEL Study had broken records for public attendance at public meetings. Day agreed and stated that they sent out 14,000 flyers in the impact zone to inform people, FaceBook, Newspapers, media, and transportation web page. Day stated that they got more and more people and the meetings got more elaborate with the last meeting having a simulation of what each alternative would look like. During Covid, they had a virtual meeting with 1100 people in attendance and more comments than any other meeting. The 3rd meeting had over 300 people and over 100 comments. Mayor Casper stated that there are some public meetings where you get 3 people and 2 comments, so these numbers are significant.
Mayor Casper asked if there is a website where people can go to get information. Day stated that they can go to I15us20connector.com. This document is not posted, but they will put it on if the mayor wants it. Mayor Casper suggested getting it on the City's website. Mayor Casper stated that it was coming close to areas that are built out for residential purposes, and if someone lives in a residential area, and they want to engage with design is there an additional opportunity? Day stated that they still have a hearing for the late fall this year. Day stated that they are constantly meeting with people in the office to help mitigate concerns, and there are concerns with option H2 because they are close to Fairway Estates, and they are trying to move the alignment away. Day stated that they can mitigate some concerns to make it palatable.

4. Special Presentation: Mayor's Choice Awards.

Mayor Casper will present the State of the City at a different time, and not tonight, but she will continue to present the Mayor's Choice Awards this evening to recognize citizens in Idaho Falls who contribute to the improvement of the quality of life in the city. There are coaches, duck race volunteers, community gardens planting flowers, etc. Mayor Casper stated that this award is taking the large group and finding the best of the best. Mayor Casper presented the awards as follows:
Outstanding Community Spirit Award –Kevin Call. Kevin Call has played an integral part in the Idaho Falls Community. Roy Farr opened a confectionary store in what would become Downtown Idaho Falls. His Son in Law Bill Call stepped up and purchased the business, and his son Kevin Call who is now referred to

as the candy man can be seen handing out goodies, it is his outstanding love and support for the Idaho Falls Community that he is being recognized tonight. Kevin Call is there when the community needs spirit, volunteers, and support he is willing and usually does bring candy. Kevin Call has been the man behind the curtain of the Snake River Duck Race. Kevin Call organizes the car show on Duck Race Day, and it is high class. Mr. Call has raised more than $5.5 million through the duck race to make improvements along Riverwalk. Kevin Call's smile and love for treats can be seen at celebrations, including celebrations for Idaho Falls Bandits. Each year Kevin Call supports the city by driving his fire truck on the 4th of July Parade. Kevin Call is involved in other supporting efforts including the Interfaith Council to help those in need.

Community Builder Award- Donovan Stokes. Donovan Stokes saw a problem in his community and did not let ongoing challenges stop him from fixing it. The YMCA needed a new playground for its youth and children's program. Donovan Stokes knew that 2021 was the time to make it happen. The cost was around $80,000 or more, but then inflation came. Donovan Stokes was not stopped, and he pursued a safe place for Idaho Falls Youth to grow and play, and he raised $140,000 to build the new playground. Donovan Stokes met with anyone that he could share the mission of the YMCA and his aspiration to build that facility. Donovan Stokes built the Christina Anderson Playground. Donovan Stokes is now back at it walking around again to raise money to help the indoor YMCA Sports Complex in Ammon. Donovan Stokes stated that during the process he was walking across the street with his donation box and there was a gentleman that had a backpack and appeared to need help he asked what Donovan Stokes was doing, and they started talking about Christina Anderson who was a supporter that passed from breast cancer. In talking about the playground and the children the gentlemen started crying remembering times when he was young going to the YMCA, and he gave his last dollar in Donovan's hand and Donovan Stokes hugged him and they wished each other well. Donovan Stokes needed that effort to encourage and motivate him to keep going.

Outstanding Philanthropic Contribution Award - Greater Idaho Falls Police Foundation. Mayor Casper stated that during the pandemic many business and community leaders virtually gathered to discuss how to make Eastern Idaho a safer place to work and play based on collective experiences, and with the guidance of Idaho Falls Police Chief Bryce Johnson they saw a meaningful opportunity to provide local law enforcement with an extra measure of support to obtain resources for those who protect our community. Officially organized in 2020 the Greater Idaho Falls Police Foundation worked behind the scenes and donated time and expertise to support the mission of the foundation to build the organization. Several of the founding members of the largest businesses, including Bank of Idaho, Ball Ventures, and Melaleuca, etc. kick started the foundation by making donations and in-kind contributions. In February 2022, the Foundation paid for specialized training on mental health for local law enforcement and spouses, which gave officers, deputies, and troopers a place to gain skills in emotional survival after they experience and witness terrible things as they deal with human trauma each day. This Foundation can promote mental health initiatives and that is significant. In June, they secured a $30,000 grant for the Idaho Falls Police Department K-9 program which helped to stretch the budget to expand the program. The ongoing philanthropic support for Law Enforcement and promoting a safer place to work and play is the reason that the Greater Idaho Falls Police Department is being recognized. Chairman Eric Isom is present with members of his Board.

Eric Isom introduced his Board- Karli McDaniel, Royce Clements, Nathan Christiansen, Janet Allen, and Don Stevens, as well as acknowledged missing members Kayce Jackman and Chris Lee, and Tony Lima who were instrumental in helping. They have raised $175,000 so far, and there will be more coming in the future. The 4 pillars they focus on for support are equipment, training, drug and alcohol addiction recovery services, and community outreach. Isom feels they are just getting started. More to come.

Outstanding Community Education Award –Karen Leibert, Dr. David Adler, Jeff Carr. Mayor Casper stated that on Thursday, February 24, 2022, more than 5,000 miles away Ukraine and Russia War

escalated. As the entire world's attention has been on this conflict, Karen Leibert, Jeff Carr, and Dr. David Adler have combined their expertise to educate the community on what this conflict means to us in this community. David Adler and the Alturas Institute invited Jeff Carr who is a former Russia and Eastern Europe Analyst for the CIA, and Karen Leibert (wife of Councilor Jim Francis) a retired history professor from ISU with an impressive background in Russian history, and they were brought together on 3 occasions in the past year to help inform the community of this conflict. Their insights have given us an immersive look at the conflict. The insights have helped to think about this intelligently, the way they hope the elected officials in Washington, DC, will be thinking about this as they make policy. Mayor Casper has been calmed and opened her eyes and given new things to think about with the education given. The Alturas Institute partnered with the City Club and as such the presentations are all available to listen to on the City Club website (Google City Club of Idaho Falls and look for past presentations). Karen Leibert thanked the Mayor for the award and is hopeful that people will still keep their eyes on Ukraine, and she is hoping for a good outcome for Ukraine.

Outstanding Humanitarian Service- Juan Contreras. Juan Contreras takes care of the Thanksgiving Community Meal at the Idaho Falls Salvation Army. Juan Contreras gives credit to those around him. Contreras has helped to bring people together to cook and feed. Contreras was short on volunteers and was able to reassemble a team. Contreras has connections as a realtor and uses his connections to get dozens of turkeys donated to feed 700 people on Thanksgiving. Contreras has a heart of gold and puts people at ease with preparing a huge meal. Contreras arrives the day before to prepare and stays after the meal to clean and make preparations for next year. Contreras should get the Dad of the Year award as he brings his sons to help with the service.

Juan Contreras stated he is a realtor, and his passion is cooking. Contreras has been volunteering to cook Thanksgiving dinner for 17 years and he wouldn't know what it would be like to watch the football game on Thanksgiving. Contreras enjoys the service and the volunteers come year after year they are amazing people that make up his core team that gives of time and talent. Contreras has his wife and 4 of his 5 boys with him tonight. Contreras likes the idea that when he is old and can no longer cook his boys will take over. Contreras was approached by the Mayor to host the State of the City at Holiday Inn by Teton Toyota, next Wednesday, they are having the State of the City. Gafar.org to sign up. There is a fee for the meal, and it will be an amazing event.

Outstanding Community Enrichment- Judy and Jim Seydel. They are not in attendance tonight. The Japanese Friendship Garden has brought together City workers, volunteers, and the Japanese Sister City Committee who host and plan the events for the Japanese delegation. The City of Tokai- mura, Japan, is Idaho Fall's Sister City, and they have given Idaho Falls gifts over the years. The Japanese Friendship Garden looks at traditional Japanese landscaping. 100s of volunteers have worked to upgrade the Garden. The Garden would not be possible without the Seydels as they gathered with a volunteer group of gardeners to create the friendship garden when a large stone lantern was donated by Tokai-mura, and they began adding traditional Japanese landscaping. They were excited and needed a gardener that was sensitive to the feelings of peace that need to be conveyed in a Japanese Garden. The Seydels volunteered and Judy put in time, money, and her husband to help the Garden stay beautiful. The moon pavilion was a labor of love, and it has an authentic feeling. In 2015, they added an exposed aggregate to replace the clay path. Without Judy and Jim, the Friendship Garden would not be successful.

Outstanding Community Commitment – Chaplains of Idaho. Chaplains of Idaho was founded in 2020 to fill a void at the scene of tragedies in the community. It began as the Law Enforcement Chaplains of Idaho, which is a non-profit that trains volunteers to provide help to area police officers responding to calls and the people affected by the tragedies associated with these calls. The area grows and so does the service, and in October of 2022, they changed to Chaplains of Idaho to reflect their expanded efforts and partnership with other First Responder agencies. Chaplains are often associated with religious

leadership, but their mission is broader than any faith-based effort. Chaplains provide supportive services during the worst moments of people's lives. They help First responders following a challenging call. They are an essential part of the First Responder team. In 2022, they responded to 122 calls of service with 490 hours of service. One of the special events was the Faith in Blue event when they turned the falls in Idaho Falls blue and it was a very moving ceremony.
Kristin Chenchetta felt humbled by the award. She loves First Responders and the community. Chaplain Melissa is with her, and they stand on behalf of all 35 Chaplains who dedicate time to serving the community in times of crisis. No one should carry the weight of the badge alone and they will walk beside them through it all.
Easy Rider Award – Greater Idaho Falls Transit (GIFT) – GIFT is new. In 2019 TRPTA was dissolved leaving the community without a community transit service, but the fixed route was not working and needed to change. President Michelle Ziel-Dingman used her leadership and expertise to bring something new and great to Idaho Falls, and they introduced GIFT to the community. Working with State Transportation Officials, GIFT took advantage of Federal Grant Dollars and introduced a pilot project. They needed Kade Marquez as the GIFT Director. On June 3, 2022, the new point-to-point on-demand ride-share service began. Unlike the previous model, which was a fixed route with set bus stops, GIFT is an on-demand point-to-point and not stop-to-stop. GIFT service has been so successful and by the end of 2022, 44,000 rides had been provided. Through the execution of the GIFT Micro transit model, State Officials are gathering data to gain insight into the effectiveness of the urban micro transit for expansion to other cities in Idaho. GIFT Provides a modern and clean service that is a true example of vision and innovation. Kade Marquez appreciates the award. Kade Marquez thanked the people that shared their stories with the drivers and the drivers giving good service. Kade Marquez stated that if you are unable or uncomfortable using the app, they have a phone center, and you can call during all hours of operations. Kade Marquez encouraged all to try it and let them know what they think. Rides are $3 for a ride anywhere in Idaho Falls. President Dingman gave Kade Marquez credit for where they have come. Dingman stated that Kade was the special person that entered their lives and made it happen. Councilor Dingman thanked the Mayor and Council for their continued support of public transit. Dingman relayed a story of a new hire that takes GIFT to work each day, and how GIFT has allowed this person to become employed.

Mayor Casper stated that they needed to change the agenda as something was listed within a department that it didn't belong to.

It was moved by Councilor Freeman, seconded by Councilor Radford to amend the agenda to move item 7A1 on the regular agenda from Municipal Services to Idaho Falls Power, and that Idaho Falls Power is changed to 7B and Public Works as 7B will be moved to 7A and everything subsequently behind that will be numbered appropriately. The motion was carried by the following vote: Aye – Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay –None

5. Public Comment

No one appeared to speak.

6. Consent Agenda

A. Idaho Falls Power

1) Idaho Falls Power Board Meeting Minutes as listed on the agenda

B. Public Works

1) Bid Award - Mill Run Storm Drain Improvements
2) Resolution Allowing Grant Application to Replace the 65th North Bridge over the Idaho Canal

C. Municipal Services

1) Bid Award IF-23-E, Purchase Dump Truck for Public Works
2) Bid Award IF-23-06, Purchase of Main Line Materials for Public Works
3) Sell Used Snow Loader to the City of Shelley

D. Office of the City Clerk

1) 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 Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay –None

7. Regular Agenda

A. Public Works

1) Professional Services Agreement with Forsgren Associates, Inc., supporting the Meppen Canal Trail, Idaho Canal to 25th East Project.

Director Chris Fredericksen appeared and presented a Professional Service Agreement. The agreement is to establish a contract to provide engineering design construction assistance for 2 bridges needed to support the new pathway. Federal funding of $1 million is available. This agreement would do all the subsurface evaluation for the 2 pedestrian bridges with an anticipated cost of $106,900.00 that will be primarily federally funded with a city match at a regional rate of 7.34%. Frederickson showed the location of the bridges extending from the end of the Idaho Canal trail at Lovejoy Street along Northwest Bonneville Drive, and one initial bridge will tie that trail system across the Idaho Canal to where it will proceed along the Meppen Canal. Another bridge will be needed at the intersection of Caribou Street Right of Way. When the trail system is complete that will link the existing pathway to Hitt Road and will give access to CEI (College of Eastern Idaho).
Councilor Freeman asked if the bridges are like the ones on 14th Street. Director Frederickson agreed that they will be. Councilor Hally feels this is wonderful and will increase connectivity within the city they like to apply for grants whenever possible, and they like 93% participation.

It was moved by Councilor Hally, seconded by Council Radford to approve the Professional Services Agreement with Forsgren Associates, Inc., and authorize the Mayor and City Clerk to execute the document. The motion carried with the following vote: Aye-Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay- None

B. Idaho Falls Power

1) IFP 23-04 Upper Plant Runner Hub Rebuild.

Director Prairie stated this is similar to the project they did last year for the lower plant, as the plants need maintenance from time to time. Director Prairie stated that they need to pull the Hub of the

generator out of the actual turbine, do a major refurbishment, and replace all the bearings. Director Prairie stated it is expensive to do, but much needed to keep turbines running in good shape.

Freeman asked when they would do the build. Director Prairie stated that they will do the notice to Proceed in Mid-February to get the unit back by Summer. Director Prairie wrote clauses into the contract to impose penalties if they miss the deadline in July; as well as some performance payments if it is brought back early. There was a carryover on the Notice to Proceed from last year's project with the lower plant, and that has been corrected and when it goes out it will be based upon this year's date February 1.

It was moved by Councilor Radford, seconded by Council Freeman to approve this agreement with Thompson-HCMS of Hayden, Idaho, for Upper Plant's runner hub rebuild at a not-to-exceed amount of $916,990.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay- None

2) IFP 21-38 Fiber Optic Cable Installation Services with Wheeler Electric, Inc.

Director Bear Prairie presented that Idaho Falls Power put out to Bid to do the in-home installation for the Idaho Falls Fiber Network. Wheeler was the only bidder each time they sent out bids. Wheeler and the city have a great working relationship. Wheeler interacts with customers in homes doing fiber installation. Idaho Falls Power wants a positive interaction and they have been happy with Wheeler with positive feedback from customer interaction. They want to continue to use Wheeler again this year, and Wheeler has agreed to maintain pricing. Councilor Radford asked for a status update. Director Prairie stated they have requested authorization for $ 1 million and don't anticipate spending that much through September, and the plan is they would rebid in September. Director Prairie stated that if they go greater than the plans, they need the spending authority to keep installs going without asking for additional funding. Director Prairie stated that their projections are $500,000 - $700,000. They want people to take advantage of the Fiber Optic Network in Idaho Falls. Councilor Radford asked when they will be done. Director Prairie stated this is the 4th year of the 4 years build-out, and they will have some cleanup work to do in the 5th year, but they will have about 98% access to the community at the end of this year to join the fiber optic network. Councilor Freeman had Wheeler in his home, and they were professional, and it was done quickly.

It was moved by Councilor Freeman, seconded by Council Radford to approve Idaho Falls Fiber (IFF) requests for an additional $1,000,000 spending authority under the original Wheeler Electric, Inc. contract that was approved September 23, 2021, for a contract total of $2,056,000 including previously approved spending. The motion carried with the following vote: Aye-Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay- None

3) IFP 21-34 Conduit Fiber Agreement with B. Jackson Construction

Director Bear Prairie presented that this Agreement is with B. Jackson Construction for backbone fiber install to run fiber optic cables in front of homes and subdivisions. Director Prairie stated they bid this out 1 year ago to do a 3-year contract and B. Jackson was the lowest bidder they still hold the per unit price and the City has had good work from B. Jackson, including repairing and replacing front yards after installation.

It was moved by Councilor Radford, seconded by Council Freeman to approve Idaho Falls Fiber's (IFF) requests the FY2023 budgeted spending authority of $3,773,555.64 be authorized as previously awarded under the multi-year B. Jackson Construction contract approved August 26, 2021. The motion carried with the following vote: Aye-Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay- None

C. Community Development Services

1) Final Plat and Reasoned Statement of Relevant Criteria and Standards, AmeriGas Propane Division No.

Councilor Burtenshaw stated that there isn't a Development Agreement because this location already has a curb and gutter, and the street is widened.

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

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Southpoint Subdivision, Division No. 12.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Development Agreement for the Final Plat for Southpoint Subdivision, Division No. 12, and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried with the following vote: Aye-Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay- None

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to accept the Final Plat for Southpoint Subdivision, Division No. 12, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried with the following vote: Aye-Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay- None

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to amend the Reasoned Statement of Relevant Criteria and Standards to read 30 lots with 28 buildable (section 1 number 3). The motion carried with the following vote: Aye-Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. 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 Southpoint Subdivision, Division No. 12, and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay- None

3) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Roderick Business Park

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Development Agreement for the Final Plat for Roderick Business Park and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried with 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 Roderick Business Park, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried with 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 Roderick Business Park and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay- None

4) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 79.716 acres of the South ½ of the NW ¼ of Section 32 and the South ½ of the NE ¼ of Section 31, Township 3 North, Range 38 East.

5) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3, Multiple Dwelling Residential, with Approach Surface Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 79.716 acres of the South ½ of the NW ¼ of Section 32 and the South ½ of the NE ¼ of Section 31, Township 3 North, Range 38 East.

Mayor Casper opened the public hearing.

Applicant: Luke Bloxham, representing Holding Entity, 1086 Jaylee Drive, Rigby. Bloxham is looking for annexation and initial zoning of R3 for 79 acres east of Sage Lakes Golf Course.

Interim Director Kerry Beutler appeared and presented the following:

Slide 1 – Property outlined showing adjacent to N. 5th East, east of Fairway Estates. The property is contiguous to the City on the north and west across 5th East. This property is a category A annexation that has been requested by the property owner. The property is outside of the Area of Impact. There are utilities in 5th East that can be extended to serve this property.

Slide 2- Comprehensive Plan shows this area as General Urban and Mixed-Use Center and Corridor. This area is intended for a mix of housing types and uses and the requested R3 designation is consistent with the Comprehensive Plan. Director Beutler showed recent annexations to the north and west of this property and those properties have been annexed with an initial zoning of R3, making the R3 designation for the subject property consistent with the existing land designation in the area.

Slide 3- Airport Overlay Map. This property includes the Airport Overlay. The northwest corner of the property is in the Approach Surface Designation, and this is the least restrictive of the overlays with the airport and there is no limitation on residential development. The R3 designation is consistent and will function and be compatible with the Airport Overlay Designation.

Slide 4 – Aerial showing agriculture uses. This area is transitioning and some existing subdivisions have been developed with the city to the north including Fairway Estates; and County subdivisions to the north that are 1–2-acre lot County subdivisions.

Slide 5 – View of property looking east from N 5th West.

The Planning Commission recommended approval of annexation with initial zoning of R3 and Airport Overlay, and staff concurs and supports approval of the annexation.

Mayor Casper opened the hearing for public comment.

Jennifer Clark lives on the opposite side of the road and asked how this is going to affect her way of living. Mayor Casper stated that they are here to listen and not have a conversation and staff can help offline and after the meeting, but this is not Q&A.

Mayor Casper closed the hearing. Councilor Burtenshaw had nothing extra to add.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Ordinance annexing 79.716 acres of the South ½ of the NW ¼ of Section 32 and the South ½ of the NE ¼ of Section 31, Township 3 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 with 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. 3497
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 79.716 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 79.716 acres of the South ½ of the NW ¼ of Section 32 and the South ½ of the NE ¼ of Section 31, Township 3 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay- None

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to Assign a Comprehensive Plan Designations of “Mixed Use Centers and Corridors” and “General Urban” and approve the Ordinance establishing the initial zoning for R3, Multiple Dwelling Residential with Approach Surface Airport Overlay Zone 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 with the following vote: Aye-Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay- None

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

ORDINANCE NO. 3498
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 79.716 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3, MULTIPLE DWELLING RESIDENTIAL AND APPROACH SURFACE AIRPORT OVERLAY ZONES; 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 Initial Zoning of R3, Multiple Dwelling Residential with Approach Surface Airport Overlay Zone, and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Hally, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay- None

6) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 95.362 acres of the NE ¼ of Section 5 and a portion of Section 4, Township 1 North, Range 38 East and a portion of Section 32 and 33, Township 2 North, Range 38 East

7) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of LC Limited Commercial, R3A Residential Mixed Use, R3 Multiple Dwelling Residential, and R2 Mixed Residential Zones-Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 95.362 acres of the NE ¼ of Section 5, and a portion of Section 4, Township 1 North, Range 38 East and a portion of Section 32 and 33, Township 2 North, Range 38 East

Mayor Casper opened the public hearing on annexation and initial zoning for 95.362 acres.

Applicant: Brad Pickett, 5286 Trayden Drive, Idaho Falls. Pickett represents the development company. Pickett is requesting an annexation and initial zoning on this property including LC, R3, R3A, and R2 zoning.

Councilor Freeman asked about when Pickett went before the Planning and Zoning and the Commission had recommendations, and what changes were made. Pickett stated that they went to a split down the middle with LC going along 15th and R3 on the west side to make it simple to develop. There were concerns raised at the meeting with P&Z and P&Z wanted an R2 buffer along the west property and less LC. Pickett came back with adjustments to limit the LC and made adjustments on the R3 and added the R2.

Interim Community Development Director Kerry Beutler appeared and presented as follows:

Slide 1 – Aerial showing property is contiguous to the City to the east and this annexation includes right of way for 49th South and 15th East.

Slide 2 – Plat map, shows LC (Red) R3A (light blue), R2, and R3 (brown).

Slide 3- The initial proposal showing LC and R3. During the P&Z hearing there was discussion regarding a zone change and one of the residents provided a description as a recommendation, which the Planning Commission considered as noted in the meeting minutes.

Slide 4- a recommendation from the resident and the request was considered as noted in the meeting minutes.

Slide 5 – shows the Planning Commission recommendation. The recommendation didn't have specific acreage or boundary descriptions, and they did not recommend R1, but rather R2 as a buffer along the west side. There was concern among the Commissioners to have a transition from the new property and the existing development in the County.

Slide 6 – Exhibit submitted by a resident showing his proposal with R1, R2, LC, and R3.

Slide 7 – This is the requested zoning map. All the proposals and recommendations shown in the previous slides would fit with the Comprehensive Plan except for the R1 designation.

Slide 8 – Comprehensive Plan showing General Urban and Mixed-Use Centers and Corridors.

Slide 9 – Broader picture of Comprehensive Plan. The city is trying to provide the suburban zone in yellow that provides for traditional housing, single-unit development, and larger lots. The yellow designation exists where there were existing subdivisions and areas that could be developed are General Urban and that designation was deliberate.

Slide 10 – Definition of General Urban and Mixed-use Centers and Corridors. General Urban is to diversify the housing stock and allow for different housing choices including small single units, duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts, townhomes, etc. Mixed Use Corridor is intended to provide daily services for households in immediate proximity to their residence. To manage growth, you have to bring services closer to residences.

Slide 11 – Comprehensive Plan Map provides information.

Slide 12- Imagine IF Transects Model – The intent is as you move across the transect the services and the intensity of uses get more intense and higher as they move across the spectrum. When you are in an urban area, you need to consider it with an urban view.

Slide 13- Comprehensive Plan – Rural use is in the area and has been in the area, but this area has been identified to be used by the city and provides services and housing diversity for this area of town. The city is divided into areas, and this is Area 5. Area 5 did struggle with where in their neighborhoods they could find diversity in housing because the neighborhoods are built and it's hard to envision the neighborhood differently. Area 5 residents recognized the need for housing diversity and to provide housing choices but didn't know where it should be located. Places on the map that it would be appropriate to locate housing diversity would be in this general area with the cross points 49th South which is an arterial, and 15th E which is an arterial. The intersection of two arterials will be built out and widened to deal with traffic and the need associated therewith. This is on the edge of neighborhoods, and this is a good place to introduce housing choice and housing diversity, and the way to introduce that choice is to include the different zoning designations.

R1 would not be consistent with the Comprehensive Plan because it only allows for single-unit dwellings. R2 and R3 and R3A and LC would be consistent with the Comprehensive Plan. R2 and R3 do not allow services, but only residential uses. To provide daily services you need R3A, and LC incorporated.

Slide 14- shows other areas in town that have similar layouts and development occurring. 65th South and 5th West. The intersection of 2 arterial roads with 31 acres of LC and 13 acres of R3 behind and transition into R1 and RP zones to the north.

Slide 15 – Broadway and Skyline. 2 arterial roads intersection, with a mix of a lot of different zones with HC and LC for commercial (30 acres), 9.5 acres of R3, 5 acres of R3A, 8 acres of R2. This is a similar mix of what is being proposed.

Slide 16 – Woodruff and 1st Street – near Old Smith's Grocery. This area is an intersection of 2 arterials with 20 acres of LC, 15 acres of R3A. If you add the other properties to the north, including WinCo, there is an additional 30 acres of commercial. This scenario shows the local daily services, as well as regional centers. This is a similar concept to the proposed zoning designation.

Along arterial streets, the Access Management Plan requires specific spacing between access points (660') and when they lay out zoning designations they need to match up with future road and street networks, and that is what is being shown with the proposed zoning layout.

Slide 17 – aerial showing large county lots to the west with urban development to the east. 49th South is designated as a pedestrian priority with pedestrian connections to achieve walkability and connectivity. 15th East is designated as a truck priority. This area is key for developing the future walkable center.

Slide 18 – Street classification.

Slide 19 – Close up aerial showing the property has been agricultural.

Slide 20 – shows pictures or area

Slide 21- shows pictures of the area.

Councilor Burtenshaw stated and asked for confirmation that as you are coming off 15th on to 49th there can be one access into LC and one access that can split between R3A and R2. Director Beutler stated that it is approximate, and the drawing is scaled. Councilor Burtenshaw stated that P&Z liked what Dr. Traynor presented. Councilor Burtenshaw asked for R3A and LC designation differences. Councilor Burtenshaw asked if the proposal fits the spirit of what P&Z recommended. Director Beutler stated that R3A is a mixed-use zone that allows for residential (single unit to multi-unit) as well as office space, professional services, some retail, and a food store like a grocer, but not traditional commercial uses.

Councilor Francis asked Beutler to confirm that they annex the entire street along the development, and so both roads would be annexed. How is that different than the past policy, considering impact fees?

Director Beutler stated that the City's policy used to be that they would not annex the right of way until there was City property on both sides. But recently that was modified so that as they annex property, they will annex the full right of way for arterial streets and the impact fees are collected for transportation that would go to construct the streets to City Standards. So, there would be a widening,

curb gutter and sidewalk. There have been traffic studies done for the area, and 49th and 15th and there will be a future lighted intersection and as this develops, they will do analysis to know what the right street section and development will look like. Councilor Francis stated that the work on the arterials will add to the walkability in this area. Director Beutler stated that 49th is a pedestrian shared-use priority and it would look similar to Sunnyside with a pathway on one side of the road.

Mayor Casper stated that prior to the impact fees, they would only take and annex the property until there was land on both sides and then they would wait for development to give a development agreement that would help to build out the road. Director Beutler agreed that prior to impact fees, it was the developer's responsibility to develop the road, and the city would participate, but now with impact fees the City will develop the arterials. Mayor Casper asked if that is a significant policy change that will result in fairly significant improvement in infrastructure sooner. Director Beutler stated it will still occur as development occurs.

Councilor Hally stated that there have already been major improvements to the 15th East and 49th South with 4-way stops and both are 40 mph not 50 mph.

Mayor Casper opened for public testimony.

Matt Traynor 5203 S 11th East, Idaho Falls, Idaho. Traynor sent a packet of 30 slides- and is asking for slide 363 and wanted to focus on 5 areas of concern on the zoning request as it is not consistent with the Imagine IF Comprehensive Plant. The requested zoning changes would create a much larger area of commercial zoning, and high-density residential than suggested by the Comprehensive Plan. Traynor had a craft he created to show the area as it is currently with 49th South and 15th East and development in the northeast corner, and the subject area. Traynor stated that the original proposal had more commercial and R3, and Traynor is proposing that it be reduced and have a transition from the surrounding area, and there be less commercial on 49th South. The current proposal has a narrow strip of R2 (smaller than suggested by P&Z) and an addition of R3A that can include commercial. Traynor suggested that the amount of commercial capability between LC and R3A, the original proposal had approximately 61% commercial capability and the current proposal is 60%, so it is not much difference overall in terms of the commercial capability between proposal 1 and the current proposal. Traynor showed the Comprehensive Plan has a smaller area suggested for the future walkable center than what is being proposed by the developer, and Traynor is asking for it to be constrained to what is suggested in the Comprehensive Plan. Traynor stated that it will create a radical change in the surrounding area, and no neighborhood should experience a radical change. 49th South would be strained with the requested changes as 49th South is a pedestrian bike minor arterial with 3 lanes and 15th East is Truck/ auto with 5 lanes. Traynor wants the commercial moved toward 15th and a limited amount of commercial on 49th. The requested zoning changes are overly aggressive at diversifying the housing stock in Area 5 and do not correlate with the feedback from Area 5 residents and actions on Imagine IF. The actions listed in Imagine IF talk about increasing the housing stock with duplex, townhomes, and accessory dwellings, and doesn't discuss high-density residential like apartments. The requested zoning changes do not reflect the recommendations from the P&Z Commission. Traynor had shown a compromise with the western half consisting of 45 acres designated R1 and R2 to allow a transition between farming and RE, and limit LC to 15th East and northeast corner consistent with the Comprehensive Plan. The amount of commercial and high-density residential being requested is 2-3 x the amount on the northeast corner. The apartment complexes being built are a significant change from the surrounding area, and this proposal is 2-3 x that change. P&Z considered the western half of R2, however, Traynor still wants R1

and R2 as a transition and limit commercial to 15th consistent with the walkable center and Comprehensive Plan.
Robert Collett. Collette has lived on his street for 25 years. Collette knew all along that there would be some change, and they are fine with that. Collette stated that Matt Traynor's initial proposal to Planning and Zoning was a "request to be reasonable." Collette joked that they live there because they cannot get along with neighbors, and they will drive people crazy if they have neighbors right up on their back. Planning and Zoning recommended to the City Council and what was brought back by the developer tonight does not represent what the Planning and Zoning Commission recommended. Collette is hoping that you give the staff and Pickett another shot to do this closer to what P&Z has proposed. The transition is a narrow strip with maybe one duplex along the County properties. There is plenty of land to do more transition. Collette does appreciate the 4 way stop.
James Cannard. Cannard agrees with Matt Traynor and is more concerned than what has been expressed regarding how dramatically this development will change the area. All the slides show comparisons in the city, show existing situations with single-family housing, and then duplexes and gradual changes. Cannard strongly recommends looking at examples because 7 families are living on 80 acres. Cannard stated that this area is a valuable resource to the city and the people in this community. 11th East is used by 100's people who bring families to take photos for weddings, special occasions, etc. It is not right to jam hundreds of people up against the property. Cannard feels it would be a safety issue. The zoning with R2 can have triplexes and 4 plexes along the strip overlooking the County properties. High-density housing right next to agricultural and park-like facilities is not right.
Mike Dennier, 5428 South 11th East, Idaho Falls, Idaho. Dennier is a longtime resident. Dennier stated that the presumption that was given by Staff that local residents desire a lot of commercial development, and access to groceries and want walkable services is not valid and they do not want that. Dennier stated that the latest plan shows a narrow strip of R Something on the western border and that is a token strip and a small concession to the desires of the community. Dennier is wondering why the more recent plans do deviate from the plan that Idaho Falls Planning Commission has set out.
Richard Bentley 5529 S 11th East, Idaho Falls, Idaho. Bentley stated there is good access with a gas station within a mile. There is a grocery store within 2 miles and in the City's plan to have the corner develop, that is not unreasonable, but there is no need for a larger commercial zone in the area. There are offices within a mile of the neighborhood. Bentley feels the strip along the property is a token measure. Bentley asked for the transition to be wider.
Councilor Francis asked Pickett how he feels he responded to Planning and Zoning with the new design that has been presented.
Applicant: Pickett stated that the City of Idaho Falls has invested money in the last 4-5 years in growth and development and, how development happens and, how to move the city forward. Pickett stated that the MMHR (Missing Middle Housing Report) was done in September 2020, which was referred to by Beutler; the survey and the Imagine IF Report were done in February and April of 2021 along with the City-Wide Survey done in 2021. Pickett stated that as a public hearing, everyone has a right to speak, but this is the City of Idaho Falls City Council Meeting. Pickett stated it is a delicate situation when the City and County come together. Whenever there is the annexation of County and City issues there are questions. Pickett handed out the three reports that he will be referring to. Pickett stated that a Comprehensive Plan is planned for 8-20 years, and County and City do their best to blend for future growth. Idaho Falls is growing rapidly, and the city is doing the best they can with what they have in front of them. Pickett stated that the MMH Barriers to Missing Middle Housing was done in September 2022. The map refers to the subject area as Area 5. Pickett stated that the next page of the MMH report (page 7) talks about what the study is about. Pickett read from the study on page 7: "Increasing millennials and baby boomers are looking for more housing choices including … within walking distance… mixed-use neighborhoods… looking to downsize while staying in the same neighborhood".

Pickett moved to Page 9 to talk about why Missing Middle Housing is important in future communities. Pickett read "By 2025 85% of households will not have children, but we are building as if they will… millennials do not want or need large yard or house to maintain." Pickett moved to Page 13 of the MMH Report where it talks about walkability centers. This corner of the subject property was designated as a walkability intersection in the City of Idaho Falls. Pickett read Page 12 defining walkability centers. Pickett moved to walkable context on page 12 and read "A critical characteristic of the MMH types is they are most effective when located within an existing or newly created walkable context …less space, and less yard to maintain in proximity to services…". Pickett moved to Page 35 of the MMH report where it talks about walkable centers needing to be ¼ to ½ mile. Pickett understands that to the neighbors the 95 acres is a huge piece as it is right in their face, but when you take a broad picture from a City of Idaho Falls view the entire 95 acres is a small piece of the property in Idaho Falls consisting of less than .5% of the property in the City of Idaho Falls. It is important to get the zoning right otherwise what you have on corners with just a little commercial you have a gas station and car wash. Pickett referred to the map showing Park and 65th. Pickett stated that when a person goes to develop an area it has to be laid in a certain way. Pickett stated that one of the reasons they designed his property is due to entrance spacing. Pickett showed in his proposal that this area is designated as a walkable center. Pickett showed where access points could be on the property. Pickett stated that to have a neighborhood market it has to be at least 800' deep for commercial usage and anchor the area. Pickett chose R3A for that area because they have commercial, they have rooftops and the services that need to be addressed are office buildings that cannot be used in R3. Pickett used R3A as a bookend to fill the need for professional businesses or housing depending on what the market demands. Pickett is proposing a road between the R2 and LC which will act as an additional buffer. From the LC to the R2 it is 660' to the next entrance. R3A against 15th E is in case there is a need or demand for businesses. The city needs and wants a walkable center and R3 would not create that walkable center. If you reduce the LC, you will get a gas station and car wash, not something that is a designated walkable center where people can walk to work, grocery, etc. Pickett is trying to blend the housing with professional office with commercial and the commercial has to be that deep to get any sort of substantial commercial for the area. Pickett stated that the studies the city has done show what the city wants with a diversity of housing. Pickett stated that Area 5 in the City-Wide Survey stated that "Diversifying housing options is identified as a need and a tool to increase availability and affordability of housing." The action recommended is "to modify zoning to allow housing options including duplex, townhome, twin home … around major intersections and near major roads." "Area 5 showed high support for focusing on walkable centers where communities do things together …. Well connected to residential areas, provide amenities such as shopping, services, transit, food, and employment … areas identified for walkable center potential are listed below." 49th and 15th were listed as walkable areas. Pickett stated that it was found in the studies that Idaho Falls performed that there was a desire for a walkable center.

Pickett stated that it is a matter of opinion. Pickett knows it is hard between County and City. Pickett stated that as landowners and neighbors, there are choices in life, including buying the property controlling it, and doing nothing. If you don't like what is going on around you, you can take it in and absorb it or move. This is a growing side of town, and it would be a disservice if this request was not approved.

Mayor Casper closed the public hearing.

Councilor Burtenshaw was leaning toward the recommendation of P&Z feeling like they need a larger buffer, but she appreciates the experience in the room considering what Mr. Pickett has informed the Council of, as she did not understand what kind of land was required for a walkable center. Burtenshaw knows the city is growing and she wishes there was a bigger buffer with another section of R2.

Councilor Freeman stated that it was testified that it is only a mile to the store from this intersection, but 20 years from now this intersection will be the store that is a mile away from 65th South when it gets

developed. It would be naïve to deny the fact the city will go that far. Landowners have rights and who is developing should develop as they wish if it doesn't cause undue stress to those around them. The developer has made concessions already, and Freeman tends to support the zoning as proposed.
Councilor Francis thinks the developer's explanation is important. The concept of walkable is bigger than the circle on the Comprehensive Map, and the need for access on roads and the limitations there, make sense as explained the way it is laid out. Councilor Francis stated that the Area 5 survey and the responses stated the residents like the quiet area but noted a lack of easy access to daily goods and services, which is what can be developed here. The residents in Area 5 "noted the need for more commercial and recreation services and wanted actual destinations to go to". Councilor Francis added that the R2 strip is 11 acres and earlier tonight the Council approved 30 lots on 12 acres, so there is a possibility to develop a lot of lots along that acreage. There is complexity and Traynor has nailed it. Traynor's statement to Planning and Zoning has influenced what is being proposed tonight. Councilor Francis noted there is a need and desire for destinations. Councilor Francis is open to ideas but is leaning towards approval.
Councilor Burtenshaw added that growth has come to this area, and the 4-way intersection is a top priority for living in this area. Burtenshaw stated that this has already been warranted for a signal, and the growth is there, and the city is applying for a grant this month to signal this intersection. Burtenshaw feels the extra buffer would be important.
Mayor Casper stated that there is a consideration that has to be given to who owns the property. The hearings are because the government has to be careful about limitations on the right of ownership, and it is a balance between the right of the person who owns versus everybody else's right. Mayor Casper urged the Council to have long-term thinking.
President Dingman stated that she is still struggling with reconciling that what the P&Z Commission recommended is not what is being proposed. President Dingman is trying to figure out how that plays into the decision. President Dingman asked if what is being asked is deviating too far from what they can and cannot approve.
Mayor Casper stated that P&Z is a recommendation. Randy Fife agreed that there is a recommendation from P&Z, and they are a body with knowledge and experience, but there is no need to be bound by the recommendation from P&Z. President Dingman stated that the entire record has testimony from P&Z, and feels the buffer is an interesting choice.
Councilor Burtenshaw was going to move to divide the R3 again one more time in half and designate it as an R2 to see if it sticks to give an extra buffer. Burtenshaw acknowledged R1 is not needed, but more R2 is needed for a buffer. The roads can be wherever roads need to be to make the access work. Councilor Burtenshaw can accept the R3A on 49th Street as a compromise although she doesn't love it. Mayor Casper asked if that is a motion she wants to make. Councilor Burtenshaw stated if that can be captured as a motion, that would be her recommendation to take the R3 as presented and cut it in half vertically and keep the east side R3 and the west side R2 to allow more transition. Councilor Burtenshaw stated that buffer is the wrong term and transition is a better word.
Mayor Casper stated that the motion would come later because the property hasn't been annexed yet.

It was moved by Councilor Burtenshaw, seconded by Councilor Francis to approve the Ordinance annexing 95.362 acres of the NE ¼ of Section 5, and a portion of Section 4, Township 1 North, Range 38 East, and a portion of Section 32 and 33, 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 with the follow vote: Aye-Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay- None

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

ORDINANCE NO. 3499
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 95.362 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 95.362 acres of the NE ¼ of Section 5, and a portion of Section 4, Township 1 North, Range 38 East and a portion of Section 32 and 33, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay- None

Councilor Francis is ready to make a motion as proposed as he is not comfortable telling a developer he has to make a change, and he feels the developer has heard the thoughts of the Council and that is something that can be worked out as plats are worked out.

It was moved by Councilor Francis, seconded by Councilor Freeman Assign Comprehensive Plan Designations of "Mixed Use Centers and Corridors" and "General Urban" and approve the Ordinance establishing the initial zoning for LC Limited Commercial, R3A Residential Mixed Use, R3 Multiple Dwelling Residential, and R2 Mixed Residential 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 with the following vote: Aye-Councilors Hally, Radford, Freeman, Francis. Nay- Burtenshaw, Dingman.

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

ORDINANCE NO.3500
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 95.362 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC, R3A, R3 and R2 ZONES; 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 initial zoning of LC Limited Commercial, R3A Residential Mixed Use, R3 Multiple Dwelling Residential, and R2 Mixed Residential Zones and give authorization for the Mayor to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay- None

E. Executive Session

It was then moved by Councilor Burtenshaw, seconded by Councilor Freeman, to move into Executive Session (at 10:54 p.m.). The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session, the Council will reconvene into regular Council Meeting. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

The City Council of the City of Idaho Falls met in Executive Session, Thursday, January 12, 2023, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 11:00 p.m.
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Lisa Burtenshaw
Councilor Jim Francis (Virtually)

Also present:
Randy Fife, City Attorney
Mark Hagedorn, Controller (Joined at 11:07)
Bruce Young, Assistant Director Finance and Administration (Joined at 11:07)

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session concluded at 11:26 p.m. Mayor Casper called the Council back to order. The Council then reconvened into regular Council Meeting.

F. City Attorney.

1) Resolution to Approve a Direct Loan to Idaho Falls Regional Airport.

It was moved by Councilor President Dingman, seconded by Councilor Freeman approve the resolution to provide a direct loan to the Idaho Falls Regional Airport for the purpose of land acquisition and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried with the following vote: Aye-Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay-None

8. Announcements
Mayor Casper announced that Monday is Martin Luther King Day, and the city will be closed.
Wednesday is the State of the City address.
Thursday the African American Alliance is hosting its 16th Annual Martin Luther King Junior banquet.
Friday is the Association of Idaho Cities Board Meeting, and the Mayor welcomed the Councilor's attendance.
Monday 23rd is a work session.

Tuesday 24th is an airport meeting.
AIC during the week.
Councilor Hally indicated that the Idaho Falls Redevelopment meeting is Thursday.
Mayor Casper BMPO is Wednesday
Councilor Freeman stated 175 acres of growth tonight.

9. Adjourned

There being no further business, the meeting adjourned at 12:00 a.m. Midnight.

s/ Corrin Wilde
Corrin Wilde, City Clerk

s/Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

Memorandum

File #: 23-214 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Tuesday, July 18, 2023
DEPARTMENT: Community Development Services

Subject
Business Improvement District Management Agreement between the City of Idaho Falls and the Downtown Development Corporation.

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

Approve the Business Improvement District Management Agreement between Idaho Falls Downtown Development Corporation and the City of Idaho Falls (or take other action as deemed appropriate).

Description, Background Information & Purpose
The management agreement is between the City of Idaho Falls and the Idaho Falls Downtown Development Corporation (IFDDC) and it must be renewed each year. It authorizes the Business Improvement District (BID) for the downtown area to collect district assessments, and spells out other management requirements. The agreement establishes what funds IFDDC will receive in support of achieving identified IFDDC goals and objectives. The agreement also requires IFDDC to hold an annual meeting with BID members and report to the City Council.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Interdepartmental Coordination
This agreement was reviewed by staff from the Planning Division and the City Attorney's Office.

Fiscal Impact
NA

Legal Review

This agreement has been reviewed by the City Attorney's Office and is compliant pursuant to applicable law.

MANAGEMENT AGREEMENT

THIS AGREEMENT, entered into by and between the CITY OF IDAHO FALLS, State of Idaho, a municipal corporation, hereinafter referred to as the "City," P. O. Box 50020, Idaho Falls, Idaho 83405, and the IDAHO FALLS DOWNTOWN DEVELOPMENT CORPORATION, an Idaho non-profit corporation, 425 N Capital Ave, Idaho Falls, Idaho, 83402, hereinafter referred to as the "Corporation."

WITNESSETH:

WHEREAS, the City, pursuant to Ordinance No. 3125 (the "Ordinance"), as authorized by Idaho Code Section 50-2601, *et seq.,* did establish a Business Improvement District, hereinafter referred to as the "DISTRICT," and

WHEREAS, the Corporation was organized and established for the purpose of revitalizing the Idaho Falls Downtown area and operates primarily within the boundaries of the District as established by the Ordinance, and

WHEREAS, the Corporation is willing to and is capable of providing certain administration and management services to the City regarding operation of the District;

NOW, THEREFORE, for good and valuable consideration set forth herein, the parties agree as follows:

1. Pursuant to Idaho Code Section 50-2611, the City hereby retains the Corporation to provide certain management services as set forth in Exhibit A attached hereto, regarding the management and operation of the District. The Corporation warrants it has adopted By-Laws necessary to fulfill the terms of this Agreement and further covenants such administration complies with all applicable provisions of state and local law including, but not limited to, Chapter 26, Title

50, of the Idaho Code.

2. The principal office of the Corporation and registered agent thereof is presently located at 425 N Capital Ave, Idaho Falls, Idaho 83402, and all notices required by this Agreement to be sent to the Corporation shall be mailed to such office or such other address designated in writing by the Corporation to the City.

3. On or before May 1, 2024, the Corporation shall hold a public meeting for the purpose of allowing public comments and input regarding proposed projects, goals, objectives and expenditures of the District for the 2023/2024 fiscal year. Such meeting shall be open to all persons against whom assessments are levied under the Ordinance and all persons who own or operate businesses within the District. The Corporation shall mail a written notice of the meeting stating the date, time, place and purpose of the meeting to all such businesses not less than fifteen (15) days prior to the date of the meeting.

4. On or before June 1, 2024, the Corporation shall provide to the City a projection of anticipated revenues and recommended expenditures of the District for the 2023/2024 fiscal year of the City. The Corporation shall also establish and identify goals, objectives, projects and marketing and advertising campaigns for which BID revenues are to be utilized and shall simultaneously submit such information to the City. The City Council shall thereafter review such reports and recommendations and provide any comments or exceptions to the Corporation.

5. Upon receipt by the City of any appeal of any BID member of his or her assessment pursuant to Section 30 of the Ordinance, the City may forward the same to the Corporation. Upon receipt of such appeal, the Corporation shall forthwith review the appeal and make recommendations to the City Council regarding an appropriate disposition of the appeal.

6. The Corporation shall keep correct and complete books and records of accounts, shall keep minutes of the regular and special meetings of the Board of Directors of the Corporation and shall keep at the principal office a record of the names and addresses of all BID members. All books and records of the Corporation may be inspected by the City or its agents for any proper purpose at any time during normal business hours.

7. In consideration of the management services provided to the City by the Corporation, the City agrees to pay the Corporation the sum of $115,500, due and payable as follows:

a. The sum of $38,500, due and payable on or before October 1, 2023;

b. The sum of $38,500, due and payable on or before January 1, 2024;

c. The sum of $38,500, due and payable on or before June 1, 2024.

Notwithstanding the foregoing, in the event the total amount of the assessments collected by the City under the Ordinance as of any of such due dates is insufficient to make such installment payments, the City shall have the obligation to remit only such amounts for which it has received sufficient revenues from assessments against business owners within the District. If the city thereafter receives further assessment payments, it shall thereafter remit, from time to time and as frequently as practical, amounts sufficient to cure such shortfalls. Further, in the event a court of competent jurisdiction holds the Ordinance to be invalid or unenforceable in any respect, then the City and the Corporation shall be released from any and all monetary obligations hereunder and this Agreement shall be deemed null and void.

8. The Corporation shall hire staff as determined by its Board of Directors to coordinate and assist in the administration of the operation of the District.

9. The City shall be responsible for billing and collecting all BID assessments and

accounting for all revenues to and expenditures of the District in collaboration with the County.

10. The term of this Agreement shall commence on October 1, 2023 and shall terminate on September 30, 2024. The parties may renew this Agreement by mutual consent provided notification of the desire to renew this contract shall be given not less than one hundred twenty (120) days prior to the execution of this proceeding contract term.

11. Whenever used in this Agreement and when required by the context, the singular number shall include the plural, gender shall include the masculine, feminine and/or neuter genders, as may be applicable, and persons shall include corporations, trusts, partnerships or other lawful associations of any kind.

12. This Agreement shall be construed and enforced in accordance with the laws of the State of Idaho.

12. The Corporation agrees that it 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.

IN WITNESS WHEREOF, the parties have set their hands and seals hereto on this _____ day of _____, 2023.

CITY OF IDAHO FALLS

By:_____
Rebecca Casper, Mayor

IDAHO FALLS DOWNTOWN DEVELOPMENT CORPORATION

By: _____
Executive Director

EXHIBIT A

Idaho Falls Downtown Development Corporation

Mission:
Idaho Falls Downtown Development Corporation (IFDDC) advances our historical downtown as the regional center for commerce, culture and leisure activities for residents and visitors.

Organization:
The Idaho Falls Downtown Development Corporation is a non-profit 501 (c) (6) organization.

A Board of Directors of thirteen has volunteered to implement the goals to achieve the mission. General board meetings are open to the public and held the first Tuesday of every month at 9:00 am.

Objectives:
Idaho Falls Downtown Development Corporation Objectives:

1. **Promotion:** Enhance commercial district image development, work with special events and retail promotions, and work with the media.

2. **Economic restructuring:** Conduct a yearly market analysis, focus on business retention and recruitment, encourage real estate development.

3. **Organization:** Fund raising, volunteer recruitment, staff support, financial accounting and program promotion.

4. **Design:** Design education, architectural services, develop incentives for rehabilitation, and plan public improvements.

5. **Executive:** Consists of president, vice-president, secretary and treasurer from the Board of Directors whom oversees the budgeting, staffing, grants and operations of the corporation.

Goals:
The Idaho Falls Downtown Development Corporation has the following goals:

Branding Downtown
Business Recruitment & Retention
Increase Downtown Visitors & Shoppers
Community Feel Among Merchants & Building Owners
Improve Broadway Corridor
Identify Infrastructure Improvements

Downtown Projects:

The Idaho Falls Downtown Development Corporation has identified the following projects:

- Public Art
- Alley improvements (i.e. lighting and seating in alley) per the Downtown Plan
- Power line undergrounding in conjunction with Idaho Falls Power
- Execution of the Downtown Idaho Falls Plan

Marketing and Advertising Campaigns:

The Idaho Falls Downtown Development Corporation is promoting downtown by increasing the events held downtown. These events market the downtown businesses and area to those who attend. We have launched a Downtown Gift Certificate which can be used throughout downtown. We are also partnering with the Museum of Idaho to market their new exhibits while they in turn market the downtown to their customers. The events planned for 2023 – 2024:

- **March** –St Paddy's Day on Park, Find the Easter Bunny
- **April** – SpringBrew
- **July** – Taste of Downtown
- **September** – OktoberFest
- **November -** FallBrew, Downtown Light Christmas Festival, Shop Small Saturday, Horse Drawn Trolley Rides
- **February –** WinterBrew
- **May –** SummerBrew

IFDDC Staff Goals

- Broadway signage
- Overall marketing plan/execution for IFDDC (social media, print, video)
  - Expand social media presence with Instagram
    - Develop #BeADowntowner hashtag with ambassadors
- Execute events successfully and meet financial goals
- Develop metrics for tracking success/failure and progress
- Explore and consider joining Main Street America Program
- Execute Public Art Projects
- Execute beautification for downtown
- Research and find new grant opportunities for IFDDC
- Seek out tourism spots for marketing materials

Memorandum

File #: 23-213 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Tuesday, July 18, 2023
DEPARTMENT: Community Development Services

Subject
Final Plat Extension for Cassiopeia Parks Subdivision.

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

Approve the extension for the Final Plat for Cassiopeia Parks Subdivision (or take other action deemed appropriate).

Description, Background Information & Purpose
The City Council approved the final plat for Cassiopeia Parks Subdivision at its September 6, 2022, meeting. The Subdivision Ordinance requires that the plat be provided to the city for recording within 6 months of Council approval of the plat unless the Council provides an extension. The developer has been working with staff continually to address platting issues. The plat layout has not changed and staff continues to recommend approval as it meets all the minimum subdivision standards. The developer anticipates being able to provide the plat for recording in the near future but requests an extension to January 27, 2024 to allow them to complete the process.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

A successful Plat should be consistent with the Comprehensive Plan and Zoning Ordinance, which includes policies and goals related to 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's Office and is consistent with applicable law.

powered by Legistar™

FINAL PLAT OF CASSIOPEIA PARKS SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST, OF THE BOISE MERIDIAN IN BONNEVILLE COUNTY.

BASIS OF BEARING

THE BASIS ALONG THIS LINE IS THE BASIS FOR ALL OTHER BEARINGS LISTED ON THIS SURVEY. THIS BEARING RELATES DIRECTLY TO THE "CITY OF IDAHO FALLS COORDINATE SYSTEM OF 2004". WHICH IS DERIVED FROM THE IDAHO STATE PLANE COORDINATE SYSTEM (EAST ZONE 1101) US SURVEY FEET AND USING A COMBINED SCALE FACTOR OF 1.000277265 FOR A GRID TO GROUND CONVERSION, (REFERENCE FRAME NAD_83(2011), EPOCH 2010.0000). THE SYSTEM ORIENTATION IS BASED ON GRID NORTH ALONG THE EAST ZONE CENTRAL MERIDIAN. NO CONVERGENCE ANGLE HAS BEEN APPLIED.

NOTES

1) EASEMENT DIMENSIONS, TIES AND USES SEE SHEET 2 OF 3.
2) LOT 49, BLOCK 1 DEDICATED AS CITY OF IDAHO FALLS RIGHT OF WAY.

SURVEY NARRATIVE

THIS SURVEY WAS MADE AT THE REQUEST OF ANGELO DEVELOPMENT, INC TO CREATE LOTS AND A BLOCK TO BETTER UTILIZE THE LAND ENCOMPASSED BY DEED INSTRUMENT #1667553.

THE SOUTHERN, WESTERN AND NORTHERN BOUNDARY LINES WERE ESTABLISHED FROM FOUND MONUMENTS AND RECORD INFORMATION. THE EASTERN LINE WAS ESTABLISHED FROM FOUND MONUMENTS SET AS PART OF RECORD OF SURVEY INST. #1543885 AND PROJECTING THE ADJOINING LINE SOUTHERLY TO A POINT OF INTERSECTION WITH THE FOUND MONUMENTS AND NORTHERLY BOUNDARY LINE OF SATURN VILLAGE INST. #1278877 AND SATURN VILLAGE FIRST AMENDED INST. #1490729. THIS MATCHED WELL WITH ADJOINING DEED #1663993.

REFERENCE DOCUMENTS

1) CP&F INST. #1553451
2) CP&F INST. #1648913
3) RECORD OF SURVEY INST. #1543885
4) PLAT INST. #805709
5) PLAT INST. #256581
6) PLAT INST. #127877
7) DEED INST. #1667553
8) DEED INST. #1676029
9) DEED INST. #1663993
10) DEED INST. #302392

0′ 40′ 80′

WEST QUARTER CORNER OF SECTION 13, FOUND ALUMINUM CAP PER CP&F INST. #1553451

MONUMENTED BASIS OF BEARING
N 89°29'10" W 2641.54'

CENTER QUARTER CORNER OF SECTION 13, FOUND ALUMINUM CAP PER CP&F INST. #1648913

14 13 — 1059.49' — 1582.04' — C

S 00°30'51" W 1500.41'

TEMPLE VIEW PARK SUBDIVISION INST. #204579

CASSIOPEIA ST
DEED INST. #302392

(D1-EAST) S 89°46'58" E 524.87'

FOUND 5/8" BARE REBAR

POB

FOUND 1/2" REBAR W/ CAP STAMPED "PLS 15571"

L7 S 89°56'24" E

L2 N 90°00'00" E

L3 N 90°00'00" E

L4 N 90°00'00" E

L5 N 90°00'00" E

L6 S 89°56'57" E

8.00'

LOT 3 BLOCK 2

125.00'

BIRD ADDITION DIVISION No. 1 INST. #256581

(P2-S 00°10'30" E 250.00') N 00°16'53" E 250.54'

8.00'

PLASTIC CAP STAMPED "PLS 827"

PLASTIC CAP STAMPED "PLS 15571"

S 00°21'01" W 250.05' (R1-N 00°19'30" E)

KALEB HOUCK DEED INST. #1676029 RECORD OF SURVEY INST. # 1543885

(R1-125.00') 124.94'

LOT 1 1100 SQ FT
LOT 2 1000 SQ FT
LOT 3 1000 SQ FT
LOT 4 1000 SQ FT
LOT 5 1000 SQ FT
LOT 6 1000 SQ FT

LOT 7 1144 SQ FT
LOT 8 1040 SQ FT
LOT 9 1040 SQ FT
LOT 10 1040 SQ FT
LOT 11 1040 SQ FT
LOT 12 1144 SQ FT

LOT 13 1144 SQ FT
LOT 14 1040 SQ FT
LOT 15 1040 SQ FT
LOT 16 1040 SQ FT
LOT 17 1040 SQ FT
LOT 18 1144 SQ FT

LOT 19 1144 SQ FT
LOT 20 1040 SQ FT
LOT 21 1040 SQ FT
LOT 22 1040 SQ FT
LOT 23 1040 SQ FT
LOT 24 1144 SQ FT

LOT 25 1144 SQ FT
LOT 26 1040 SQ FT
LOT 27 1040 SQ FT
LOT 28 1040 SQ FT
LOT 29 1040 SQ FT
LOT 30 1144 SQ FT

LOT 31 1100 SQ FT
LOT 32 1000 SQ FT
LOT 33 1000 SQ FT
LOT 34 1000 SQ FT
LOT 35 1000 SQ FT
LOT 36 1000 SQ FT

LOT 4 BLOCK 2

125.54'

L8 S 89°59'49" E 64.00'

L9 S 89°59'49" E 124.00'

L10 S 89°59'49" E 64.00'

LOT 37 1144 SQ FT
LOT 38 1040 SQ FT
LOT 39 1144 SQ FT

LOT 40 1144 SQ FT
LOT 41 1040 SQ FT
LOT 42 1040 SQ FT
LOT 43 1040 SQ FT
LOT 44 1040 SQ FT
LOT 45 1144 SQ FT

LOT 46 1144 SQ FT
LOT 47 1040 SQ FT
LOT 48 1144 SQ FT

BLOCK 1
LOT 50
1.78 Acres

125.11'

GUY AND AMY URRY DEED INST. #1663993

L11 N 89°59'49" W 64.00'

N 89°59'49" W 124.00'

N 89°59'49" W 64.00'

7.00'

S 89°50'11" E 331.36'

LOT 49 2342 SQ FT (SEE NOTE 2)

337.73'

7.00'

L14

186.84'

N 89°50'11" W 524.57'
(P1-N 89°57'24" W)
(P3-S 89°51'30" E)

FOUND 1/2" REBAR W/ CAP STAMPED "PLS 827"

LOLA ST.

FOUND TWO 5/8" REBAR WITH PLASTIC CAPS STAMPED "PLS 8795" 1.00' APART PER SATURN VILLAGE INST. #1278877

PLASTIC CAP STAMPED "PLS 8795"

UNIT 10 UNIT 9 UNIT 8 UNIT 21

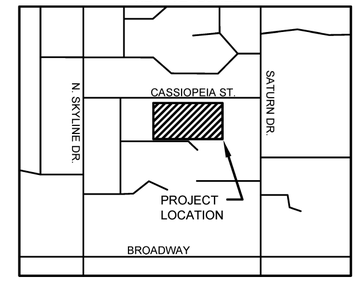
SATURN VILLAGE INST. #1278877

SATURN VILLAGE FIRST AMENDED INST. #1490729

CHERRY ADDITION, DIVISION No. 1 INST. #805709

LOT 7 LOT 8 LOT 9

VICINITY MAP
NOT TO SCALE



LEGEND

- C — CENTER QUARTER CORNER AS NOTED
- QUARTER CORNER AS NOTED
- FOUND MONUMENT AS NOTED AND REPLACED WITH 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 18405"
- FOUND 1/2" BARE REBAR (UNLESS OTHERWISE NOTED)
- FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 8795"
- SET 5/8" REBAR WITH PLASTIC CAP STAMPED "PLS 18405"
- AND AND — SET 1/2" REBAR WITH PLASTIC CAP STAMPED "PLS 18405"
- CALCULATED POSITION (NOTHING FOUND, NOTHING SET)
- PARCEL BOUNDARY
- SECTION LINE
- LOT LINE
- PROPOSED EASEMENT (SEE SHEET 2 OF 3)
- TIE LINE
- ADJOINING PARCELS
- EXISTING EASEMENT (SEE SHEET 2 OF 3)
- (R1-) RECORD OF SURVEY INST. #1543885
- (D1-) DEED INSTRUMENT INST. #302392
- (P1-) CHERRY ADDITION DIVISION No. 1 INST. #805709
- (P2-) BIRD ADDITION DIVISION No. 1 INST. #256581
- (P3-) SATURN VILLAGE INST. #1278877

LINE	BEARING	DISTANCE
L1	S 57°29'15" E	35.38'
L2	N 78°40'31" E	37.86'
L3	S 74°01'43" E	27.05'
L4	N 77°38'26" E	31.92'
L5	S 75°19'38" E	26.88'
L6	N 80°22'22" E	37.23'
L7	N 70°05'00" E	31.94'
L8	N 39°27'37" E	30.49'
L9	S 89°59'49" E	38.88'
L10	S 89°59'49" E	34.38'
L11	N 15°45'53" E	25.44'
L12	N 32°31'25" E	22.49'
L13	N 44°44'35" W	16.94'
L14	S 42°02'35" E	9.45'

PRELIMINARY
PROFESSIONAL LAND SURVEYOR LICENSED 18405 STATE OF IDAHO CARDON T. PAYNE

GLOBAL LAND WORKS
1823 East Center Street, Pocatello, Idaho 83201 Phone: 208.242.8753
globallandworks@gmail.com globallandworks.com

CASSIOPEIA PARKS SUBDIVISION

Drawn By:	C. PAYNE	Scale:	1" = 40'
Date:	07/15/2022	Project:	22015

Sheet: 1 OF 3

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT CASSIOPEIA PARKS SUBDIVISION LOCATED GENERALLY NORTH OF LOLA ST, EAST OF GRACE AVE, SOUTH OF CASSIOPEIA ST, WEST OF N SATURN AVE

WHEREAS, the applicant filed an application for a final plat on July 27, 2022; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on September 6, 2022; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on February 9, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls 2022 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 final plat is a 3.015 acre parcel located generally north of Lola St, east of Grace Ave, south of Cassiopeia St, west of N Saturn Ave.
3. The property is currently zoned TN, Traditional Neighborhood.
4. The final plat consists of 48 buildable lots, and 1 common lot and 1 lot for additional Right of Way.
5. The final plat complies with the requirements of both the Subdivision and Zoning Ordinance of the City of Idaho Falls.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat for Cassiopeia Parks Subdivision.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS 9 DAY OF February 2023

Rebecca L. Noah Casper, Mayor

Memorandum

File #: 23-211 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Friday, July 14, 2023
DEPARTMENT: Community Development Services

Subject
Final Plat, Reasoned Statement of Relevant Criteria and Standards, Wasatch Apple Subdivision, 1st Amended.

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Accept or approve the Final Plat for Wasatch Apple Subdivision, 1st Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Wasatch Apple Subdivision, 1st Amended 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 and the Reasoned Statement of Relevant Criteria and Standards for Wasatch Apple Subdivision, 1st Amended. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

A successful Plat should be consistent with the Comprehensive Plan and Zoning Ordinance, which includes policies and goals related to Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination
The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, Water, Planning, Sewer, and Engineering, Survey.

Fiscal Impact

NA

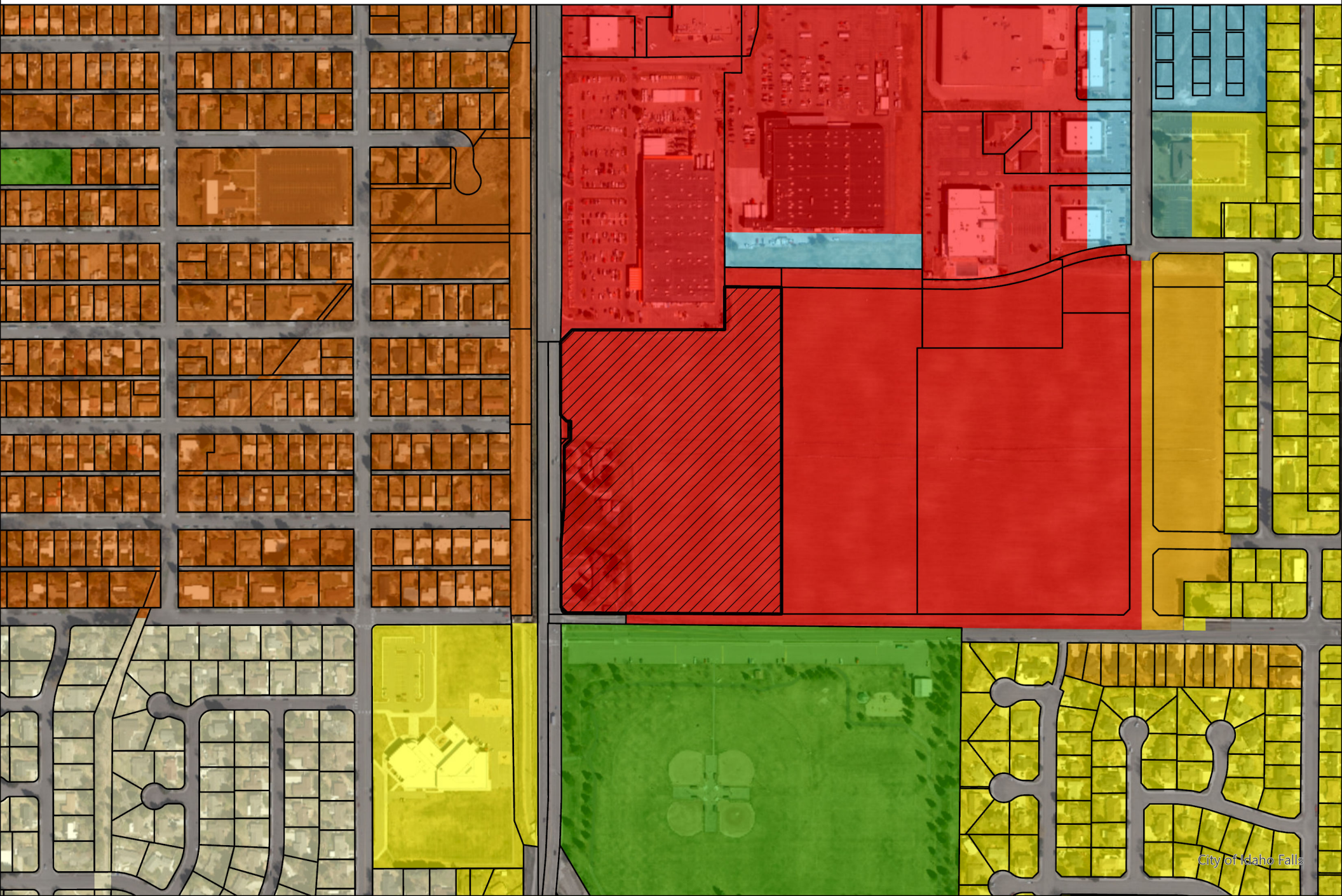
Legal Review
This application has been reviewed by the City Attorney's Office and is consistent with applicable law.

Zoning

PLAT23-002

RE R1 TN R3 PB LC R&D I&M

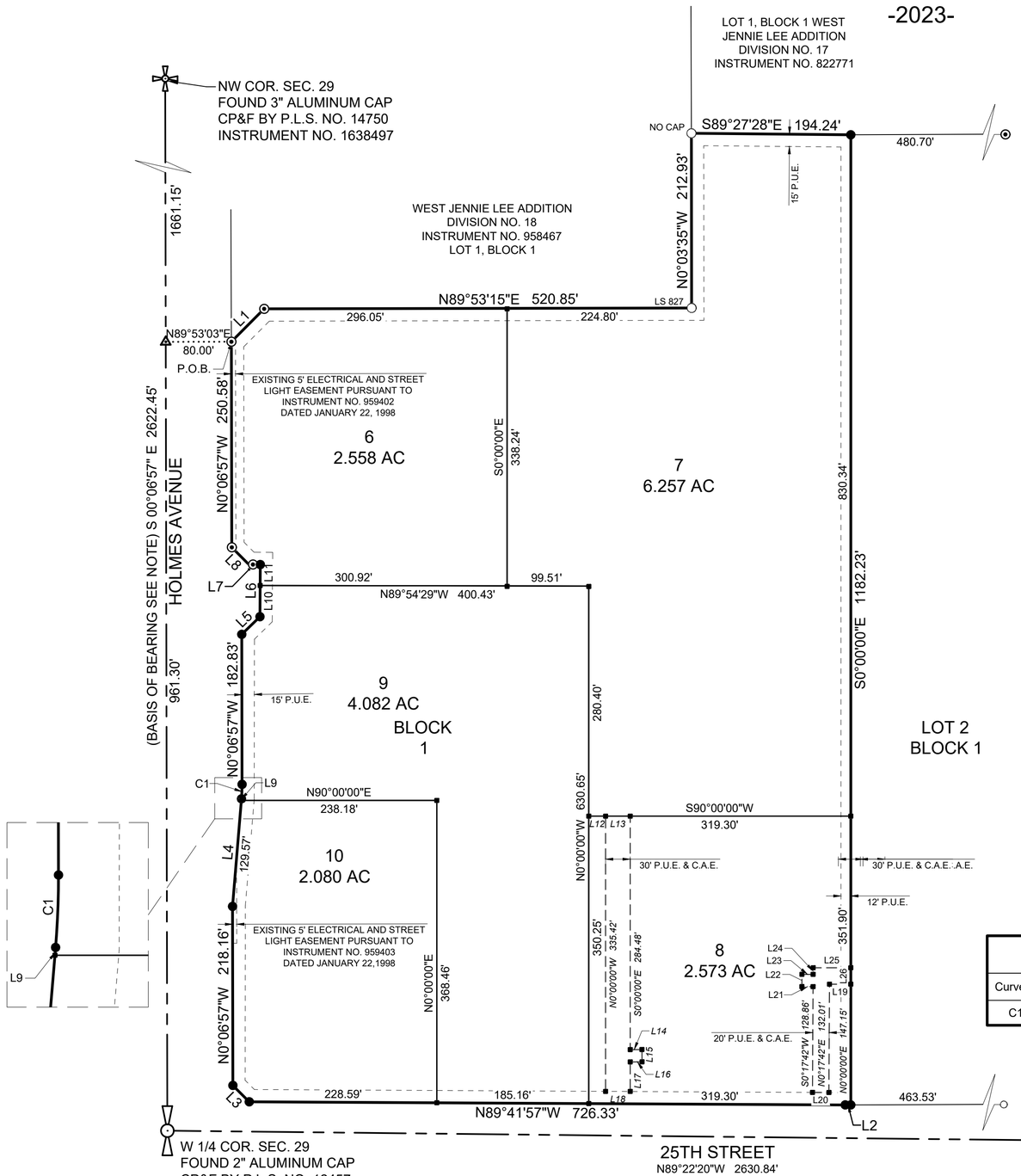
RP R2 RMH R3A CC HC LM P




N
Aerial
PLAT23-002
E 19th St
E 20th St
S Emerson Ave
E 21st St
E 22nd St
E 22nd St
S Higbee Ave
E 23rd St
E 24th St
E 25th St
E 25th St
S Holmes Ave
E 25th St
Jennie Lee Dr
E 21st St
Tiffany Dr
Craig Ave
Mojave St
Bengal Ave
Surrey Ln
Homestead Ln
Hartert Dr
Higbee Cir
Desert Dr
Lone Pine Dr
Limestone Dr
Ridgecrest Dr
Pescadero Pl
City of Idaho Falls

WASATCH APPLE SUBDIVISION - 1ST AMENDED

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
BEING A REPLAT OF LOT 1, BLOCK 1 WASATCH APPLE SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 38 EAST,B.M.,
-2023-



Line Table		
Line #	Length	Direction
L1	56.56'	N44°53'03"E
L2	6.72'	N89°57'09"W
L3	28.18'	N44°54'27"W
L4	131.50'	N4°45'05"E
L5	30.90'	N45°47'41"E
L6	63.49'	N0°24'00"E
L7	13.95'	S89°36'00"E
L8	29.44'	N44°51'29"W
L9	1.93'	N4°45'05"E
L10	37.93'	S0°24'00"W
L11	25.56'	S0°24'00"W
L12	20.50'	S90°00'00"E
L13	30.00'	N90°00'00"E
L14	14.29'	N89°38'58"E
L15	15.00'	S0°21'02"E
L16	14.39'	S89°38'58"W
L17	35.94'	S0°00'00"E
L18	30.00'	S90°00'00"W
L19	25.99'	N90°00'00"E
L20	20.00'	S89°42'06"E
L21	13.62'	S89°42'23"E
L22	15.00'	S0°17'37"W
L23	13.62'	N89°42'23"W
L24	8.05'	S0°17'42"W
L25	45.88'	N90°00'00"W
L26	20.00'	S0°00'00"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	17.67'	208.00'	4°52'02"	S2°19'04"W	17.66'

0 100' 200'
SCALE: 1" = 100'

LEGEND

- CALCULATED POINT
- FOUND 5/8" REBAR WITH CAP STAMPED - P.L.S. 10944
- FOUND 5/8" REBAR AS NOTED
- FOUND 1/2" REBAR WITH PLASTIC CAP 12457 REPLACED WITH SET 5/8" REBAR WITH PLASTIC CAP - P.L.S. 12457
- FOUND 1/2" REBAR WITH PLASTIC CAP 12457
- INTERIOR LOT CORNERS 1/2" REBAR WITH PLASTIC CAP P. L.S. 12457 TO BE SET AT A FUTURE DATE AS SHOWN ON INTERIOR MONUMENT COMPLETION CERTIFICATE
- PLSS CORNER
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- SECTION LINE
- TIE LINE
- EXISTING PUBLIC UTILITY EASEMENT LINE (P.U.E.)
- PUBLIC UTILITY EASEMENT LINE (P.U.E.) & CROSS ACCESS EASEMENT (C.A.E.)
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT

BASIS OF BEARING

THE BEARING ALONG THIS LINE IS THE BASIS FOR ALL OTHER BEARINGS LISTED ON THIS SURVEY. THIS BEARING RELATES DIRECTLY TO THE "CITY OF IDAHO FALLS COORDINATE SYSTEM OF 2004". WHICH IS DERIVED FROM THE IDAHO STATE PLANE COORDINATE SYSTEM (EAST ZONE 1101) US SURVEY FEET AND USING A COMBINED SCALE FACTOR OF 1.000277265 FOR A GRID TO GROUND CONVERSION, (REFERENCE FRAME NAD_83(2011), EPOCH 2010.0000). THE SYSTEM ORIENTATION IS BASED ON GRID NORTH ALONG THE EAST ZONE CENTRAL MERIDIAN. NO CONVERGENCE ANGLE HAS BEEN APPLIED.

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT LOT 1, BLOCK 1 OF WASATCH APPLE SUBDIVISION PLAT, INSTRUMENT NO. 1729469. THE EXTERIOR BOUNDARY LINES OF THIS PLAT ARE THE EXTERIOR LINE OF SAID LOT 1, BLOCK 1 AS SHOWN HEREON.THE MONUMENTS FOUND AND SET ARE SHOWN TO COMPLY WITH IDAHO CODE.

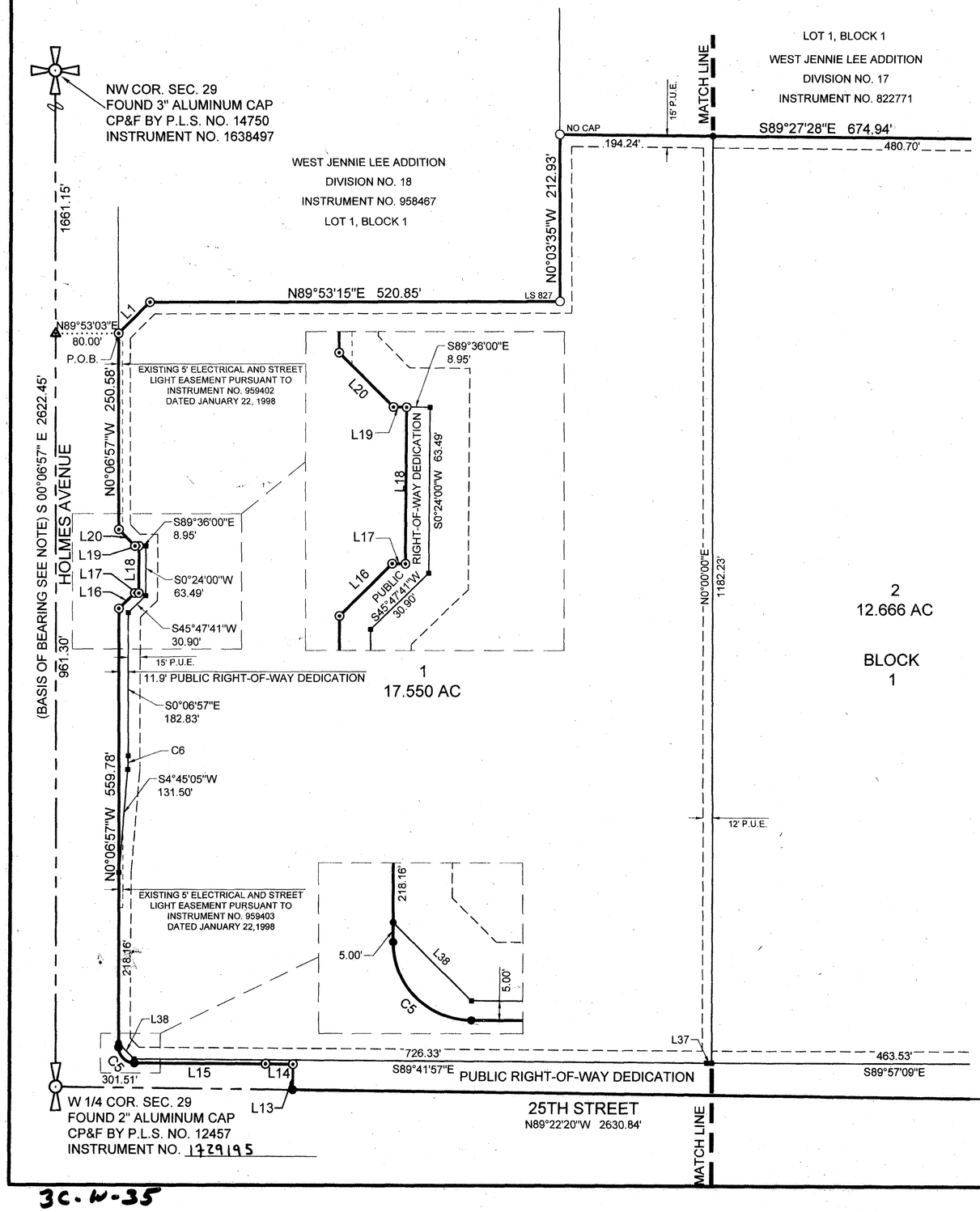
PROFESSIONAL LAND SURVEYOR REGISTERED 12457 STATE OF IDAHO CHRISTOPHER ADAMS
PRELIMINARY

SHEET 1 OF 2

2194 Snake River Pkwy
Suite 205
Idaho Falls, Idaho
Main: 208-522-1223
HORROCKS ENGINEERS

WASATCH APPLE SUBDIVISION

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, LOCATED IN THE NW ¼ OF SECTION 29, T.2N., R.38E., B.M., -2022-



Line Table		
Line #	Length	Direction
L1	56.56'	N44°53'03"E
L13	32.38'	N0°30'08"E
L14	35.26'	N89°31'22"W
L15	166.72'	N89°41'57"W
L16	28.40'	N45°08'32"E
L17	5.01'	S89°36'00"E
L18	60.00'	N0°24'00"E
L19	5.00'	N89°36'00"W
L20	29.44'	N44°51'29"W
L37	6.72'	S89°57'09"E
L38	28.18'	S44°54'27"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C5	31.27'	20.00'	89°35'00"	N44°54'27"W	28.18'
C6	17.67'	208.00'	4°52'02"	N2°19'04"E	17.66'

HORROCKS ENGINEERS

0 100' 200'

SCALE: 1" = 100'

LEGEND

- CALCULATED POINT
- FOUND 5/8" REBAR WITH CAP STAMPED - P.L.S. 10944
- FOUND 5/8" REBAR AS NOTED
- SET 5/8" REBAR WITH PLASTIC CAP - P.L.S. 12457
- SET1/2" REBAR WITH PLASTIC CAP - P.L.S. 12457
- INTERIOR STREET INTERSECTIONS 5/8" REBAR WITH 2" ALUMINUM CAP P. L. S. 12457 SET AT A FUTURE DATE AS SHOWN ON INTERIOR MONUMENT COMPLETION CERTIFICATE
- INTERIOR LOT CORNERS 1/2" REBAR WITH PLASTIC CAP P. L.S. 12457 TO BE SET AT A FUTURE DATE AS SHOWN ON INTERIOR MONUMENT COMPLETION CERTIFICATE
- PLSS CORNER
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- SECTION LINE
- TIE LINE
- MATCH LINE
- EXISTING PUBLIC UTILITY EASEMENT LINE (P.U.E.)
- PUBLIC UTILITY EASEMENT LINE (P.U.E.)
- CROSS ACCESS EASEMENT LINE (C.A.E.)
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT

BASIS OF BEARING

THE BEARING ALONG THIS LINE IS THE BASIS FOR ALL OTHER BEARINGS LISTED ON THIS SURVEY. THIS BEARING RELATES DIRECTLY TO THE "CITY OF IDAHO FALLS COORDINATE SYSTEM OF 2004". WHICH IS DERIVED FROM THE IDAHO STATE PLANE COORDINATE SYSTEM (EAST ZONE 1101) US SURVEY FEET AND USING A COMBINED SCALE FACTOR OF 1.000277265 FOR A GRID TO GROUND CONVERSION, (REFERENCE FRAME NAD_83(2011), EPOCH 2010.0000). THE SYSTEM ORIENTATION IS BASED ON GRID NORTH ALONG THE EAST ZONE CENTRAL MERIDIAN. NO CONVERGENCE ANGLE HAS BEEN APPLIED.

NOTES

4.718 ACRES IS BEING DEDICATED FOR PUBLIC RIGHT-OF-WAY

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE PROPERTY SHOWN INTO LOTS, BLOCKS, AND STREETS AS SHOWN HEREON. THIS SURVEY IS A RETRACEMENT OF RECORD OF SURVEY, INSTRUMENT NO. 1694479, COMPLETED BY ELLSWORTH AND ASSOCIATES, PLLC FOR THE LEE PROPERTY. THE WEST LINE OF THE THIS SURVEY WAS DETERMINED BY FOUND MONUMENTS AS SHOWN ON SAID RECORD OF SURVEY. THE NORTH LINE OF THIS SURVEY WAS DETERMINED BY FOUND MONUMENTS AS SHOWN ON SAID RECORD OF SURVEY AND RECORD PLATS AS NOTED. THE EAST LINE OF THIS SURVEY WAS DETERMINED BY FOUND MONUMENTS AS SHOWN ON SAID RECORD OF SURVEY AND RECORD PLATS AS NOTED. THE SOUTH LINE OF THIS SURVEY WAS DETERMINED BY FOUND SECTION MONUMENTS ON THE LATITUDINAL CENTERLINE OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN AS SHOWN HEREON.

Instrument # 1729469
Bonneville County, Idaho Falls, Idaho
08/02/2022 02:51:39 PM No. of Pages: 3
Recorded for: HORROCKS ENGINEERS
Penny Manning Fee: $11.00
Ex-Officio Recorder Deputy RM Rupchurch
Index to: PLAT
Rupchurch

1 OF 3

PROFESSIONAL LAND SURVEYOR REGISTERED 12457 7-29-22 STATE OF IDAHO CHRISTOPHER ADAMS

SHEET 1 OF 3

2194 Snake River Pkwy
Suite 205
Idaho Falls, Idaho
Main: 208-522-1223

HORROCKS ENGINEERS

3C.W-35

WASATCH APPLE SUBDIVISION

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, LOCATED IN THE NW ¼ OF SECTION 29, T.2N., R.38E., B.M., -2022-

LOT 1, BLOCK 1
WEST JENNIE LEE ADDITION
DIVISION NO. 17
INSTRUMENT NO. 822771

KEYSTONE ADDITION
DIVISION NO. 1 - 1ST AMENDED
INSTRUMENT NO. 992317
LOT 3, BLOCK 1

LOT 4, BLOCK 1

WEST JENNIE LEE ADDITION
DIVISION NO. 16
INSTRUMENT NO. 689678
LOT 3, BLOCK 17

LOT 2A, BLOCK 17

WEST JENNIE LEE ADDITION
DIVISION NO. 11
INSTRUMENT NO. 361935
LOT 2, BLOCK 17

MATCH LINE

JENNIE LEE DRIVE

21ST STREET

S89°27'28"E 674.94'
480.70'

P.L.S. 8795

NO CAP

S89°30'27"E 232.54'
S89°30'27"E 222.70'

15' P.U.E.

24' C.A.E.

5.00' RIGHT-OF-WAY DEDICATION

Line Table		
Line #	Length	Direction
L2	34.99'	S0°04'50"E
L3	114.28'	S89°28'10"E
L4	34.96'	S2°09'50"E
L5	60.00'	N89°52'43"E
L6	10.33'	N0°55'01"E
L7	23.20'	S89°11'24"E
L8	50.00'	S0°03'46"W
L9	5.01'	N89°11'24"W
L10	115.24'	S0°05'32"W
L11	154.95'	N89°31'56"W
L12	165.88'	S0°00'00"E

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	337.72'	832.06'	23°15'20"	N78°54'12"E	335.41'
C2	260.37'	717.93'	20°46'46"	N77°39'55"E	258.95'
C3	32.26'	20.00'	92°25'00"	S45°36'02"E	28.87'
C4	31.27'	20.00'	89°34'33"	N45°42'17"E	28.18'
C7	11.95'	717.93'	0°57'13"	S67°45'09"W	11.95'
C8	248.42'	717.93'	19°49'32"	S78°08'31"W	247.18'
C9	11.10'	20.00'	31°48'18"	S75°54'23"E	10.96'
C10	21.16'	20.00'	60°36'42"	S29°41'53"E	20.18'

4
2.778 AC

5
1.149 AC

1
5.282 AC
BLOCK
2

2
12.666 AC
BLOCK
1

3
15.774 AC

N0°00'00"E 234.47'
N0°00'00"E 302.49'
182.60'
119.89'
S89°59'57"W 229.66'
478.67'
N90°00'00"W
195.79'
40' 40'
908.76'
952.94'
1260.45'
1011.44'
N0°00'00"W
N0°00'00"E 1182.23'
N0°00'00"E 908.61'
S0°00'24"W 960.00'
950.00'
31.00'
189.27'
S75°22'19"E 10.54'

15' P.U.E.
12' P.U.E.

BLOCK 13

1 2 3 4 5 6 7 8 9 10 11

Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L21	17.20'	N90°00'00"W	L32	187.20'	S0°00'00"E
L22	24.20'	N90°00'00"W	L33	28.14'	S44°42'25"E
L23	30.00'	N89°52'43"E	L34	85.95'	S89°25'00"E
L24	30.00'	N89°52'43"E	L35	115.70'	N0°00'00"E
L25	28.41'	S45°14'47"W	L36	28.43'	N45°17'35"E
L26	28.08'	S44°35'42"E	L39	5.00'	N0°00'24"E
L27	5.00'	S0°00'24"W			
L28	25.00'	S0°03'46"W			
L29	25.00'	S0°03'46"W			
L30	5.00'	S0°05'32"W			
L31	28.48'	S45°24'18"W			

S89°11'24"E 223.06'
S89°11'24"E 305.95'
N89°11'24"W 240.61'
MOJAVE STREET
MOJAVE STREET
MOJAVE STREET

1
0.936 AC
BLOCK
3

BLOCK 16

1 2 3 4 5 6

BENGAL AVENUE

UNPLATTED

307.51'
145.75'
50.18'
423.08'

463.53' S89°57'09"E
151.92' S89°57'09"E
312.26' S89°56'16"E
241.15' S89°24'50"E
PUBLIC RIGHT-OF-WAY DEDICATION
1760.50'
N89°22'20"W 1906.25'
N89°22'20"W 2630.84'
25TH STREET

W 1/4 COR. SEC. 29
FOUND 2" ALUMINUM CAP
CP&F BY P.L.S. NO. 12457
INSTRUMENT NO. 1729195

C 1/4 COR. SEC. 29
FOUND 2" ALUMINUM CAP
CP&F BY P.L.S 12457
INSTRUMENT NO. 1729194

0 100' 200'
SCALE: 1" = 100'

LEGEND

- CALCULATED POINT
- FOUND 5/8" REBAR WITH CAP STAMPED - P.L.S. 10944
- FOUND 5/8" REBAR AS NOTED
- SET 5/8" REBAR WITH PLASTIC CAP - P.L.S. 12457
- SET1/2" REBAR WITH PLASTIC CAP - P.L.S. 12457
- INTERIOR STREET INTERSECTIONS 5/8" REBAR WITH 2" ALUMINUM CAP P. L.S. 12457 SET AT A FUTURE DATE AS SHOWN ON INTERIOR MONUMENT COMPLETION CERTIFICATE
- INTERIOR LOT CORNERS 1/2" REBAR WITH PLASTIC CAP P. L.S. 12457 TO BE SET AT A FUTURE DATE AS SHOWN ON INTERIOR MONUMENT COMPLETION CERTIFICATE
- PLSS CORNER
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- SECTION LINE
- TIE LINE
- MATCH LINE
- EXISTING PUBLIC UTILITY EASEMENT LINE (P.U.E.)
- PUBLIC UTILITY EASEMENT LINE (P.U.E.)
- CROSS ACCESS EASEMENT LINE (C.A.E.)

P.O.B. POINT OF BEGINNING
P.U.E. PUBLIC UTILITY EASEMENT

PROFESSIONAL LAND SURVEYOR
REGISTERED
12457
7-28-22
STATE OF IDAHO
CHRISTOPHER ADAMS

Instrument # 1729469
Bonneville County, Idaho Falls, Idaho
08/02/2022 02:51:39 PM No. of Pages: 3
Recorded for: HORROCKS ENGINEERS
Penny Manning Fee: $11.00
Ex-Officio Recorder Deputy RM Rupchurch
Index to: PLAT
Rupchurch

2 of 3

2194 Snake River Pkwy
Suite 205
Idaho Falls, Idaho
Main: 208-522-1223
HORROCKS ENGINEERS

3C-W-35

WASATCH APPLE SUBDIVISION

A SUBDIVISION OF TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, LOCATED IN THE NW ¼ OF SECTION 29, T.2N., R.38E., B.M., -2022-

RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING PLAT WASATCH APPLE SUBDIVISION WAS FILED IN THE OFFICE OF THE RECORDER OF BONNEVILLE COUNTY, IDAHO.

Penny Manning — 08-02-2022

BONNEVILLE COUNTY RECORDER — DATE

Instrument # 1729469
Bonneville County, Idaho Falls, Idaho
08/02/2022 02:51:39 PM No. of Pages: 3
Recorded for: HORROCKS ENGINEERS
Penny Manning Fee: $11.00
Ex-Officio Recorder Deputy RM
Index to: PLAT
3 OF 3

TREASURER'S CERTIFICATE

I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF BONNEVILLE, STATE OF IDAHO, PURSUANT TO THE REQUIREMENTS OF I.C. §50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THE BOUNDARY DESCRIPTION SHOWN HEREON ARE CURRENT.

7-19-2022

BONNEVILLE COUNTY TREASURER — DATE

HEALTH DEPARTMENT CERTIFICATE OF APPROVAL

SANITARY RESTRICTIONS AS REQUIRED BY I.C. §50-1326 HAVE BEEN SATISFIED BASED ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH I.C. §50-1326, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

EASTERN IDAHO PUBLIC HEALTH DISTRICT

7-27-22

ENVIRONMENTAL HEALTH SPECIALIST, REHS — DATE

CITY'S ACCEPTANCE

THE ACCOMPANYING PLAT WAS DULY ACCEPTED AND APPROVED BY THE CITY COUNCIL OF IDAHO FALLS ADOPTED THIS 20 DAY OF JUNE, 2022.

MAYOR — CITY CLERK (Kathy Hampton)

CITY ENGINEER
KENT J. FUGAL, PE 9247

CITY SURVEYOR
KENNETH BALDWIN ROBERTS, PLS 9755

COUNTY SURVEYOR'S VERIFICATION

I CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO AND THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT COMPLIES WITH I.C. §50-1305.

7/19/2022

BONNEVILLE COUNTY SURVEYOR, DAVID D. ROMRELL P.L.S. NO. 12223 — DATE

WATER RIGHTS DISCLOSURE

NOTICE IS HEREBY GIVEN THAT ALL LOTS OR PROPERTY INCLUDED WITHIN THIS PLAT ARE WITHIN THE IDAHO IRRIGATION DISTRICT AND THAT A SUITABLE SURFACE WATER DELIVERY SYSTEM HAS NOT BEEN PROVIDED FOR SUCH LOTS OF PROPERTY. ALL LOTS WILL REMAIN SUBJECT TO ASSESSMENTS LEVIED BY SUCH IRRIGATION DISTRICT AND EACH INDIVIDUAL PURCHASER/OWNER WILL BE RESPONSIBLE TO PAY SUCH ASSESSMENTS. ALL ASSESSMENTS ARE A LIEN UPON THE LOTS OF PROPERTY UNLESS THE PURCHASER/OWNER FILES A PETITION REQUESTING EXCLUSION FROM THE DISTRICT. THE PURCHASER/OWNER MAY FILE SUCH PETITION AT ANY FUTURE DATE. THE OWNER/DEVELOPER IS OBLIGATED TO COMPLY WITH THE PROVISIONS OF I. C. §31-3805.
THOSE PORTIONS OF JENNIE LEE DRIVE, MOJAVE STREET, AND 25TH STREET, HAVE PETITIONED FOR AND BEEN REMOVED FROM ALL FUTURE IRRIGATION WATER RIGHTS.

DATE: 7-27-22 INSTRUMENT NO. 1729003

INTERIOR MONUMENT COMPLETION CERTIFICATE

PURSUANT TO THE REQUIREMENTS OF I.C. §50-1331, I.C. §50-1332, AND I.C. §50-1333, I CHRISTOPHER ADAMS CERTIFY THAT THE INTERIOR MONUMENTS SHALL BE SET IN ACCORDANCE WITH THE REQUIREMENTS OF I.C. §50-1303 ON OR BEFORE JULY 8, 2023.

DRINKING WATER SYSTEM CERTIFICATE

PURSUANT TO I.C. §50-1334, THE OWNER DOES HEREBY, CERTIFY THAT ALL LOTS SHOWN ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER FROM THE CITY OF IDAHO FALLS MUNICIPAL WATER SYSTEM, AND SAID CITY HAS AGREED IN WRITING TO PROVIDE CULINARY WATER SERVICE TO SAID LOTS PURSUANT TO THE PROVISIONS OF TITLE 8, CHAPTER 4 OF THE IDAHO FALLS CITY CODE, AS AMENDED FROM TIME TO TIME.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SET ITS SIGNATURE THIS 11th DAY OF July, 202__.

WPP APPLE LAND ,LLC

DELL LOY HANSEN, MANAGER

3c-W-35

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, BEING MARKED BY A 5/8" REBAR WITH AN ALUMINUM CAP AS SHOWN ON CORNER PERPETUATION AND FILING, INSTRUMENT NO. 1638497; THENCE ALONG THE WEST LINE OF SAID SECTION 29, SOUTH 00°06'57" EAST 1661.15 FEET; THENCE NORTH 89°53'03" EAST 80.00 FEET TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 1 OF WEST JENNIE LEE ADDITION DIVISION NO. 18, INSTRUMENT NO. 958467 AND BEING THE **POINT OF BEGINNING**; THENCE ALONG THE SOUTH LINE OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 18, NORTH 44°53'03" EAST 56.56 FEET; THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 89°53'15" EAST 520.85 FEET TO THE SOUTHEAST CORNER OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 18; THENCE ALONG THE EAST LINE OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 18, NORTH 00°03'35" WEST 212.93 FEET TO THE SOUTHWEST CORNER OF WEST JENNIE LEE ADDITION DIVISION NO. 17, INSTRUMENT NO. 822771; THENCE ALONG THE SOUTH LINE OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 17, SOUTH 89°27'28" EAST 674.94 FEET TO THE SOUTHEAST CORNER OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 17; THENCE ALONG THE WEST LINE OF KEYSTONE ADDITION DIVISION NO. 1 - 1st AMENDED, INSTRUMENT NO. 992317, SOUTH 00°04'50" EAST 34.99 FEET TO THE SOUTHWEST CORNER OF SAID KEYSTONE ADDITION DIVISION NO. 1; THENCE ALONG THE SOUTH LINE OF SAID KEYSTONE ADDITION DIVISION NO. 1 THE FOLLOWING THREE (3) COURSES; (1) SOUTH 89°28'10" EAST 114.28 FEET TO A POINT OF TANGENCY OF A 832.06 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST OF WHICH RADIUS BEARS NORTH 00°31'52" EAST; (2) THENCE 337.72 FEET ALONG THE ARC OF SAID 832.06 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 23°15'20" AND A LONG CHORD THAT BEARS NORTH 78°54'12" EAST 335.41 FEET TO A POINT OF REVERSE CURVATURE OF A 717.93 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS BEARS SOUTH 22°43'28" EAST; (3) THENCE 260.37 FEET ALONG THE ARC OF SAID 717.93 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 20°46'46" AND A LONG CHORD THAT BEARS NORTH 77°39'55" EAST 258.95 FEET TO THE WEST LINE OF WEST JENNIE LEE ADDITION DIVISION NO. 16, INSTRUMENT NO. 689678; THENCE ALONG SAID WEST LINE, SOUTH 02°09'50" EAST 34.96 FEET TO A POINT OF NON-TANGENCY OF A 20.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST OF WHICH RADIUS BEARS SOUTH 01°48'32" EAST; THENCE CONTINUING ALONG SAID WEST LINE, 32.26 FEET ALONG THE ARC OF SAID 20.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 92°25'00" AND A LONG CHORD THAT BEARS SOUTH 45°36'02" EAST 28.87 FEET TO THE SOUTH LINE OF SAID WEST JENNIE LEE ADDITION DIVISION NO. 16; THENCE ALONG SAID SOUTH THE FOLLOWING FOUR (4) COURSES; (1) THENCE NORTH 89°52'43" EAST 60.00 FEET; (2) THENCE NORTH 00°55'01" EAST 10.33 FEET TO A POINT OF TANGENCY OF A 20.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST OF WHICH RADIUS BEARS SOUTH 89°04'59" EAST; (3) THENCE 31.27 FEET ALONG THE ARC OF SAID 20.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°34'33" AND A LONG CHORD THAT BEARS NORTH 45°42'17" EAST 28.18 FEET; (4) THENCE SOUTH 89°30'27" EAST 232.54 FEET TO THE WEST LINE OF WEST JENNIE LEE ADDITION DIVISION NO. 11, INSTRUMENT NO. 361935; THENCE ALONG SAID WEST LINE, SOUTH 00°00'24" WEST 960.00 FEET; THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 89°11'24" EAST 23.20 FEET; THENCE CONTINUING ALONG SAID WEST LINE, SOUTH 00°03'46" WEST 50.00 FEET TO THE NORTHEAST CORNER OF WARRANTY DEED, INSTRUMENT NO. 1493174; THENCE ALONG THE NORTH LINE OF SAID WARRANTY DEED, NORTH 89°11'24" WEST 5.01 FEET; THENCE ALONG THE WEST LINE OF SAID WARRANTY DEED, SOUTH 00°05'32" WEST 115.24 FEET THE NORTH LINE OF WARRANTY DEED, INSTRUMENT NO. 1482463; THENCE ALONG SAID NORTH LINE, NORTH 89°31'56" WEST 154.95 FEET; THENCE ALONG THE WEST LINE OF SAID WARRANTY DEED, SOUTH 00°00'00" EAST 165.88 FEET TO THE LATITUDINAL CENTERLINE OF SECTION 29; THENCE ALONG SAID LATITUDINAL CENTERLINE, NORTH 89°22'20" WEST 1906.25 FEET; THENCE NORTH 00°30'08" EAST 32.38 FEET; THENCE NORTH 89°31'22" WEST 35.26 FEET; THENCE NORTH 89°41'57" WEST 166.72 FEET TO A POINT OF TANGENCY OF A 20.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST OF WHICH RADIUS BEARS NORTH 00°18'03" EAST; THENCE 31.27 FEET ALONG SAID 20.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°35'00" AND A LONG CHORD THAT BEARS NORTH 44°54'27" WEST 28.18 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH HOLMES AVENUE; THENCE ALONG SAID WEST LINE THE FOLLOWING SEVEN (7) COURSES; (1) THENCE NORTH 00°06'57" WEST 559.78 FEET; (2) NORTH 45°08'32" EAST 28.40 FEET; (3) THENCE SOUTH 89°36'00" EAST 5.01 FEET; (4) THENCE NORTH 00°24'00" EAST 60.00 FEET; (5) THENCE NORTH 89°36'00" WEST 5.00 FEET; (6) THENCE NORTH 44°51'29" WEST 29.44 FEET; (7) THENCE NORTH 00°06'57" WEST 250.58 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 60.853 ACRES.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER ADAMS, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS WASATCH APPLE SUBDIVISION, WAS MADE UNDER MY DIRECTION, AND THAT SAID SUBDIVISION IS TRULY AND CORRECTLY SURVEYED AND STAKED AS PROVIDED BY LAW AND IN ACCORDANCE WITH THE ACCOMPANYING PLAT AS DESCRIBED HEREON.

PROFESSIONAL LAND SURVEYOR — REGISTERED — 12457 — 7-28-22 — STATE OF IDAHO — CHRISTOPHER ADAMS

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED WPP APPLE LAND, LLC, A UTAH LIMITED LIABILITY COMPANY, IS THE LAWFUL OWNER OF THE TRACT OF LAND INCLUDED WITHIN THE BOUNDARY DESCRIPTION SHOWN HEREON AND HAS CAUSED THE SAME TO BE PLATTED AND DIVIDED INTO BLOCKS, LOTS, AND STREETS, WHICH PLAT SHALL HEREAFTER BE KNOWN AS WASATCH APPLE SUBDIVISION, A SUBDIVISION OF THE CITY OF IDAHO FALLS, IDAHO, BONNEVILLE COUNTY, IDAHO.

BE IT FURTHER KNOWN THAT OWNER DOES HEREBY DEDICATE GRANT AND CONVEY TO THE PUBLIC, ALL STREETS AND RIGHT-OF-WAYS SHOWN HEREON, THAT OWNER ALSO DOES HEREBY GRANT AND CONVEY TO THE CITY OF IDAHO FALLS ALL PUBLIC EASEMENTS FOREVER AS IRREVOCABLE PERMANENT NON-EXCLUSIVE PUBLIC EASEMENTS AS SHOWN AND DESCRIBED HEREON.

OWNER DOES HEREBY GRANT AND CONVEY TO LOTS 4 AND 5 OF BLOCK 1, A PRIVATE CROSS-ACCESS EASEMENT AS SHOWN AND DESCRIBED HEREON AND LABELED AS C.A.E.; THE SAID PRIVATE CROSS-ACCESS EASEMENT IS GRANTED BY THE MUTUAL CONSENT AND AGREEMENT BETWEEN THE PARTIES, THE ADEQUACY AND RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THAT THE OWNER ALSO DOES HEREBY GRANT, BARGAIN, AND CONVEY TO THE OWNERS OF SAID LOTS HEREAFTER REFERRED TO AS, BENEFITED C.A.E. HOLDERS, THEIR LICENSEES, INVITEES, AGENTS, SUCCESSORS, AND ASSIGNS, THE FULL AND FREE RIGHT FOR SAID BENEFITED C.A.E. HOLDERS AND SAID BENEFITED C.A.E. HOLDERS' TENANTS, INVITEES, LICENSEES, AND VISITORS TO THE PRIVATE CROSS-ACCESS AGREEMENTS DESCRIBED HEREIN IN COMMON WITH ALL PERSONS DESIGNATED TO HAVE A LIKE RIGHT AT ALL TIMES HEREAFTER, FOR INGRESS AND EGRESS AND VEHICULAR ACCESS, AND A PERPETUAL EASEMENT FOR ROADWAY PURPOSES, ON AND ACROSS THE PROPERTY, EXCEPT FOR PARKING, THAT OWNER ALSO DOES HEREBY GRANT AND CONVEY TO THE CITY OF IDAHO FALLS FOREVER A NON-EXCLUSIVE IRREVOCABLE EASEMENT FOR RIGHT-OF-WAY FOR EMERGENCY VEHICLES AND EMERGENCY RESPONDERS, ACROSS THE CROSS-ACCESS EASEMENTS C.A.E.

OWNER, OR ITS HEIRS, SUCCESSORS OR ASSIGNS, AGREE THEY WILL CONSTRUCT NO PERMANENT STRUCTURE WITHIN OR UPON ANY PUBLIC EASEMENT SHOWN HEREON, AND THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITTEES OR LICENSEES SHALL ALSO HAVE THE RIGHT TO REMOVE, CUT OR TRIM ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANT WHICH MAY INJURE OR INTERFERE WITH THE USE THEREOF FOR ITS INTENDED PURPOSES, AND CITY OF IDAHO FALLS SHALL HAVE THE RIGHT, TO REMOVE ANY OBSTRUCTIONS ON SAID CROSS-ACCESS EASEMENT WHICH MAY INJURE OR INTERFERE WITH THE CITY OF IDAHO FALL'S USE THEREOF, SUCH RIGHT OF REMOVAL MAY BE EXERCISED WITHOUT PRIOR NOTICE TO OWNER OR OWNER'S HEIRS, SUCCESSORS, OR ASSIGNS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS FURTHER AGREE THAT THEY SHALL NOT PLANT ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANTS WHICH MAY HINDER THE SAFE AND EFFICIENT UTILIZATION OF SAID EASEMENTS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS, FURTHER AGREE THAT THEY SHALL CONSTRUCT NO STRUCTURES OR MAINTAIN ANY OBSTRUCTIONS ON SAID CROSS-ACCESS EASEMENTS, INCLUDING BUT NOT LIMITED TO GATES, BARRIERS, OR VEHICLES OF ANY TYPE.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS, FURTHER AGREE TO MAINTAIN THE SAID CROSS-ACCESS EASEMENTS AND TO REMOVE SNOW PURSUANT TO THE REQUIREMENTS OF THE INTERNATIONAL FIRE CODE §503 AS IT IS AMENDED FROM TIME TO TIME, AND AS ADOPTED BY THE CITY OF IDAHO FALLS, IDAHO.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS HEREBY RELEASES THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES FROM ANY CLAIM FOR DAMAGES, BASED UPON CONCEALED OR UNDISCLOSED PRIVATE IMPROVEMENTS CONSTRUCTED OR PERMITTED TO BE CONSTRUCTED BY OWNER OR ITS SUCCESSORS OR ASSIGNS WITHIN ANY PUBLIC EASEMENTS, SUBSEQUENT TO RECORDING THIS SUBDIVISION, THAT MAY BE INCURRED AS A RESULT OF THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES ORDINARY USE OF THE PUBLIC EASEMENTS WITH DUE CARE.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS DO HEREBY WARRANT AND SHALL DEFEND SUCH DEDICATION AND CONVEYANCES IN THE QUIET AND PEACEFUL POSSESSION OF THE PUBLIC OR THE CITY OF IDAHO FALLS, OR EACH LOT OWNER AS THE CASE MAY BE, AGAINST SAID OWNER AND ITS HEIRS AND ASSIGNS, AND AGAINST EVERY PERSON WHOMSOEVER WHO LAWFULLY HOLDS OR WHO LATER CLAIMS TO HAVE LAWFULLY HELD ANY RIGHTS IN SAID ESTATE AS OF THE DATE HEREOF.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SUBSCRIBED ITS SEAL AND SIGNATURE THIS 11 DAY OF July, 2022

WPP APPLE LAND, LLC (OWNER)
A UTAH LIMITED LIABILITY COMPANY

BY: DELL LOY HANSEN, MANAGER

ACKNOWLEDGMENT

STATE OF UTAH)
:SS.
COUNTY OF CACHE)

ON THIS 11 DAY OF July, 2022, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DELL LOY HANSEN, KNOWN OR IDENTIFIED TO ME TO BE THE *MANAGER* OF THE LIMITED LIABILITY COMPANY OF *WPP APPLE LAND, LLC, AND THE PERSON* WHO SUBSCRIBED SAID LIMITED LIABILITY COMPANY'S NAME TO THE FOREGOING OWNER'S DEDICATION AND THE DRINKING WATER SYSTEM CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID LIMITED LIABILITY COMPANY'S NAME AS A PERSON AUTHORIZED TO BIND SUCH LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF UTAH
RESIDING IN CACHE COUNTY, UTAH
COMMISSION EXPIRATION DATE: 4/28/24

NATHAN EDWARDS
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp, 04/28/2024
Commission # 711687

2194 Snake River Pkwy
Suite 205
Idaho Falls, Idaho
Main: 208-522-1223

HORROCKS ENGINEERS

STAFF REPORT
FINAL PLAT
WASATCH APPLE SUBDIVISION, 1ST AMENDED
July 27, 2023

IDAHO FALLS
Community Development Services

Applicant: Horrocks Engineers

Project Manager: Naysha Foster

Location: Generally located north of E 25th St, east of S Holmes Ave, south of E 17th St, west of Jennie Lee Dr.

Size: Approximately 17.55 acres
Lots: 5
Average Lot Size: 3.51 acres

Existing Zoning:
Site: LC
North: LC
South: P
East: LC
West: TN

Existing Land Uses:
Site: Vacant
North: Commercial
South: Park
East: Vacant
West: Residential

Attachments:
1. Subdivision and Zoning Ordinance Requirements
2. Maps and aerial photos
3. Final Plat

Requested Action: To **approve** the final plat for Wasatch Apple Subdivision, 1st Amended.

History: The property was annexed in February 2022 with an initial zone of LC, Limited Commercial. The preliminary plat was approved in April 2022 and the final plat was approved in June 2022. An application to amend the plat was applied for in February of this year.

Staff Comments: The amendment of the plat would only change lot 1 of the original plat. Lot 1 consists of approximately 17.55 acres. The developer is proposing to convert the one 17.55 acre lot into 5 lots. Proposed Lot 6 would consist of 2.55 acres. Lot 7, 6.25acres, Lot 8, 2.57 acres. Lot 9, 4.08 acres and Lot 10, 2.08 acres. There will be one shared access from Holmes for Lots 6 and 9. There will be two accesses from 25th on lot 8. Lot 10 will not have direct access to Holmes or 25th Street. The internal lots will be accessed with private cross access agreements.

Staff Recommendation: Staff has reviewed the final plat amendment and finds that it is consistent with the Subdivision and Comprehensive Zoning Ordinance. Staff recommends approval for Wasatch Apple Subdivision, 1st Amended.

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.	X
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.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	N/A
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.	N/A

Zoning Ordinance:

11-3-5: PURPOSE OF COMMERCIAL ZONES

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City's residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

March 7, 2023 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Margaret Wimborne, Scott Geddes, Dale Storer, Bill Scott, Forrest Ihler, Arnold Cantu, Glen Ogden

MEMBERS ABSENT: Marsha McDaniel, Kristi Brower

ALSO PRESENT: Interim Planning Director Kerry Beutler; planners David Peterson; Naysha Foster, Caitlin Long and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

Beutler indicated that there has been a request from the Applicant for Agenda Item #5 be postponed until the April 4, 2023 Planning and Zoning Meeting. Beutler gave the Commission the option to reorder the Agenda and deal with Item #5 as Item #1, or leave it on the Agenda as Item #5 and deal with it at that point.

Cantu moved to reorder the agenda to move item # 5, to #1 and renumber the remainder of the Agenda appropriately, Scott seconded the motion, motion passed unanimously.

MINUTES: Scott moved to accept the minutes of February 7, 2023, Cantu seconded the motion. The motion passed unanimously.

Business(s):

3. PLAT 23-002: FINAL PLAT. Wasatch Apple Subdivision, 1st Amended.

Applicant: Kaden Fuhrman, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Fuhrman stated this was originally platted as a larger subdivision of 60 acres, and they are platting the very west lot. It is all zoned LC, and at the time of the original platting, the infrastructure has been completed, and the developers have a better idea of what they want to do with Lot 1, 17 acre parcel that will be split into 5 lots. They are working with City Staff to make sure that technically it is sound with access to all lots, etc.

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

Storer asked about the access onto 25th Street and questioned if access would only go west, with right in and right out. Foster stated that one of the access points is outside of the median and would be able to go both left and right.

Wimborne clarified that lot 6 and 9 has a shared access.

Scott Moved to recommend to the Mayor and City Council approval of the Final Plat for Wasatch Apple Subdivision, 1st Amended, as presented, Ihler seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF WASATCH APPLE, 1ST AMENDED LOCATED GENERALLY NORTH OF E 25TH ST, EAST OF S HOLMES AVE, SOUTH OF E 17TH ST, WEST OF JENNIE LEE DR

WHEREAS, the applicant filed an application for a final plat on February 5, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on March 7, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on July 27, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls 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. Lot one was approved as 17.55 acre lot as part of the Wasatch Apple Subdivision located generally north of E 25th St, east of S Holmes Ave, south of E 17th St, west of S of Jennie Lee Dr.
3. The Amendment consist of 5 lots with various acreages instead of the one 17.5 acre lot.
4. There is a single access from Holmes to lot 6 and 9 and two accesses from 25th to lot 8 with private cross access easements to the internal lots.
5. The Planning and Zoning Commission recommended approval of the final plat.
6. The plat complies with all requirements of the Subdivision Ordinance, Zoning Ordinance and Comprehensive Plan.
7. The proposed development is consistent with the principles of the City's Comprehensive Plan.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

_____

Rebecca L. Noah Casper-Mayor

Memorandum

File #: 23-218 **City Council Meeting**

FROM: Chris H Fredericksen
DATE: Thursday, July 20, 2023
DEPARTMENT: Public Works

Subject
Easement Vacation - First Amended Growth Center Addition, Division 2

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

Approve the easement vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it by read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose
The owner of the property in question has requested vacation of the easements depicted within Exhibit A of the Ordinance. Staff and private utilities owners have reviewed the vacation request and recommend approval.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This easement vacation supports the community-oriented result of well-planned growth and development by allowing property owners to better utilize their property.

Interdepartmental Coordination
Other appropriate departments have reviewed and recommended approved of the proposed easement vacation.

Fiscal Impact
N/A

Legal Review
The vacation was prepared by the Legal Department.

2023-047

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ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the owner would like to vacate a power easements in Lot 4, Block 3, and portions of platted easements in Lots 2, 3, and 4 of Block 3, of the First Amended plat of the Growth Center Addition, Division 2, to better facilitate the development of their property; and

WHEREAS, the utility providers have agreed to the vacation; and

WHEREAS, the owner shall dedicate a new easement as needed for the site development.

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

SECTION 1. Vacation.

A. All public utility easements and other easements depicted and described in Exhibit "A" attached hereto, and a power line easement, Instrument No. 530342 in its entirety as depicted in the sketch and noted thereon.

SECTION 2. Exceptions from Vacation. Vacation of property described in Section 1 of this Ordinance shall not include any other easements, or any franchise rights that are not described in Section 1 above or in the attached Exhibit "A."

SECTION 3. Easement Vacation. Council deems it expedient for the public good and to be in the best interests of the adjoining properties that the property described in Section 1 of this Ordinance be in the same is hereby vacated in its entirety to McPherson Properties, LLC, a Idaho limited liability company, whose address is 14071 S. 1st E., Idaho Falls, ID 83404.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately

upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this_____day of _____, 2023.

ATTEST:

_____ _____

Corrin Wilde, City Clerk Rebecca L. Noah Casper, Ph.D., Mayor

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, 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 VACATIONS OF EASEMENTS LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED EASEMENTS SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

_____
Corrin Wilde
(SEAL) City Clerk

EXHIBIT "A"

PART OF LOTS 3 AND 4 OF BLOCK 3 OF THE FIRST AMENDED PLAT OF LOT 1 BLOCK 3 OF GROWTH CENTER ADDITION DIVISION NO 2, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, FILED AS INSTRUMENT NO. 801688, WHICH IS PART OF SECTIONS 35 AND 36, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN;
BEGINNING AT A POINT ON THE LOT LINE COMMON TO LOTS 3 AND 4 OF SAID FIRST AMENDED PLAT WHICH BEARS S 60°43'36" E 8.00 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 4;
THENCE N 29°16'24" E 8.00 FEET;
THENCE S 60°43'36" E 277.01 FEET;
THENCE S 29°16'24" W 16.00 FEET;
THENCE N 60°43'36" W 277.01 FEET;
THENCE N 29°16'24" E 8.00 FEET TO THE POINT OF BEGINNING.



EXHIBIT "A"

PART OF LOTS 2 AND 3 OF BLOCK 3 OF THE FIRST AMENDED PLAT OF LOT 1 BLOCK 3 OF GROWTH CENTER ADDITION DIVISION NO 2, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, FILED AS INSTRUMENT NO. 801688, WHICH IS PART OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN;
BEGINNING AT A POINT ON THE LOT LINE COMMON TO LOTS 2 AND 3 OF SAID FIRST AMENDED PLAT WHICH BEARS S 60°43'36" E 8.00 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 3;
THENCE N 29°16'24" E 8.00 FEET;
THENCE S 60°43'36" E 277.01 FEET;
THENCE S 29°16'24" W 16.00 FEET;
THENCE N 60°43'36" W 277.01 FEET;
THENCE N 29°16'24" E 8.00 FEET TO THE POINT OF BEGINNING.



PUBLIC UTILITY EASEMENT VACATION

EXHIBIT

BEING PART OF THE LOTS 2, 3, & 4, BLOCK 3 OF
FIRST AMENDED PLAT OF GROWTH CENTER ADDITION,
DIVISION NO. 2
CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO

EXHIBIT "A"



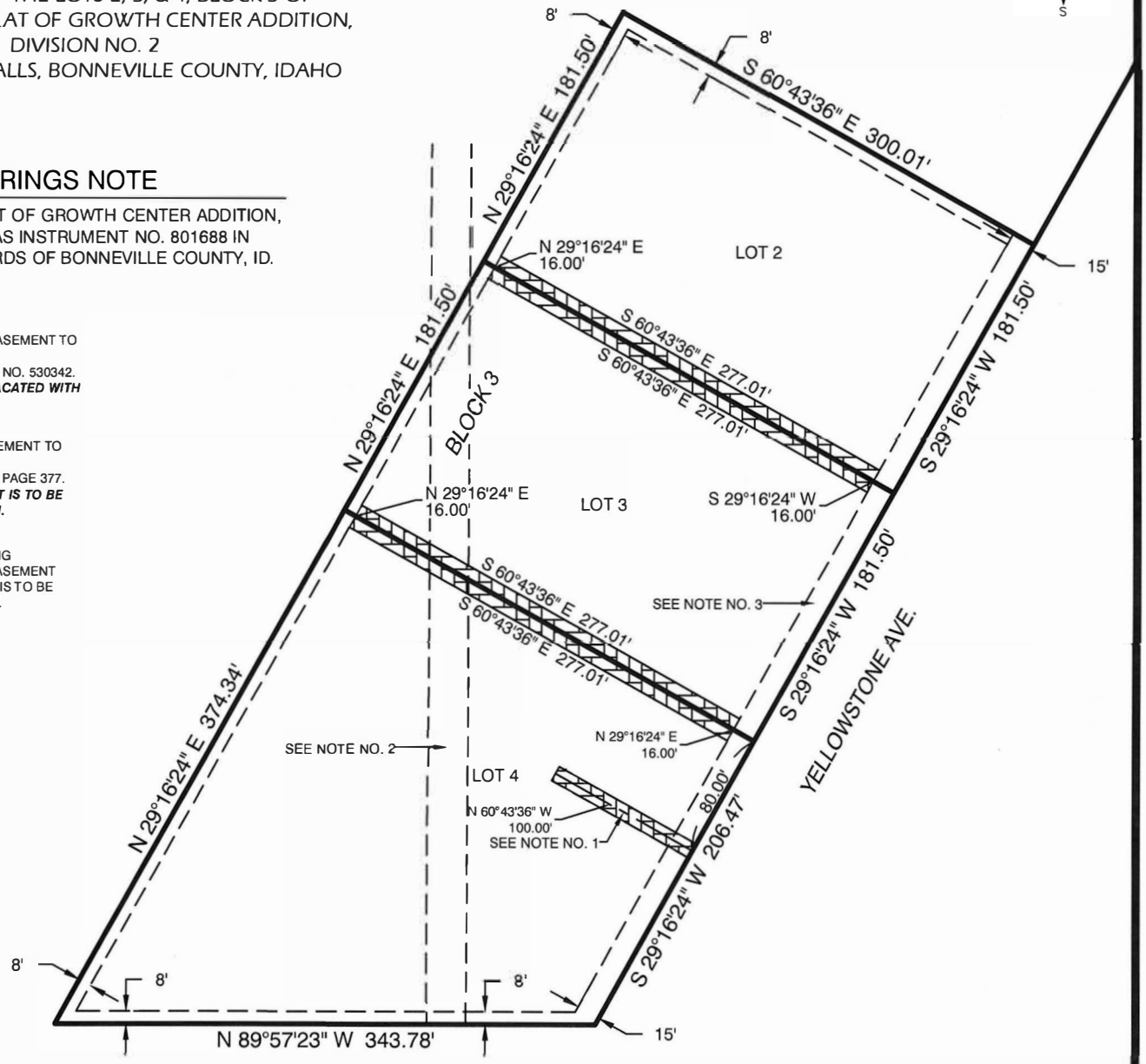
BASIS OF BEARINGS NOTE

FIRST AMENDED PLAT OF GROWTH CENTER ADDITION, DIVISION NO. 2 FILE AS INSTRUMENT NO. 801688 IN THE OFFICIAL RECORDS OF BONNEVILLE COUNTY, ID.

NOTE NO. 1
EXISTING 10' POWER LINE EASEMENT TO CITY OF IDAHO FALLS PURSUANT TO INSTRUMENT NO. 530342. ***THIS EASEMENT IS TO BE VACATED WITH THIS ACTION.***

NOTE NO. 2
EXISTING 25' POLE LINE EASEMENT TO UTAH POWER AND LIGHT PURSUANT TO BOOK 12 L&C PAGE 377. ***NO PART OF THIS EASEMENT IS TO BE VACATED WITH THIS ACTION.***

NOTE NO. 3
NO PORTION OF THE EXISTING OVERLAPPING FRONTAGE EASEMENT ALONG YELLOWSTONE AVE. IS TO BE VACATED WITH THIS ACTION.



LEGEND

- SURVEYED BOUNDARY LINE
- EXISTING PLATTED PUBLIC UTILITY EASEMENT
- PUBLIC UTILITY EASEMENT TO BE VACATED



GRAPHIC SCALE	PROJECT NO.	CHECKED BY	SHEET
0 50 100 200	0616	SCR	1 OF 1 SHEETS
	DATE	DRAWN BY	
	05/24/2023	SCR	

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PROVERBS 16:3

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Memorandum

File #: 23-210 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Wednesday, July 19, 2023
DEPARTMENT: Municipal Services

Subject
Tentative Approval of the 2023/24 Fiscal Year Budget

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

Approve the tentative 2023/24 fiscal year budget for a not to exceed amount of $339,533,522 and give the authorization to publish the Notice of Public Hearing (or take other action deemed appropriate).

Description, Background Information & Purpose
Pursuant to Idaho code §50-1002, authorization is requested to publish the Notice of Public Hearings for the 2023/24 fiscal year budget, fees and desired forgone with publication dates set for Saturday, July 29, 2023, and Saturday, August 5, 2023. The Public Hearings are scheduled for 7:30 pm, Thursday, August 10, 2023, in the Council Chambers of the City Annex Building located at 680 Park Avenue, Idaho Falls, Idaho.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The tentative approval and subsequent publication of the 2023/24 fiscal year budget, fees and any desired forgone is in alignment with good governance by fostering innovative and sound fiscal management and transparency.

Interdepartmental Coordination
All city departments have participated in the budget process.

Fiscal Impact
The tentative approval of the 2023/24 fiscal year budget, fees and forgone sets the maximum level of total expenditures that cannot be exceeded in the appropriations ordinance. This action also sets a limit on the City's property tax levy (in dollars).

Legal Review

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

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Memorandum

File #: 23-209 **City Council Meeting**

FROM: Michael Kirkham, Assistant City Attorney
DATE: Tuesday, July 11, 2023
DEPARTMENT: City Attorney

Subject
An ordinance amending City's childcare regulations in order to prohibit persons who have been convicted of certain violent or threatening crimes within three years from holding a City childcare license.

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

Approve the Ordinance amending City's childcare regulations in order to prohibit persons who have been convicted of certain violent or threatening crimes within three years from holding a City childcare license under a suspension of the rules requiring three complete and separate readings, 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).**Description, Background Information & Purpose**
The Council recently took action to align the City's childcare regulation with the State's disqualifying offenses. These proposed amendments would add additional disqualifying offenses, thereby making the City's childcare regulations more restrictive than the State's, as permitted by Idaho Code § 39-1108.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The Ordinance promotes good governance.

Interdepartmental Coordination
N/A

Fiscal Impact
No fiscal impact is anticipated.

Legal Review

The City Attorney Department assisted in drafting the proposed Ordinance.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6 CHAPTER 3 SECTION 8 TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF COMMITTING ASSAULT, BATTERY, MISDEMEANOR DOMESTIC VIOLENCE, VIOLATING A PROTECTION ORDER, AND STALKING IN THE SECOND DEGREE WITHIN THREE YEARS FROM RECEIVING A DAY CARE WORKER'S LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, children are a priceless asset of our community; and

WHEREAS, children's well-being and safety are vulnerable because they cannot choose the social and physical environments they are exposed to and are dependent on adults to provide for and ensure their basic needs are met; and

WHEREAS, in order to regulate childcare, the City established a childcare ordinance pursuant to authority delegated to Idaho's cities by the Idaho Code; and

WHEREAS, as part of the authority delegated to cities, the City requires a criminal background investigation of persons who will provide childcare services to families; and

WHEREAS, the purpose of the criminal background investigation is, in part, to determine whether a childcare worker or provider of childcare is suitably fit to be entrusted with the care of children and will not pose a risk to a child's wellbeing or safety; and

WHEREAS, the Council finds that the recidivism risk of someone who has recently been convicted of a violent crime is unacceptable for those entrusted with the care and safety of children; and

WHEREAS, the City may, pursuant to Idaho Code 39-1108, adopt more stringent local daycare ordinances than the State's laws and regulations.

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

SECTION 1. Title 6, Chapter 3, Section 8 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

…

6-3-8: LICENSES/CERTIFICATION, DENIAL, SUSPENSION OR REVOCATION: A license or certification applied for or issued under this Chapter shall be denied, suspended, or revoked:

(A) Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner:

(1) Has been found guilty of, plead guilty to, received a withheld judgment, involving neglect, any physical injury, or other abuse of a child, including the following enumerated crimes, or any substantially similar provision of a foreign criminal violation, notwithstanding the form of judgment:

(a) Felony injury of a child, section 18-1501, Idaho Code.

(b) The sexual abuse of a child under sixteen (16) years of age, Section 18- 1506, Idaho Code.

(c) The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code.

(d) The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.

(e) Sexual abuse of a child under the age of sixteen (16) years, Section 18- 1506, Idaho Code.

(f) Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code.

(g) The sale or barter of a child for adoption or other purposes, Section 18- 1511, Idaho Code.

(h) Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.

(i) Assault with intent to murder, Section 18-4015, Idaho Code.

(j) Voluntary manslaughter, Section 18-4006, Idaho Code.

(k) Rape, Section 18-6101, Idaho Code.

(l) Incest, Section 18-6602, Idaho Code.

(m) Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.

(n) Abuse, neglect, or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.

(o) Aggravated, first degree, second degree, and third-degree arson, Sections 18-801 through 18-805, Idaho Code.

(p) Nonconsensual sexual contact that is prohibited by Section 18-6605, Idaho Code, and whose conviction is entered before July 1, 2022.

(q) Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.

(r) Mayhem, Section 18-5001, Idaho Code.

(s) Poisoning, Section 18-4014 or 18-5501, Idaho Code.

(t) Robbery, Section 18-6501, Idaho Code.

(u) Stalking in the first degree, Section 18-7905, Idaho Code.

(v) Video voyeurism, Section 18- 6609, Idaho Code.

(w) Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.

(x) Inducing individuals under eighteen (18) years of age into prostitution, Section 18- 5609, Idaho Code.

(y) Inducing person under eighteen (18) years of age to patronize a prostitute, Section 18-5611, Idaho Code.

(z) Any felony punishable by death or life imprisonment.

(aa) Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

(bb) Felony domestic violence, Section 18-918(2), Idaho Code.

(cc) Any offense requiring registration on a state sex offender registry or the national sex offender registry.

(dd) Sexual abuse of an animal, section 18-6602, Idaho Code.

(ee) Sexual abuse of human remains, section 18-6603, Idaho Code.

(ff) Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this Subsection.

~~(gg)~~

~~(2)~~ Where a registered sex offender resides on the Premises where Day Care services are provided.

(B) Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, ~~On- Site~~On-Site Non-Provider; spouse or significant other of an Owner has been found guilty of, plead guilty to, or received a withheld judgment, or of any of the following enumerated crimes, or any substantially similar provision of a foreign criminal violation, notwithstanding the form of judgment(s) for any offense involving neglect, any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of five (5) years immediately preceding the date of application for license or renewal:

(1) Aggravated assault, Section 18-905, Idaho Code.

(2) Aggravated battery, Section 18- 907(1), Idaho Code.

(3) Burglary, Section 18-1401, Idaho Code.

(4) Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.

(5) Forgery of a financial transaction card, Section 18-3123, Idaho Code.

(6) Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.

(7) Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.

(8) Misappropriation of personal identifying information, Section 18-3126, Idaho Code.

(9) Insurance fraud, Section 41-293, Idaho Code.

(10) Damage to or destruction of insured property, Section 41-294, Idaho Code.

(11) Public assistance fraud, Section 56-227, Idaho Code.

(12) Provider fraud, Section 56-227A, Idaho Code.

(13) Attempted strangulation, Section 18-923, Idaho Code.

(14) Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.

(15)

~~(C)~~ A felony controlled-substance offense.

(16) Attempt, Section 18-306, Idaho Code, conspiracy, 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this Subsection.

(C) Where Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner has been found guilty of, plead guilty to, or received a withheld judgment, or of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s) for any of the following offenses or a similar provision in another jurisdiction, for a period of three (3) years immediately preceding the date of application for license or renewal:

(1) Violation of a Civil Protection Order, Section 39-6312, Idaho Code.

(2) Misdemeanor Domestic Battery, Section 18-918(3), Idaho Code.

(3) Assault, Section 18-901, Idaho Code

(4) Battery, Section 18-903, Idaho Code.

(5) Stalking in the Second Degree, Section 18-7906, Idaho Code.

(D) For any Child Care Facility, unless all applicable codes, and other pertinent provisions of all City ordinances, including health requirements herein, as far as can be determined, are being complied with.

(E) For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner, where there is evidence demonstrating to the City that health or safety problems exist or are probable. No Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner shall be qualified to receive a license under this Chapter for a period of no less than one (1) year from the date of the health and/or safety problems which resulted in denial or revocation of a license under this Chapter.

(F) For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; Spouse or significant other of an Owner presiding at the Premises, who has supplied false or misleading information, failed or refused to disclose any information required on the application form, or refused to authorize the police investigation required herein. Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner presiding at the Premises shall be able to apply to receive a license under this Chapter for a period of less than six (6) months from the date of the denial, suspension, or revocation of the license under this Subsection.

(G) For any Applicant; Licensee; Owner; Operator; Child Care Worker; Resident; Volunteer, On- Site Non-Provider; spouse or significant other of an Owner presiding at the Premises, who has violated any of the provisions of this Chapter during licensure other than of 6-3-8(A) of this Chapter. No Applicant; Licensee; Owner; Operator; Child Care Worker;

Resident; Volunteer, On-Site Non-Provider; spouse or significant other of an Owner presiding at the Child Care Facility shall be qualified to receive a license under this Chapter for a period of less than six (6) months from the date of the denial or revocation of the license under this Subsection.

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

…

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

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

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, publication, and on the _____ day of _____, 2023.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2023.

CITY OF IDAHO FALLS, IDAHO

_____

REBECCA L. NOAH CASPER, Ph.D., MAYOR

ATTEST:

_____

CORRIN WILDE CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 6 CHAPTER 3 SECTION 8 TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF COMMITTING ASSAULT, BATTERY, MISDEMEANOR DOMESTIC VIOLENCE, VIOLATING A PROTECTION ORDER, AND STALKING IN THE SECOND DEGREE WITHIN THREE YEARS FROM RECEIVING A DAY CARE WORKER'S LICENSE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____

(SEAL) CORRIN WILDE, CITY CLERK