IDAHO FALLS



CITY COUNCIL AGENDA

City of Idaho Falls
Regular City Council Meeting
680 Park Avenue

Thursday

May 23, 2024

7:30 p.m.

Mayor

Rebecca Casper

City Council

Lisa Burtenshaw
Council President

John Radford
Council Seat 5

Jim Freeman
Council Seat 6

Michelle Ziel-Dingman
Council Seat 1

Jim Francis
Council Seat 4

Kirk Larsen
Council Seat 3

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

680 Park Avenue
Idaho Falls, ID 83402

Thursday, May 23, 2024 **7:30 PM** **City Council Chambers**

City Council Agenda:

1. Call to Order.

2. Pledge of Allegiance.

3. Public Comment.

Please see guidelines above.

4. Consent Agenda.

Any 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. Municipal Services

1) Treasurer's Report for March 2024 **24-238**

Attachments: March 2024 Treasurer's Report

B. Idaho Falls Power

1) Crew Cab 4X4 with plow package **24-230**

Attachments: 3039 Fleet Replacement Form

2) QTE #93323 Sleeve Enclosures for Idaho Falls Power **24-232**

Attachments: QTE 93323 Sleeve Enclosures bidsheet

3) Fire Alarm System Upgrade for the Generation/Dispatch and City Plant - Omni Security Systems **24-234**

Attachments: Omni Fire Alarm - combined

C. Public Works

1) Bid Award - Sewer Line Rehabilitation 2024 **24-237**

Attachments: Bid Tab & Title Page

D. Office of the City Clerk

1) Minutes from Council Meetings **24-246**

Attachments: 2024 0509 City Council Meeting - Unapproved

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).

5. Regular Agenda.

A. Municipal Services

1) Purchase One Lenco BearCat G3 for Police Department **24-227**

This purchase will access the Sourcewell public procurement cooperative purchasing public safety and emergency management contract number 080922-SAF. The purpose of the BearCat tactical rescue vehicle is to respond to high-risk law enforcement operations in the field. Over the past several years, the Idaho Falls Police Department has been able to borrow Bonneville County's tactical rescue vehicle however, continued access when the need arises is not guaranteed.

Action Item:
Approve the purchase of one BearCat G3 vehicle from Lenco Industries, Inc. for a total of $411,097.00 and authorize the Mayor to sign the necessary documents (or take other action deemed appropriate).

Attachments: 2024 BearCat G3 Quote - Sourcewell Cooperative Purchasing
Contract 080922

B. Community Development Services

1) Final Plat and Reasoned Statement of Relevant Criteria and Standards, MK Simpson Center Division No. 2. **24-228**

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for MK Simpson Center Division No. 2. The Planning and Zoning Commission considered this item at its July 11, 2023 meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

Action Items:
1. Accept or Approve the Final Plat for MK Simpson Center Division No. 2 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 MK Simpson Center Division No. 2 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

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

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Lincoln Park Division No. 1. **24-229**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Lincoln Park Division No. 1. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

Action Items:

1. Approve the Development Agreement for the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept or Approve the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).
3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

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

C. City Attorney

1) Ordinance Amendment - Title 4, Chapter 3, Section 16; Title 4, Chapter 4, Section 12; and Title 8, Chapter 3, Section 5. **24-239**

This ordinance would amend the City's benevolent, charitable, or public purposes licensing to extend the area beer and wine may be served during events held at the City's Sandy Downs Park and Noise Park. The current license limits dispensing beer and wine within one thousand two hundred square feet (1,250 sq ft). The amendment would permit a larger dispensing limit at Sandy Downs Park and Noise Park provided that the hours of service are limited to the afternoon hours (between 12:00 p.m. and 5:00 p.m.) and that the applicant for the charitable beer and wine license received an approved site map for a Permitted Event under Title 8, Chapter 3 of the City Code. Permitted event site map

must conform to the provisions of the City Code and be reviewed and approved by the Parks and Recreation Director and Chief of Police. The ordinance also adds the River Walk Stage to the list of City-owned properties eligible to receive approval for a Permitted Event (an event that serves alcoholic beverages).

Action Item:
Approve the Ordinance amending City's alcohol regulations in order to extend the area where beer and wine may be dispensed at Sandy Downs and Noise Park for events that have been issued a charitable event permit and adding the River Walk Stage to the approved City properties for permitted events 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).

Attachments: Ordinance - Title 4 Wine and Beer 5.16.24

2) Ordinance Amendment - Title 3, Chapter 5 **24-240**

Idaho Code § 40-209 governs the creation and recording of Right-of-Way plats that may be filed by a highway administrator. As the highway administrator of the roads and streets within the City, the City is authorized to designate a highway right-of-way agent who may file such Right-of-Way plats. This ordinance would designate the City Surveyor as the City's authorized agent.

Action Item:
Approve the Ordinance amending Title 3, Chapter 5 of the City Code to designate the City Surveyor as the City's agent authorized to acknowledge, file, and record Highway Right-of-Way Plats, 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).

Attachments: Ordinance - Title 3 Ch 5 Right-Of-Way Agent 5.6.24

3) Ordinance Amendment - Title 5, Chapter 8, Sections 12 and 13 **24-241**

This ordinance would amend Title 5 Chapter 8's weed and litter nuisance regulations. In addition to changes that reflect the reassignment of code enforcement from the Community Development Services Department to the Police Department, the ordinance would authorize the Chief or Police, or their designee, to defer a nuisance abatement when abatement would require more than ten (10) days. The changes also provide that a property owner's time to appeal a nuisance order would be tolled during the Chief's deferral period.

Action Item:
Approve the Ordinance amending City's weed and litter regulations 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).

Attachments: Ordinance

4) Ordinance - Adding Title 5, Chapter 4, Section 12 **24-242**

This ordinance would add a new section to the City's general offenses that would regulate animal trapping within the City limits. The ordinance would designate the City's sidewalks as public trails in order to clarify and empower the Idaho Fish and Game to cite both licensed and unlicensed trappers who set traps adjacent to the City's sidewalks. In addition, the ordinance would give independent authority to City Police to cite those who set traps within three hundred feet (300') of any sidewalk or paved trail open to the public within the City's limits. This restriction mirrors the restriction imposed by Idaho Fish and Game as set out in IDAPA 13.01.16.450.03. The ordinance would also prohibit trapping within any City park and other public lands within the control or management of the City. The proposed ordinance would require trappers to place conspicuous warning signs in areas where trapping is not prohibited within the City. The ordinance exempts trapping conducted by governmental employees and agents for nuisance abatement and other authorized purposes and cage or live trapping.

Action Item:
Approve the Ordinance regulating trapping within the City 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).

Attachments: Ordinance

5) Resolution to Waive Certain 2024 Fourth of July Fees **24-243**

This annual resolution waiving certain City fees allows for support of the 2024 Community Fourth of July Celebration.

Action Item:
Approve the Resolution to waive certain 2024 Fourth of July fees for services performed by the City of Idaho Falls to assist in the free, public Fourth of July activities and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Attachments: 2024 Fourth of July Fees Resolution 5.16.24

D. Fire Department: Presentation of 2024-25 Council Priority Planning

6. Announcements.

7. Adjournment.

Memorandum

File #: 24-238 **City Council Meeting**

FROM: Mark Hagedorn, City Treasurer
DATE: Wednesday, May 15, 2024
DEPARTMENT: Municipal Services

Subject
Treasurer's Report for March 2024

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the Treasurer's Report for the March 2024 or take other action deemed appropriate.

Description, Background Information & Purpose
A monthly Treasurer's Report is required for City Council review and approval pursuant to Idaho Statutes Title 50-208(1). The attached document is the Treasurer's report for March 2024.

For the month of March 2024, cash and investments total $185.5M. Total fiscal year-to-date receipts received and reconciled to the general ledger were reported at $135.7M, which includes revenues of $67.3M for charges for services and taxes and intergovernmental revenues of $48.9M. Total fiscal year-to-date distributions reconciled to the general ledger were reported at $109.6M, which includes salary and benefits of $41.5M and operating costs of $47.8M.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

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

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

City of Idaho Falls

Treasurers Report

March 31, 2024

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Page 2 Cash by Fund- Showing the balances for the reported month in comparison to previous years

Page 3 Revenue and Expense Summary, presenting significant categories in relation to the overall budget

Page 4 Summary of Significant Adjustments- presenting a list of adjustments made by Finance office

Prepared BY: Mark Hagedorn, City Treasurer

City of Idaho Falls
Bank Reconciliation Summary
March 31, 2024

Account By Institution:	Beginning Bank Balances	Deposits	Withdrawals	Ending Bank Balances
Mountain West- Workers Comp	$ 100,000	$ -	$ -	$ 100,000
Bank of Idaho 8013	2,000,000	9,029,302	(9,029,302)	2,000,000
Bank of Idaho 1952	2,822,888	20,864	(1,364,193)	1,479,558
Bank of Idaho 2720	2,000,000	8,541,564	(8,693,255)	1,848,310
Bank of Idaho 2746	-	9,398,063	(9,398,063)	-
Bank of Idaho 2845	2,415,136	7,520,500	(8,747,298)	1,188,338
Bank of Idaho 2886	1,132,697	22,917,795	(23,809,807)	240,684
Frontier Bank 0590	500	700,000	-	700,500
Wells Fargo 0017	114,846	17,405,776	(17,400,688)	119,934
Wells Fargo 0962	-	9,721	(9,721)	-
Wells Fargo 4394	-	346,998	(346,998)	-
Wells Fargo 7687	-	451,006	(451,006)	-
Investment Portfolio	189,785,858	1,430,270	(12,293,018)	178,923,111
Total Financial Institution Balances	**$ 200,371,425**	**$ 77,071,859**	**$ (91,543,349)**	**$ 186,600,434**

Reconciling Items	Beginning	Deposits	Withdrawals / Market Value	Ending
Current Reconciling Items	$ (9,446,977)	$ 9,392,573	$ (989,038)	$ (1,043,442)
Next Month Reconciling				(17,750.00)
Total Reconciled Balances	**$ 190,924,448**	**$ 86,464,432**	**$ (92,532,387)**	**$ 185,539,244**

General Accounting Ledger	Beginning Ledger Balances	Debits	Credits	Ending Ledger Balances
Cash (Accounts 101 and 102)	$ 118,121,298	$ 27,558,039	$ (33,321,296)	$ 112,358,040
Designated/Restricted Cash (106 and 107)	57,236,347	17,687	(122,569)	57,131,465
MERF Cash (105)	15,998,625	472,008	(420,894)	16,049,738
Total General Ledger Balances	**$ 191,356,270**	**$ 28,047,734**	**$ (33,864,760)**	**$ 185,539,244**

IDAHO FALLS

Summary of Cash by Fund and Year

#	FUND	Mar-21	Mar-22	Mar-23	Mar-24
1	GENERAL	15,458,914	26,201,923	26,592,529	31,526,300
10	STREET	4,756,043	4,714,961	8,848,639	11,595,401
11	RECREATION	(49,126)	493,458	275,150	228,191
12	LIBRARY	4,393,528	4,131,594	4,439,748	4,216,665
13	AIRPORT PFC/CFC FUND	59,436	1,091,191	2,157,556	2,843,751
14	MUNICIPAL EQUIP. REPLCMT.	5,493,340	-	-	-
15	EL. LT. WEATHERIZATION FD	3,572,116	3,756,260	-	-
16	BUSINESS IMPRV. DISTRICT	96,441	107,342	68,863	44,744
18	GOLF	(785,445)	(538,412)	(699,398)	(885,664)
19	RISK MANAGEMENT	2,797,703	3,492,080	3,877,601	4,573,049
20	SELF-INSURANCE FD.	4,624,020	4,552,969	4,573,516	4,965,898
21	AIRPORT CFC	-	-	13,198	478,858
23	EMERGENCY MEDICAL SERVICES	(896,219)	(93,532)	817,619	2,602,166
24	WILDLAND	475,440	674,930	877,336	929,795
32	POLICE IMPACT FEES	-	-	86,937	593,961
33	FIRE IMPACT FEES	-	-	31,102	380,798
34	PARKS IMPACT FEES	-	-	80,551	969,885
35	STREETS IMPACT FEES	-	-	351,279	2,593,402
41	MUNICIPAL CAPITAL IMP.	2,566,628	2,584,686	2,781,521	3,108,662
42	STREET CAPITAL IMPROVEMENT	642,514	838,705	959,115	4,171,971
43	BRIDGE & ARTERIAL STREET	972,296	870,637	980,605	1,331,328
45	SURFACE DRAINAGE	233,108	193,801	165,284	671
46	TRAFFIC LIGHT CAPITAL IMPRV.	1,088,200	1,311,928	1,244,293	1,449,390
47	PARKS CAPITAL IMPROVEMENT	5,931	(100,487)	(160,741)	(151,471)
49	ZOO CAPITAL IMPROVEMENT	290,352	415,160	509,120	752,255
50	CIVIC AUDITORIUM CAPITAL IMP.	204,371	201,740	205,694	914,074
51	GOLF CAPITAL IMP.	345,029	(78,230)	165,359	206,800
52	POLICE CAPITAL IMPROVEMENT	1,000	(506,021)	(52,607)	(1,842,013)
60	AIRPORT	(233,900)	(156,328)	688,200	(1,529,511)
61	WATER	14,618,230	18,431,634	20,495,222	25,374,636
62	SANITATION	5,581,659	6,021,571	6,274,513	7,126,532
64	IDAHO FALLS POWER	52,409,158	37,135,686	54,750,738	50,001,465
67	FIBER	647,209	854,143	190,329	897,291
68	WASTEWATER	26,879,378	29,850,036	28,714,491	26,069,961
	TOTAL	**146,247,352**	**146,453,425**	**170,303,362**	**185,539,244**

City of Idaho Falls
Monthly Revenue and Expense Summary
March 31, 2024

Revenue

Fund Type	Taxes / Intergovernmental	Charges for Services	Permits / Fees	Interest	Other Financing Sources	Total	Budget	%
General Fund	$ 32,313,111	$ 957,972	$ 1,177,974	$ 358,302	$ 1,527,021	**$ 36,334,381**	$ 72,440,631	**50.16%**
Special Revenue Funds	9,131,280	4,706,132	7,250	390,669	1,166,839	**$ 15,402,170**	$ 32,228,418	**47.79%**
Internal Service Funds	-	-	-	187,686	2,182,529	**$ 2,370,215**	$ 3,180,000	**74.54%**
Impact Fee Funds	-	-	2,713,834	57,795	-	**$ 2,771,629**	$ 3,225,353	**85.93%**
Capital Improvement Funds	4,612,950	144,234	-	141,936	4,858,993	**$ 9,758,114**	$ 15,554,624	**62.73%**
Enterprise Funds	2,874,170	61,462,579	-	2,443,615	2,258,229	**$ 69,038,593**	$ 152,957,171	**45.14%**
Total	$ 48,931,511	$ 67,270,917	$ 3,899,058	$ 3,580,004	$ 11,993,612	**$ 135,675,102**	$ 279,586,197	**48.53%**

Expenditures

Fund Type	Personnel Cost	Operating Expense	Capital	Debt	Interfund	Total	Budget	%
General Fund	$ 24,070,575	$ 8,996,718	$ 2,690,706	$ 995,471	$ (6,822,666)	**$ 29,930,803**	$ 73,940,110	**40.48%**
Special Revenue Funds	6,177,636	4,692,768	1,733,836	-	(43,636)	**12,560,605**	$ 36,895,269	**34.04%**
Internal Service Funds	42,217	1,155,376	-	-	-	**1,197,594**	$ 21,009,389	**5.70%**
Impact Fee Funds	-	-	854	-	-	**854**	$ 3,225,353	**0.03%**
Capital Improvement Funds	-	303,581	5,691,105	-	(37,302)	**5,957,384**	$ 18,417,911	**32.35%**
Enterprise Funds	11,282,305	32,693,962	14,832,034	2,090,011	(957,381)	**59,940,931**	$ 185,995,512	**32.23%**
Total	$ 41,572,734	$ 47,842,404	$ 24,948,536	$ 3,085,482	$ (7,860,985)	**$ 109,588,170**	$ 339,483,544	**32.28%**

City of Idaho Falls
Summary of Significant Adjustments
March 31, 2024

The transparency of financial adjustments is crucial for maintaining trust and accountability, particularly in the governmental sector. Financial adjustments refer to changes made to financial statements or records to correct errors, account for new information, or comply with accounting standards. Transparency in financial adjustments involves providing clear and comprehensive information about the nature, reasons, and impact of the adjustments. The Finance Division is committed to providing a high level of transparency with the adjustments made to budget line items and purchase orders. Budget and purchasing type adjustments do not require Council approval unless they create an authorization to spend above $75,000. Typically, budget adjustments are not considered authorizations to spend unless they add to the overall budget of the City or Department.

Significant Budget Adjustments

Reallocation of Budget

1. A budget adjustment of $90,000 was made to reallocate funds within the streets departments from account 10-4608-541.79-02 to 10-4603-541.63-50 to be able to cover concrete replacement work that is being bid out.

2. A budget adjustment of $172,550 was made from Power's 9001-602-7800 to Power's 9002-602-7800 account. This budget adjustment was due to the split of Kleinschmidt between the Gem State and Bulb Turbine Departments.

3. Another adjustment of $110,000 was made from Power's 9011-611-4100 to 9011-611-4400 in the amount to cover advertising costs.

Memorandum

File #: 24-230 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Tuesday, May 14, 2024
DEPARTMENT: Idaho Falls Power

Subject
Crew Cab 4X4 with plow package

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the purchase of the Boss Power-V DXT Snowplow truck for an estimated Sourcewell price of $84,931.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
This purchase will replace unit #3039, a truck with a snowplow that is approaching the end of its useful life and is scheduled for replacement.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This action supports our readiness for reliable public infrastructure and transportation by acquiring new equipment that replaces aging equipment that is past its useful life. This action also supports the responsive workforce and reliable service element of IFP's Strategic Plan.

Interdepartmental Coordination
Idaho Falls Power, Municipal Services

Fiscal Impact
This purchase is in the IFP Capital Plan Budget.

Legal Review
The Legal Department concurs this action is within state statute.

UNIT SPECIFICATION REQUEST FORM

**** Requires Division Director Approval -- Please initial by specific accessory**

Standard Features All Units Except Other Equipment: Automatic Transmission, AM-FM Radio, Rear Defrost (If applicable)

Department IFP-Generation MERF Replacement for Vehicle # 3039

Add to Fleet ____

Cost Code: 064-9001-607.79-02

(Surplus), Trade, Transfer to: _____

VEHICLE TYPE: Pickup

Mid Size: ☐ 1/2 Ton **OR** ☒ Full Size ☐ 1/2 Ton ☐ 3/4 Ton ☒ 1 Ton

Cab Type: ☐ Standard ☐ Ext. Cab ☒ Crew Cab (If Ext. Cab are rear seats required ☐ Yes ☐ No)

Box Length/Type: ☐ Short Box ☒ Long Box ☐ Flat Bed ☐ Dump Bed ☐ Special Box

If special box specify type: Utility, etc. Utility bed - same as 3062

☐ Two Wheel Drive ☒ Four Wheel Drive** JR **Director Approval**

If One Ton was selected above do you need dual rear wheels. ☐ Yes ☒ No

Accessories or Special Requirements: Check if Required

Mirrors: ☒ Vehicle Standard ☐ Extendable --Type for Towing

☒ Power Windows** JR **Director Approval** ☒ Air Conditioning** JR **Director Approval**

☒ Power Door Lock** JR **Director Approval** ☐ Hybrid** _____ **Director Approval**

☒ Cruise Control** JR **Director Approval**

☒ City Radio: ☐ New or ☒ Use From Old/Trade-in Unit

VEHICLE TYPE: Van

Passenger Type: ☐ Mini: Seating Capacity Required _____ **OR**

☐ Full Size: ☐ 1/2 Ton ☐ 3/4 Ton ☐ 1 Ton

Seating Capacity Required: _____

Specify Door Arrangement If Available: ☐ Sliding Side Door ☐ Hinged Swing Side Door

Cargo Type: ☐ Full Size: ☐ 1/2 Ton ☐ 3/4 Ton ☐ 1 Ton

Specify Door Arrangement If Available: ☐ Sliding Side Door ☐ w/ Windows ☐ w/o Windows

☐ Hinged Swing Side Door ☐ w/ Windows ☐ w/o Windows

☐ Rear Door: ☐ w/ Windows ☐ w/o Windows

Mirrors: ☐ Vehicle Standard ☐ Extendable--Type for Towing

☐ Power Windows** _____ **Director Approval** ☐ Air Conditioning** _____ **Director Approval**

☐ Power Door Lock** _____ **Director Approval** ☐ Hybrid** _____ **Director Approval**

☐ Cruise Control** _____ **Director Approval**

☐ City Radio: ☐ New or ☐ Use From Old/Trade-in Unit

UNIT SPECIFICATION REQUEST FORM

**** Requires Division Director Approval – Please initial by specific accessory**

VEHICLE TYPE: Sports Utility Vehicle (SUV) or Cross-Over Vehicle

☐ Small Size – (Example Escape, Journey) ☐ Seating Capacity Required: _____

☐ Mid Size – (Example Edge, Traverse) ☐ Seating Capacity Required: _____

☐ Full Size – (Example Expedition, Suburban) ☐ Seating Capacity Required: _____

☐ Two Wheel Drive ☐ Four Wheel Drive** _____ **Director Approval**

Accessories or Special Requirements: Check if Required

☐ Power Windows** _____ **Director Approval** ☐ Air Conditioning** _____ **Director Approval**

☐ Power Door Lock** _____ **Director Approval** ☐ Hybrid** _____ **Director Approval**

☐ Cruise Control** _____ **Director Approval** ☐ Lift Gate** _____ **Director Approval**

☐ City Radio: ☐ New or ☐ Use From Old/Trade-in Unit

VEHICLE TYPE: Sedan

Mid Size – Four Door Standard Seating Capacity: _____

Accessories or Special Requirements: Check if Required

☐ Power Windows** _____ **Director Approval** ☐ Air Conditioning** _____ **Director Approval**

☐ Power Door Lock** _____ **Director Approval** ☐ Hybrid** _____ **Director Approval**

☐ Cruise Control** _____ **Director Approval**

☐ City Radio: ☐ New or ☐ Use From Old/Trade-in Unit

VEHICLE TYPE: Other Equipment

Equipment Type: Boss 8'2" Power-V DXT snow plow with attachments

Please attach any paperwork regarding the requested equipment. (Specifications, Brochures, Make, Model, Manufacturer, etc.)

COMMENTS and / or ADDITIONAL REQUESTS: (Indicate vehicle # of similar unit if applicable)

Requested By: JASON COOPER Department: Generation - 9001

Signature: [signature] Date: 5/9/2024

Memorandum

File #: 24-232 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Tuesday, May 14, 2024
DEPARTMENT: Idaho Falls Power

Subject
QTE #93323 Sleeve Enclosures for Idaho Falls Power

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the purchase of inventory material from Proglass, Stuart Irby, and Border States for a total of $148,829.40 (or take other action deemed appropriate).

Description, Background Information & Purpose
Idaho Falls Power solicited bids from qualified vendors to purchase sleeve enclosures to replenish inventory. Five bids were received with the following three being the lowest responsive, responsible bidders who meet our construction schedule:

Vendor	Amount
Proglass	$ 36,646.40
Stuart Irby	$ 54,900.00
Border States	$ 57,283.00
Total	**$ 148,829.40**

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This action shows our readiness for healthy economic growth, ensuring a well-supplied inventory for Idaho Falls Power projects. This action also supports the growth and reliability element of IFP's Strategic Plan.

Interdepartmental Coordination
The Legal Department

Fiscal Impact
Funds for this purchase are included in the Idaho Falls Power CIP budget.

Legal Review
The City Attorney concurs that this purchase is within state statute.

Idaho Falls Power
Bid Tabulation

Project: Sleeve Enclosures — Number: QTE 93323
Submitted Krista Thornton Facility Services Manager — Date: 5/6/2023

				Proglass			Anixter			Stuart Irby			General Pacific			Border States		
	Description	Quantity	Unit	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time
1	Ground Sleeve - Small Opening	80	each	$ 458.08	$ 36,646.40	6-8 Weeks	$ 487.00	$ 38,960.00	6-8 Weeks	$ 470.00	$ 37,600.00	6-8 Weeks	$ 486.59	$ 38,927.20	8-12 Weeks	$ 467.78	$ 37,422.40	4-5 Weeks
2	Ground Sleeve - Large Opening	100	each	$ -	$ -		$ 704.00	$ 70,400.00	6 Weeks	$ 675.00	$ 67,500.00	5 Weeks	$ -	$ -		$ 572.83	$ 57,283.00	5-6 Weeks
3	Sectionalizing Terminal Enclosure	60	each		$ -			$ -		$ 915.00	$ 54,900.00	10 Weeks		$ -		$ 1,225.05	$ 73,503.00	6-7 Weeks
				Total	$ 36,646.40			$ 109,360.00			$ 160,000.00			$ 38,927.20			$ 168,208.40	

Recommended Award

Proglass	$ 36,646.40
Stuart Irby	$ 54,900.00
Border States	$ 57,283.00
	$ 148,829.40

Sub Total $ 513,142.00

Attending: Krista Thornton

Memorandum

File #: 24-234 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Wednesday, May 15, 2024
DEPARTMENT: Idaho Falls Power

Subject
Fire Alarm System Upgrade for the Generation/Dispatch and City Plant - Omni Security Systems

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Declare that the compatibility of Idaho Falls Power's fire alarm system's equipment, components, and replacement parts is of paramount importance; find that Omni Security Systems Inc. is the only vendor reasonably available to provide the compatible fire system to Idaho Falls Power; and accept and approve the Omni Security Systems Inc. sole source bid to upgrade the fire alarm system for $119,900.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
Idaho Falls Power (IFP) is requesting approval to award this work to Omni Security Systems Inc. for a total amount of $119,900. Omni Security Systems previously provided the design for this project. The materials cost will be $29,500 plus 10%, plus Mountain West Electric's installation cost of $79,500, plus 10%, to cover the costs of subcontracted work. Although Omni's equipment, components, accessories, parts, and service are essential to preserve the compatibility of Idaho Falls Power's fire system, the electrical work required for the project is of a sort that any qualified electrical contractor could provide the work. At IFP's request and to ensure that the City was received the lowest price available for the electrical work, Omni obtained three quotes for the installation. Mountain West was their lowest responsive, responsible bidder:

Vendor	Base Amount	10% Contingency	Total Amount
Barin Group - Install	$ 87,115.04		
Mountain West Electric - Install	$ 79,500.00	$ 7,950.00	$ 87,450.00
Wheeler Electric - Install	$119,340.00		
Omni Security - Materials	$ 29,500.00	$ 2,950.00	$ 32,450.00
		TOTAL	**$119,900.00**

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☒ ☐ ☐

This action supports public safety by updating the fire alarm system at the City Plant buildings to protect and manage the safety of employees and community-owned infrastructure, ensuring long-term reliability.

Interdepartmental Coordination
Idaho Falls Power coordinated with the Legal Department.

Fiscal Impact
The funds for this upgrade are in the IFP Capital Improvement Plan's budget.

Legal Review
The Legal Department reviewed this action. The proposed award conforms to the provisions of Idaho -Code § 67-2808(2)(a)(ii)'s requirements for a sole source purchase where compatibility is the paramount consideration.

OMNI SECURITY SYSTEMS INC.
PO BOX 309 RIGBY IDAHO 83442
208 745 1020
208 745 1564 FX
OMNISS.COM

nicet IV 113099 Public Works pwc-c-16659-b4 rce-1278 **PROPOSAL**

PROPOSAL SUBMITTED TO:	PHONE	DATE
IDAHO FALLS POWER GENERATION BLDG		February 7, 2024
STREET		**JOB NAME**
140 S CAPITAL AVE		FIRE ALARM UPGRADE
CITY, STATE AND ZIP CODE		**JOB LOCATION**
IDAHO FALLS IDAHO		IDAHO FALLS ID

1	FCI	FIRE ALARM PANEL	S-3
1	FCI	REMOTE ANNUNCIATOR	SWL
31	FCI	SMOKE	SMK
2	FCI	DUCT DETECTOR	DNR
4	FCI	DUCT DETECTOR EXIST	MODULE
4	FCI	RELAY MODULES	AOM-2RF
10	FCI	HEAT SENSOR	HEAT
22	FCI	HORN STROBES	PC2WL
5	FCI	STROB ONLY	SWL
1	FCI	WP HORN STROBE	P2RK
11	FCI	PULL STATION	MS7AF
1	FCI	DIALER	14 2
3	FCI	DOOR HOLDER	16 2
1	FCI	DOC BOX	DBOX

$7,115.00 Maintain West bid
total $116,615.00

INSTALLATION BY ELECTRICAL CONTRACTOR
ADD $129,00.00
TOTAL PROJECT BUDGET# $158500.00

THIS PROPOSAL ASSUMES THE PROJECT WILL BE COMPLETED IN A SINGLE PHASE IF THE PROJECT IS BROKEN IN TO MULTIPLE PHASES THERE WILL BE ADDITIONAL COSTS FOR EACH TRIP. CAD FILES WILL BE PROVIDED BY OTHERS FOR USE BY OMNI SECURITY SYSTEMS INC. PLEASE ALLOW A MINIMUM OF 3-4 WEEKS FROM RECEIPT OF CAD FILES FOR RELEASE OF SHOP DRAWINGS AND SUBMITTALS. PLEASE INCORPORATE THIS LEAD TIME INTO ALL SCHEDULING AND ALLOW FOR APPROPRIATE PLANS REVIEW AND PERMITTING TIME WITH LOCAL AHJ AND OWNER AS NEEDED.
INCLUDED SHOP DRAWINGS SUBMITTALS TESTING AND STARTUP. OWNER TRAINING UP TO 4 HOURS.
EXCLUDED CONDUIT WIRE BOX'S HANGERS AND LABELING. EXCLUDED INSTALLATION OF BEFORE MENTIONED. PAYMENT 40 PERCENT UPON RECIEPT OF SUBMITTALS. 50 PERCENT UPON RECIEPT OF EQUIPMENT 10 PERCENT UPON COMPLETION.

WE PROPOSE hereby to furnish material and labor-complete in accordance with above specifications, for the sum of:
$ 29,500.00).
PRICE DOES INCLUDE TAX IF NEEDED.

Authorized Signature:_____ Note: This proposal may be withdrawn by us if not accepted within_____days.

Acceptance of Proposal- The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

_____ Signature

_____ Signature

_____ Date of Acceptance

Quality Service



Reasonable Rates

MOUNTAIN WEST ELECTRIC INC.
Electrical Construction & Maintenance

Revised Quote

Date: May 13, 2024

To: Omni Security

Project: Idaho Falls Power Generation Building Fire Alarm

We offer the following electrical estimate to install fire alarm system, conduit and wire shown on Omni Security Plans.

Bid Total $79,500.00

Exclusions: New Panels, breakers, fire alarm system, night or weekend work, anything else not shown on plans.

Bid shall be good for 30 calendar days.
Bid includes all applicable taxes and State Electrical Fee.

Idaho Electrical Contractor's License No.: ELE-C-3802
Idaho Public Works Lic: PWC-C-12193-UNLIMITED-4 (16000,02310,02820,02810,13850,16700)

Please do not hesitate to contact me at (208) 684-5463 should you have any questions regarding the above bid. Thank you.

Sincerely,

Dan Beck
Estimator

586 West Hwy 26, Box 1, Blackfoot, Idaho 83221 • Phone: (208) 684-5463 • Fax: (208) 684-3218

May 13, 2024

Idaho Falls Power Generation Plant Fire Alarm

We are pleased to present our pricing for the above-referenced project. Our proposed scope of work is in accordance with the information furnished by you and is based on the clarifications within. Please find the following attachments:

#	Description
1	**Clarifications, Inclusions, and Exclusions**
2	**Pricing Breakout**

We look forward to continuing conversations and are willing to meet and discuss the proposed scope at your convenience. Please don't hesitate to contact us with any, and all questions or concerns.

Respectfully,



Chase Fultz – Project Manager
Barin Group LLC

CC. P. Miller

Technical Clarifications

1. **We have Assumed the following within our proposal:**
    a. Work shift Monday through Friday normal business hours
    b. Client representative to review and sign daily report, end of each shift

2. **We have Included the following within our proposal:**
    a. One mobilization
    b. Labor, material, and equipment to complete the scope of work in the RFP
    c. One month of equipment rental

3. **We have excluded the following from our proposal:**
    a. Any and all BIM, or model coordination
    b. Mounting of any devices/instruments installed in process piping, ducting, tanks, or ponds
    c. Programing of any nature
    d. BDA testing
    e. Fulltime safety professional, if requested we can supply such representatives on a reimbursable basis
    f. Sheetrock repair, concrete cutting, concrete patching
    g. Design of any nature not specifically included in inclusions
    h. Removal of any waste
    i. Any and all 3rd party inspections
    j. Removal, handling, abatement, transportation and disposal of any existing hazardous materials (asbestos, lead paint, etc.).
    k. Receiving, handling and organizing any and all equipment and materials not installed by Barin
    l. Temporary construction utilities and services: toilets, lights, electrical power (115v, 220v and 460v), jobsite security, fencing and dust control will be provided by others.
    m. Site surveying and building layout.

Standard **Commercial** Clarifications

1. Barin disclaims any and all liability with respect to unknown structural, soil and subsurface conditions and pre-existing contamination of the jobsite.
2. Any and all seismic calculations as well as additional support materials & labor will be managed on a reimbursable basis.
3. Payment terms: construction services will be billed as directed in the RFP, retention shall not exceed 5% and final payment is due within 15 days of substantial completion. Balances outstanding after such time shall accrue interest at a rate of 2.5% per month. No set-off rights.
4. The parties shall mutually agree upon any changes to scope of work, regarding schedule or price. If collective change orders equal or exceed 5% of the contract price, we reserve the right to recover additional general condition and applicable overhead expenses. We reserve the rights and remedies for damages and losses incurred by delay by others.
5. In the event of significant delay or price increase of material occurring during the performance of the contract through no fault of the Contractor, the contract sum, time of performance, and contract requirements shall be equitably adjusted by change order in accordance with the procedures of the contract documents. A change in price of an item of material shall be considered significant when the price of an item increases 3% percent between the date of this proposal and the date of installation.
6. Barin's provision of indemnification shall be limited to damages to property and personal injury and shall be limited solely to the extent of Barin's negligence.

Lump Sum Pricing

#	Description:	QTY	UOM	Total Cost
1	Fire Alarm System Install	1	lot	$87,115.04
	Total			**$87,115.04**

WHEELER
ELECTRIC, INC.
SINCE 1962

208.522.1906

469 W. 16TH STREET
IDAHO FALLS, ID 83402

IDAHO LICENSE # C-1950

IDAHO DPW LICENSE # 12483-U-4

OMNI SECURITY SYSTEMS INC.

ATTN: MARK PETTICHORD
PHONE: 208.745.1020
EMAIL: MARK.OMNISS@GMAIL.COM

MAY 14, 2024

IDAHO FALLS GENERATION PLANT FIRE ALARM INSTALLATION

FIRE ALARM INSTALL - $ 119,340.00

- WE **ARE INCLUDING** THE FOLLOWING:
  - INSTALL NEW CALLED OUT FIRE ALARM DEVICES AND EQUIPMENT PROVIDED BY OTHERS.
  - PROVIDE AND INSTALL NEW CONDUIT AND CABLING FOR FIRE ALARM INSTALL.
  - PROVIDE CALLED OUT CLEAN AGENT SYSTEM DEMOLITION.
  - PROVIDE AND INSTALL FIRE ALARM SYSTEM.
  - TAKE OFF PROVIDED BY OMNI DRAWINGS REVISION 0 DATED 12/22/2023.

- WE **ARE EXCLUDING** THE FOLLOWING:
  - ALL OWNER PROVIDED AND/OR INSTALLED ITEMS.
  - ANY DEMOLITION BESIDES CALLED OUT CLEAN AGENT SYSTEM.
  - ANY RELAYS OR CONTROL EQUIPMENT.
  - ALL DEVICES AND EQUIPMENT.
  - ANY AES SYSTEM INSTALL.
  - ANY SIGNAGE AS PER FA-1 NOTE 18.
  - ANY BDA SYSTEMS OR TESTING.
  - ANY RETURN VISITS.
  - ANY TEMPORARY POWER OR LIGHTING.
  - ALL BONDING. ADD 1.5% IF NECESSARY.

~ Thank you for the opportunity to provide this proposal. ~

Dennis Hoopes ~ dennish@wheelerelectric.com

PROPOSAL TERMS:

- Due to the current issues surrounding manufacturing supply, lead times and shipping, many suppliers are unwilling to guarantee and hold prices for more than 5 business days. Please understand that our quotation is conditioned upon an acknowledgement and your agreement that these issues may directly or indirectly delay or impact our ability to obtain required materials and equipment.
  In the event of these issues arising, Wheeler Electric, Inc. shall not be deemed in default and the parties shall agree to negotiate a modification of the contract scope, schedule, or method of performance to appropriately address the impacts of such event or any other event beyond our reasonable control.
  We will notify you promptly in the event of such impact and provide our best estimate as to the impact, as well as continue to update you as the circumstances evolve.

- This price is contingent upon a mutually agreeable contract that shares risk equitably between contractor and subcontractor.

- Failure by Wheeler Electric, Inc. to specifically exclude any particular item shall not be interpreted as an inclusion of that item in the scope of work. Anything not covered in the scope of work will be addressed as a change order.

- **Unless noted elsewhere or agreed upon in writing, this proposal shall remain valid for a period of up to 30 days from date of the proposal.**

Memorandum

File #: 24-237 **City Council Meeting**

FROM: Chris H Fredericksen, Public Works Director
DATE: Wednesday, May 15, 2024
DEPARTMENT: Public Works

Subject
Bid Award - Sewer Line Rehabilitation 2024

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the plans and specifications; award to the lowest responsive, responsible bidder, Planned & Engineered Construction, Inc., in the amount of $875,875.00; and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
On Tuesday, May 14, 2024, bids were received and opened for the Sewer Line Rehabilitation 2024 project. The tabulation of bid results is attached. The purpose of the proposed bid award is to contract with the lowest bidder to line aging sewer and stormwater pipe throughout Idaho Falls.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

This project supports the community-oriented result of reliable public infrastructure by investing in the renewal of our sewer and stormwater collection systems.

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

Fiscal Impact
Cost allocation for this project will come from Wastewater Division funds. Sufficient funding and budget authority exist for completion of the proposed improvements.

Legal Review

The Legal Department reviewed the bid process and concurred that the Council action desired is compliant with the Idaho State Statute.

0-00-00-0-SWR-2024-04
2024-029

City of Idaho Falls

Engineering Division

Engineer's Estimate

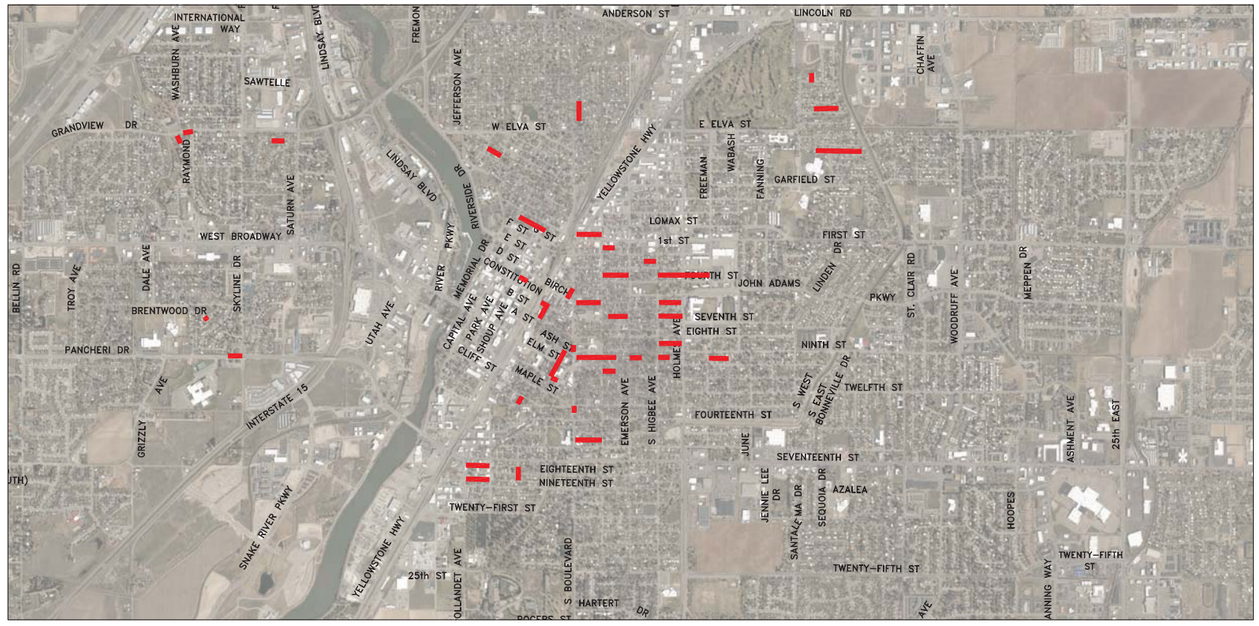
Project: Sewer Line Rehabilitation 2024 ***Number:*** 0-00-00-0-SWR-2024-04

Submitted: ***Date:*** May 14, 2024

Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		Planned & Engineered Construction, Inc		National Power Rodding Corp	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
	DIVISION 500 - SEWER								
509.4.1.B.1.a	CIPP Liner 8"	14380	LF	$50.00	$719,000.00	$46.00	$661,480.00	$56.52	$812,757.60
509.4.1.B.1.b	CIPP Liner 10"	557	LF	$65.00	$36,205.00	$60.00	$33,420.00	$56.52	$31,481.64
509.4.1.B.1.c	CIPP Liner 12"	1225	LF	$75.00	$91,875.00	$75.00	$91,875.00	$56.52	$69,237.00
509.4.1.C.1	Cut Off Protruding Services	35	EA	$350.00	$12,250.00	$300.00	$10,500.00	$300.00	$10,500.00
509.4.1.D.1	Reconnect Service Line	402	EA	$100.00	$40,200.00	$50.00	$20,100.00	$300.00	$120,600.00
509.4.1.E.1	Bypass Sewage Pumping	1	LS	$45,000.00	$45,000.00	$58,500.00	$58,500.00	$400,000.00	$400,000.00
	TOTAL				**$944,530.00**		**$875,875.00**		**$1,444,576.24**

SEWER LINE REHABILITATION 2024
CITY PROJECT # 0-00-00-0-SWR-2024-04

PROJECT LOCATIONS







MAYOR
REBECCA L. NOAH CASPER

CITY COUNCIL
MICHELLE ZIEL-DINGMAN
LISA BURTENSHAW
KIRK LARSEN
JIM FRANCIS
JOHN B. RADFORD
JIM FREEMAN

ENGINEERING DIVISION

PUBLIC WORKS DIRECTOR
CHRIS H FREDERICKSEN, P.E.

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

2024

Digitally signed by Kent J Fugal
Date: 2024.04.26 17:28:56-06'00'

PROFESSIONAL ENGINEER REGISTERED 9247 STATE OF IDAHO KENT J. FUGAL

AS BUILT DATE / BY: _____ / _____

SCALE SHOWN IS FOR SHEET 11 x 17 ONLY

ENGINEERING DIVISION

IDAHO FALLS PUBLIC WORKS

SEWER LINE REHABILITATION 2024
TITLE PAGE

CHECKED BY:	DESIGN TECH:	DATE PLOTTED:	SHEET NO.
CW	DD	4/26/2024	1 OF 126

F:\Projects\SWR\SWR-2024-04\design\SWR-2024-04 Title Page R2.dwg

Memorandum

File #: 24-246 **City Council Meeting**

FROM: Corrin Wilde, City Clerk
DATE: Thursday, May 16, 2024
DEPARTMENT: Choose an item.

Subject
Minutes from Council Meetings

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Minutes from 9 May 2024 City Council Meeting

Description, Background Information & Purpose
These are the 9 May 2024 City Council Meeting Minutes.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The Minutes support the Good Governance community-oriented result by providing assurance of regulatory and policy compliance to facilitate transparency and minimize and mitigate risk.

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

680 Park Avenue
Idaho Falls, ID 83402

City Council Meeting
Minutes - Draft

Thursday, May 9, 2024, 7:30 PM City Council Chambers

1. Call to Order

Present: Council President Burtenshaw, Councilor Radford, Councilor Francis; and Councilor Larsen

Also present:

All available Department Directors
Micheal Kirkham, City Attorney
Corrin Wilde, City Clerk

Absent:
Mayor Rebecca L Noah Casper, Councilor Freeman, Councilor Ziel-Dingman.

2. Pledge of Allegiance

Councilmember Radford led those present in the Pledge of Allegiance.

3. Public Comment

Dennis Hartmann, an Idaho Falls resident, would like to correct what he sees as a misconception concerning the closing of runway 17/35, that it would negatively affect the services of Air Idaho Rescue and Medevac services. After a lengthy conversation with Air Methods, the operator of these services, he learned that:

1. The helicopter is always their number one choice of transport and that it originates from the hospital and takes people as far as Salt Lake City.
2. If we ended up with just one runway and it was out of service temporarily for resurfacing or whatever, they foresee that they would relocate temporarily to the Rexburg airport.

He stated that hopefully, this will alleviate some of the questions and concerns about that.

4. Consent Agenda

A. Office of the Mayor
1) Appointments to City Boards, Committees, and Commissions
New appointments of Sunny Katseanes and Mark Madsen to serve on the Sister Cities Advisory Committee pursuant to Title 2 of Idaho Falls City Code, and to the new appointments of City Councilmember Jim Freeman and Idaho Falls Regional Airport Director Ian Turner to serve on the GIFT Board pursuant to Idaho Statutes § 40-2016.

B. Idaho Falls Power
1) IFP Hydropower Generation Insurance Policy Renewal

Council approved and ratified the 2024/25 Hydropower Generation Insurance Policy for Idaho Falls Power for a total of $473,738.00. This policy ensures the City's hydropower generation facilities. Starr Technical Risks is providing approximately 75% of the overage with Swiss Re Corporate Solutions Elite, providing approximately 25% for a total premium of $473,738.00. The policy 24SSLDOLD320471, was the best commercially available policy presented to IFP's generation plant insurance broker, Alliant Insurance Services, Inc. of Houston, Texas.

2) Idaho Falls Power Board Meeting Minutes from April 10, 2024.

3) Altec 60' Digger Derrick - Model D3050H
Purchase of the Altec 60' Digger Derrick Model No. D3050H for a Sourcewell price of $410,613.00. This purchase will replace unit #3010, a 2009 Digger Derrick that is approaching its useful life and scheduled for replacement. Lead time for this equipment is two to three years and is included in our upcoming planned capital budgets for equipment replacement.

C. Public Works
1) Bid Award - Holmes Avenue Reconstruction - Cleveland Street to Elva Street.
Council approved plans and specifications, award to the lowest responsive, responsible bidder, Knife River Corporation-Mountain West, for $509,933.00. On Tuesday, April 30, 2024, bids were received and opened for the Holmes Avenue Reconstruction, Cleveland Street to Elva Street project. A tabulation of bid results is attached. The purpose of the proposed project bid award is to contract with the lowest bidder to reconstruct the roadway on this portion of Holmes Avenue.

2) Bid Award - Calkins Avenue and Rosehill Drive Water Line - 21st Street to 18th Street
Council approved plans and specifications; award to the lowest responsive, responsible bidder, Knife River Corporation -Mountain West, for $666,969.00. On Tuesday, April 30, 2024, bids were received and opened for the Calkins Avenue and Rosehill Drive Water Line from 21st Street to 18th Street project. A tabulation of bid results is attached. The purpose of the proposed project bid award is to contract with the lowest bidder to place a new water line to eliminate several dead-end water main lines. Rosehill Drive and Calkins Avenue will be reconstructed following water line installation.

3) Bid Award - Thermoplastic Citywide 2024.
The Council approved the plans and specifications; and awarded to the lowest responsive, responsible bidder, Falls Striping, LLC, in the amount of $76,252.20. On Wednesday, May 1, 2024, bids were received and opened for the Thermoplastic Citywide 2024 project. The tabulation of bid results is attached. The purpose of the proposed bid award is to contract with the lowest bidder to place thermoplastic pavement markings on various streets throughout Idaho Falls.

D. Office of the City Clerk
1) Minutes from Council Meetings
2024 0425 City Council Meeting - Executive Session
2024 0422 Work Session - Executive Session

2) License Applications

It was moved by Councilor Larsen, seconded by Councilor Francis to approve, ratify, accept, or receive all items on the Consent Agenda according to the recommendations presented. The motion was carried by the following vote: Aye – Councilors Francis, Larsen, Radford, Burtenshaw. Nay – None

5. Regular Agenda

A. Municipal Services

1) Purchase of Police Body Worn Camera and In-Car Video Equipment.

Director Alexander presented the purchase of Police Body Worn Camera and In-Car Video Equipment. This purchase will access the National Purchasing Partners Government (NPPGov), a cooperative procurement organization for an all-inclusive, five-year contract with LensLock, Inc., contract #PS22120 to replace Police body-worn camera and in-car video equipment. The LensLock contract will provide 114 Gen 12.5 Body Worn Cameras and 70 Hawk 6 In-Car Video equipment, software, integration, migration, and cloud-based storage support services. Payment for equipment and services for years 2-5 will be fixed at $210,016 annually. The purchase of Police body-worn cameras and in-car video equipment from LensLock, Inc. will be a total of $251,666. Director Alexander stated that 201,666 dollars will be funded through the American Rescue Plan Act (ARPA) and the balance is from the Police Department 2023-2024 operating budget.

Councilor Francis inquired about the significance of syncing car and body cameras. Chief Johnson clarified that current technology allows these cameras to automatically activate together when the vehicle's lights are turned on. This feature is crucial during high-stress emergencies, as it eliminates the need for officers to manually turn on their body cameras.

Chief Johnson cited an incident where an officer was under gunfire, emphasizing that in such situations, the officer's priority should be self-defense and public safety, not operating a camera. The synchronized cameras automatically activate with the emergency response light, ensuring comprehensive coverage of emergency situations.

This technology enhances transparency, as it allows the public to be informed about police activities. It is particularly beneficial in high-stress situations where the current cameras, which do not communicate with each other, fall short.

It was moved by Councilor Larsen, seconded by Councilor Francis to Approve the purchase of Police body-worn cameras and in-car video equipment from LensLock, Inc. for a total of $251,666 and authorize the Mayor to sign the necessary documents. The motion was carried by the following vote: Aye – Councilors Francis, Larsen, Radford, Burtenshaw. Nay – None

B. Public Works

1) Bid Rejection - Sewer Dig & Point Repairs 2024.

On Wednesday, May 1, 2024, bids were received and opened for the Sewer Dig & Point Repairs 2024 project. The only bid received was for $89,505.00 which is 299% of the engineer's estimate. Public Works staff reviewed the bid and concluded that awarding this contract was not in the best interest of

the city. Council is being asked to consider rejecting the single bid received from Knife River Corporation – Mountain West, for the Sewer Dig & Point Repairs 2024 project, find that these services can be best procured on the open market, and direct staff to solicit the work on the open market.

Councilor Radford inquired about the success of procuring items on the open market following several bid rejections. Director Fredericksen confirmed some success but highlighted challenges in obtaining fair bids for underground trench and construction projects due to market conditions.

Fredericksen expressed concerns about the trades, particularly the rates and per diems being offered. He anticipates difficulties with all electrical matters next year. However, he doesn't foresee these impacting bids for underground construction, as contractors for such work typically don't travel far, which could lead to more competitive bids next year.

It was moved by Councilor Larsen, seconded by Councilor Francis to reject the single bid received from Knife River Corporation - Mountain West, for the Sewer Dig & Point Repairs 2024 project, find that these services can be best procured on the open market, and direct staff to solicit the work on the open market. The motion was carried by the following vote: Aye – Councilors Radford, Francis, Burtenshaw, Larsen. Nay – None

2) Microtransit Professional Services Agreement Renewal with Idaho Falls Downtowner LLC.

Director Fredricksen says this Agreement provides for the renewal of a turn-key operation to operate, market, and maintain a demand response rideshare service within Idaho Falls city limits. Downtowner has performed the agreed-upon services for the past two years. The Agreement specifies a not-to-exceed cost of $1,680,691.00 to provide scoped services. This cost is budgeted and will be reimbursed, requiring no financial contribution by the City of Idaho Falls.

It was moved by Councilor Larsen, seconded by Councilor Radford to approve the Professional Services Agreement between the City of Idaho Falls and Idaho Falls Downtowner LLC and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion was carried by the following vote: Aye – Councilors Radford, Burtenshaw, Francis, Larsen. Nay – None

3) State Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the Woodruff Avenue - Meppen Canal to Lincoln Road Overlay Project.

State Local Agreement for Development and Resolution with ITD for the Woodruff Avenue - Meppen Canal to Lincoln Road Overlay project. The proposed project involves full-width pavement milling followed by an overlay on this portion of Woodruff Avenue. This is a State Local Agreement for Development and Resolution with ITD for the Woodruff Avenue – Meppen Canal to Lincoln Road Overlay project. The proposed project involves full-width pavement milling followed by an overlay on this portion of Woodruff Avenue. The total cost of the project is anticipated to be $1,353,000. The agreement requires City financial contribution toward the project with a match rate of 7.34% for an

estimated total of $99,310. The City is required to make an initial deposit before the commencement of design activities of $2,000.

Councilor Radford highlighted the efficient use of taxpayers' money, noting that 93% of it is federally funded. With just $99,000, we can develop miles of canal trail, which is remarkable. He also mentioned that Idaho benefits from a higher federal match. Director Fredericksen clarified that Radford was referring to gas tax allocations. Larger states are donor states, meaning they receive less from the Federal Government than they pay in gas tax. However, more rural communities like Idaho and Wyoming receive more than they contribute.

Council President Burtenshaw clarified that this project is not for the canal trail. This is for the overlay from the Meppen Canal up to Lincoln. Director Fredericksen agreed.

It was moved by Councilor Larsen, seconded by Councilor Francis to approve the State Local Agreement and Resolution with ITD for the Woodruff Avenue - Meppen Canal to Lincoln Road Overlay project, and authorization for the Mayor and City Clerk to sign the documents. The motion was carried by the following vote: Aye – Councilors Larsen, Burtenshaw, Francis, Radford. Nay -None.

RESOLUTION 2024-08
WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating the obligations of the STATE and the CITY OF IDAHO FALLS, hereafter called the CITY, for Woodruff Ave, Meppen Canal to Lincoln Overlay.

C. Community Development Services

1) Public Hearing for CDBG PY 2023 Consolidated Annual Performance and Evaluation Report (CAPER).

Under HUD (United States Department of Housing and Urban Development) requirements, entitlement communities receiving CDBG funds must complete the Consolidated Annual Performance and Evaluation Report (CAPER). As part of the reporting process, information on projects completed and funds spent must be presented in a public hearing and then posted for public comment. The public hearing has been advertised and scheduled for the May 9, 2024, regular City Council meeting. The meeting will be followed by a 15-day public comment period and then a request for the Council to approve a resolution at the June 13, 2024, meeting. The 2023 CAPER must be submitted to HUD no later than June 30, 2024. The CDBG Program supports many of the City's goals and priorities including Livable Communities, Economic Growth, Sustainability, and Well-Planned Growth and Development. The Consolidated Annual Performance and Evaluation Report (CAPER) is required for the City to receive its annual CDBG allocation from HUD, which averages approximately $430,000 per year.

Director Sanner provided opening remarks about the purpose of the meeting to discuss the Community Development Block Grant (CDBG) funds and Consolidated Annual Performance Evaluation Report (CAPER). Director Sanner explained that as an entitled city, we have the authority to receive and utilize federal Community Development Block Grant (CDBG) funds. These grants, which are federal dollars, play a crucial role in addressing housing needs, supporting low-income housing, assisting the unhoused

population, and facilitating property redevelopment within our community. Being entitled also means that we are obligated to conduct a consolidated annual performance evaluation (CAPER). The CAPER serves as a report detailing how we've utilized these funds throughout the year. Additionally, there's a 15-day public comment process following this presentation. On June 13, the City Council is scheduled to approve the report, and we must submit the resolution to HUD by our June 30 deadline.

Grants Administrator Lisa Farris began the presentation. She says this is our 20th year participating in this program, and the city started in 2004 as an entitled community. She presented the 2023 Community CDBG to HUD. Ms. Farris summarized the Criteria for Projects/Activities:
National Objectives (HUD): Projects must meet at least one of the following objectives:

- Benefit low to moderate-income individuals (e.g., in Bonneville County, a family of four with income less than $68,300).
- Prevent or eliminate conditions of slum and blight.
- Address an urgent need.

HUD Eligible Activities:
Projects must fall into one of the following categories:

- Construction of public infrastructure.
- Handicapped access to public facilities.
- Housing rehabilitation, social services, or business rehabilitation.
- Acquisition, clearance, and disposition of property.
- Relocation costs, economic development, job creation, or training

Additional Criteria:

- Projects must align with the goals outlined in the City's 2021-2025 Five-Year Consolidated Plan.
- They should also be selected for inclusion in the Annual Action Plan.

Ms. Farris says they must meet one of four priorities as defined by the Department of Housing and Urban Development (HUD).

- Community Development Priority
- Economic Development Priority
- Housing Development Priority
- Public Service Priority

Ms. Farris stated that since the program's inception, our financial expenditure has exceeded $8 million, excluding COVID funds from 2020. We are currently utilizing funds from 2022 and 2023. For 2023, over 61% of the funds are allocated to projects that are nearing completion. We are awaiting invoices to finalize these projects.

Ms. Farris stated the majority of the funding is allocated to projects within certain Census Tracts, as shown on the 2023 Census Tract Map. She said we completed 31 projects using 2023 funds. Three of these projects, although located outside the Census Tracts, directly support Low and Moderate Income (LMI) through public service projects. These include the CEI daycare voucher program, Club Incorporated's homeless case management, and the Senior Center

In 2023, she said they utilized just over $166,000 of our funds, leaving a balance of over $267,000. Out of 10 funded projects, 7 have been completed. The Behavioral Health Crisis Center helped 210 low-

income clients with abuse recovery. The Domestic Violence and Sexual Assault Centers provided rental assistance to three victims of in-home violence. Club Inc. offered case management services for homelessness to 10 LMI individuals. Promise Ridge provided 33 families with emergency shelter and case management. The Senior Center delivered 499 meals to the elderly and disabled using new equipment and managed the CDBG program with one full-time employee.

In addition, the 2023 Annual Action Plan was developed and submitted. She said we conducted financial reporting and fair housing training in June with over 55 attendees in Idaho Falls. She said we also supported the Homeless Stand Down on November 4, 2023, and the Point in Time Count in January 2023

Ms. Farris stated that the plan years run 4/1/2023 to 3/31/2024 and there is funding from a previous year that we are using up going into the new plan years. For program year 2023 we spend $166,457.13. Invoices are pending for N Highland Park and starting in June YMCA will start their project.
Program Years 2017 - 2022

$195,900.45 Total spent between 4/1/23 & 3/31/24.
$24,522.27 Bal. of 2022 façade funds obligated to the lighting project.

Ms. Farris reported that the 2022 Public Works funds facilitated 17 curb, gutter, and sidewalk projects for N. Highland. Before and after photos of these and other projects were presented, including:

- Community Development Priority/Public Infrastructure Projects on Jefferson Ave.
- Two phases of façade improvements for Page Insurance at 365 Park Ave.
- A sign project for Lily at 257 A St.
- An awning project for Panttaja Properties at 501-549 Park Ave.

In 2023, Public Service Priority Activities funded several initiatives:

- Case management and services at Promise Ridge Family Shelter.
- Legal aid for victims of domestic violence in Idaho.
- Treatment at the Behavioral Health Crisis Center.
- Daycare vouchers for low-to-moderate income full-time students at CEI.
- Rental assistance for victims of in-home violence through DVSAV.
- Case management and services for the homeless by CLUB, Inc.

Ms. Farris highlighted the need for a summary of the COVID-19 relief funds, received through the CARES Act. The first round of $250,072 was received in November 2020. The second round was for counties and states, while the third round of $257,585 was received by the city in Spring 2021.

Out of 22 projects funded, 21 are complete, with only the Utility Assistance project remaining, which has just over $8K left. Ms. Farris noted that the COVID funds offered flexibility, removing the usual 15% cap on public service funds allocation. This allowed many of the COVID-funded projects to be public service activities.

The deadline to utilize all funds is September 30, 2026, and we are on track to meet this. Ms. Farris further explained the distribution of funds between the first and second rounds, referred to as CV1 and CV3, and provided details on the funded projects.

CV1 funds were allocated to various projects. The Trinity United Methodist Church Day Shelter used the funds to provide laundry, meal preparation, shower facilities, and community services. The Downtown Event Center received a Parklet for social distancing and deliveries. The ARTitorium and Willard Arts Center installed sneeze guards. The Community Food Basket and Citizen Community Center received equipment for their programs, while the Behavioral Health Crisis Center received funding for furniture and supplies.

CV3 funds, the "third round", were used for several projects. The Skyline Activity Center repurposed a pharmacy refrigerator to store COVID-19 vaccines for community distribution by the Fire Department. The building was also made ADA-accessible, and sound dampening was installed in the multipurpose room. With the ADA budget, sound upgrades were made to all rooms.

The Community Food Bank underwent a Parking Rehab Project. The Idaho Falls Food Basket upgraded counters and storage through a Counter Rehab and a Basket Storage Rehab. The Idaho Falls Symphony received equipment upgrades, and the Behavioral Health Crisis Center received technology equipment.

Councilor Francis explained the hearing process. The hearing was officially opened, allowing for immediate public comments or later submissions to Ms. Farris' office. Ms. Farris confirmed that comments could be made until May 24th, which would be included in the report to HUD.

Ms. Farris announced that the HUD allocation for 2024 had been received. The 2024 CDBG funding is set to be $434,123 an increase of $294 from the previous allocation.

Council President Burtenshaw opened the hearing and welcomed public comments. However, no one came forward. The hearing will remain open for comments until May 24th.

6. Announcements

There were no announcements.

7. Adjournment.

There being no further business, the meeting adjourned at 8:06 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

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

Memorandum

File #: 24-227 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Monday, May 13, 2024
DEPARTMENT: Municipal Services

Subject
Purchase One Lenco BearCat G3 for Police Department

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the purchase of one BearCat G3 vehicle from Lenco Industries, Inc. for a total of $411,097.00 and authorize the Mayor to sign the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
This purchase will access the Sourcewell public procurement cooperative purchasing public safety and emergency management contract number 080922-SAF. The purpose of the BearCat tactical rescue vehicle is to respond to high-risk law enforcement operations in the field. Over the past several years, the Idaho Falls Police Department has been able to borrow Bonneville County's tactical rescue vehicle however, continued access when the need arises is not guaranteed.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐

The purchase of the BearCat supports the safe and secure community-oriented result by ensuing public safety personnel are well-trained and well-equipped.

Interdepartmental Coordination
The Police, Municipal Services and Legal Departments have coordinated with this purchase request.

Fiscal Impact
A total of $400,000 for this purchase comes from approved American Rescue Plant Act (ARPA) funds with the balance of $11,097 coming from the Police Department 2023/24 operating budget.

Legal Review

The Legal Department concurs that the Council action is within Idaho Code §67-2807 and §67-2803(9).

LENCO ARMORED VEHICLES
Protecting Our Nation's Defenders™
10 Betnr Industrial Drive - Pittsfield, MA 01201
PH: 413-443-7359 - FAX: 413-445-7865

Quotation 103027

Customer Code: IALID
Quotation Date: 05/10/24
Lenco Tax ID#: 04-2719777

Bill To	Ship To
Idaho Falls Police Department 775 Northgate Mile. Idaho Falls, ID 83401 USA	Idaho Falls Police Department 775 Northgate Mile. Idaho Falls, ID 83401 USA

Payment Terms	Shipping Terms	Ship Via
Net 30 Days	FOB: Destination	Common Carrier
Estimated Completion	**Lenco Contact**	**Inspection & Acceptance**
14-18 months ARO (Est.)	Daniel Besemer	At Lenco's Facility, Pittsfield, MA

Item:	Product #	Qty	Unit Price	Total
Vehicle configuration	4336			
Lenco BearCat	BC55003-BASE	1	$228,803.00	$228,803.00
Options:				
LED Red and Blue	LED_RED_BLUE	1		
Exterior Paint Color: Lusterless Black	LUSTERLESS_BLACK	1		
BearCat G3 4-Wheel Off-Road Upgrade Pkg w/Run-Flats	BC3WOFFRD	1	$38,454.00	$38,454.00
Diesel Engine, 6.7L Turbo	BCDLEN	1	$9,995.00	$9,995.00
4-Door Configuration	BC4DR	1	$9,823.00	$9,823.00
(1) 7" Vertical GunPort Upgrade	BCGP7	8	$228.00	$1,824.00
Electric Power Mirrors	BCMIR	1	$1,508.00	$1,508.00
Heated Windshield Upgrade	BCHGW	1	$2,153.00	$2,153.00
360 Camera System	BC360DEG	1	$4,422.00	$4,422.00
Color & Thermal Camera w/Controller, Front and Rear Monitors	BCTI	1	$34,744.00	$34,744.00
Radio Prep Package, (1) Max (2)	BCINSRA	1	$502.00	$502.00
Rear A/C - Heating Systems: High Capacity Upgrade	BCHACUP	1	$7,182.00	$7,182.00
Hydraulic Ram Upgrade wFront Mounted Receiver with Ram Post and Plate	BCHYDRAM	1	$14,975.00	$14,975.00
Gas Injector Unit	BCGIU	1	$14,552.00	$14,552.00
Gas Injector Storage Basket	BCGISB	1	$1,295.00	$1,295.00
Draco Prep Package	BCDRACOPREP	1	$1,896.00	$1,896.00
Roof Mounted Remote Control Spot Light - LED	BCSLLED	3	$1,404.00	$4,212.00
High Intensity Driving Lights in Front Bumper	BCHIDL	1	$1,340.00	$1,340.00
Go Light Protective Cage	BCGLC	3	$500.00	$1,500.00
Armored Oil Pan Guard	BCAOPG	1	$1,936.00	$1,936.00
Intercom System Inside to Outside	BCINT	1	$2,871.00	$2,871.00
5 Pack Mag Kit	BCMAGKIT	1	$975.00	$975.00
(G3/G4) Spare Tire with Run-Flat	BC40STRF	1	$5,954.00	$5,954.00
Protective Window Screes - Automatic	BCPWSA	1	$8,981.00	$8,981.00
Configuration Subtotal:				**$399,897.00**
Lenco BearCat	NEWCONFIG	1	$399,897.00	$399,897.00
Freight Out - Vehicles	FREIGHTOUT-VEHICLE	1	$11,200.00	$11,200.00
Net Total				**$411,097.00**

LENCO ARMORED VEHICLES
Protecting Our Nation's Defenders™
10 Betnr Industrial Drive - Pittsfield, MA 01201
PH: 413-443-7359 - FAX: 413-445-7865

Quotation 103027

Customer Code: IALID
Quotation Date: 05/10/24
Lenco Tax ID#: 04-2719777

Notes:

Sourcewell – Public Procurement Cooperative Purchasing: Public Safety and Emergency Management Contract Number: 080922-SAFCurrent Option Period End Date: October 07, 2027

WARNING: Information Subject to Export Control Laws

The written approval of the Directorate of US Defense Trade Controls and Lenco Industries, Inc. must be obtained before reselling, transferring, transshipping or disposing of a defense article to any end user, end use or destination other than as stated on this Lenco quote or the shipper's export declaration in cases where an exemption is claimed under this subchapter ITAR 123.9(A).

Acceptance of this quotation or entering into a purchase agreement with Lenco, the purchaser agrees to Lenco's full Terms and Conditions of Sale, available upon request. This quote will be valid for 60 days.

ACCEPTANCE OF PROPOSAL

Authorized Signature:_____
Please sign and return

Authorized Signature: Daniel Besemer
Daniel Besemer

Thank you

Memorandum

File #: 24-228 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, May 13, 2024
DEPARTMENT: Community Development Services

Subject
Final Plat and Reasoned Statement of Relevant Criteria and Standards, MK Simpson Center Division No. 2.

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Accept or Approve the Final Plat for MK Simpson Center Division No. 2 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 MK Simpson Center Division No. 2 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 Reasoned Statement of Relevant Criteria and Standards for MK Simpson Center Division No. 2. The Planning and Zoning Commission considered this item at its July 11, 2023 meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

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, as well as the Water, Planning, Wastewater, Engineering, and Survey Divisions.

Fiscal Impact
NA

Legal Review

This application has been reviewed by the Legal Department and is consistent with applicable law.

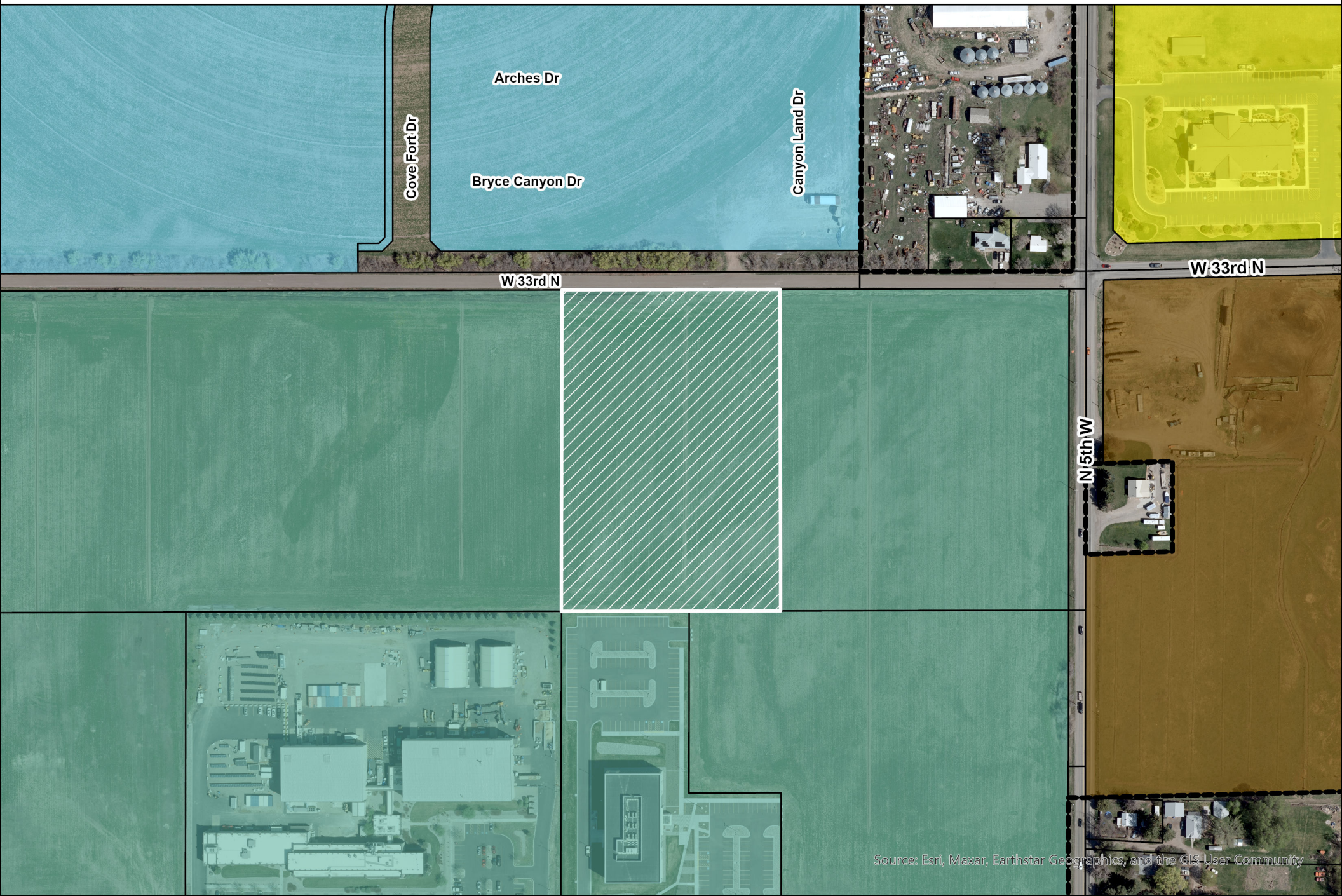
Zoning

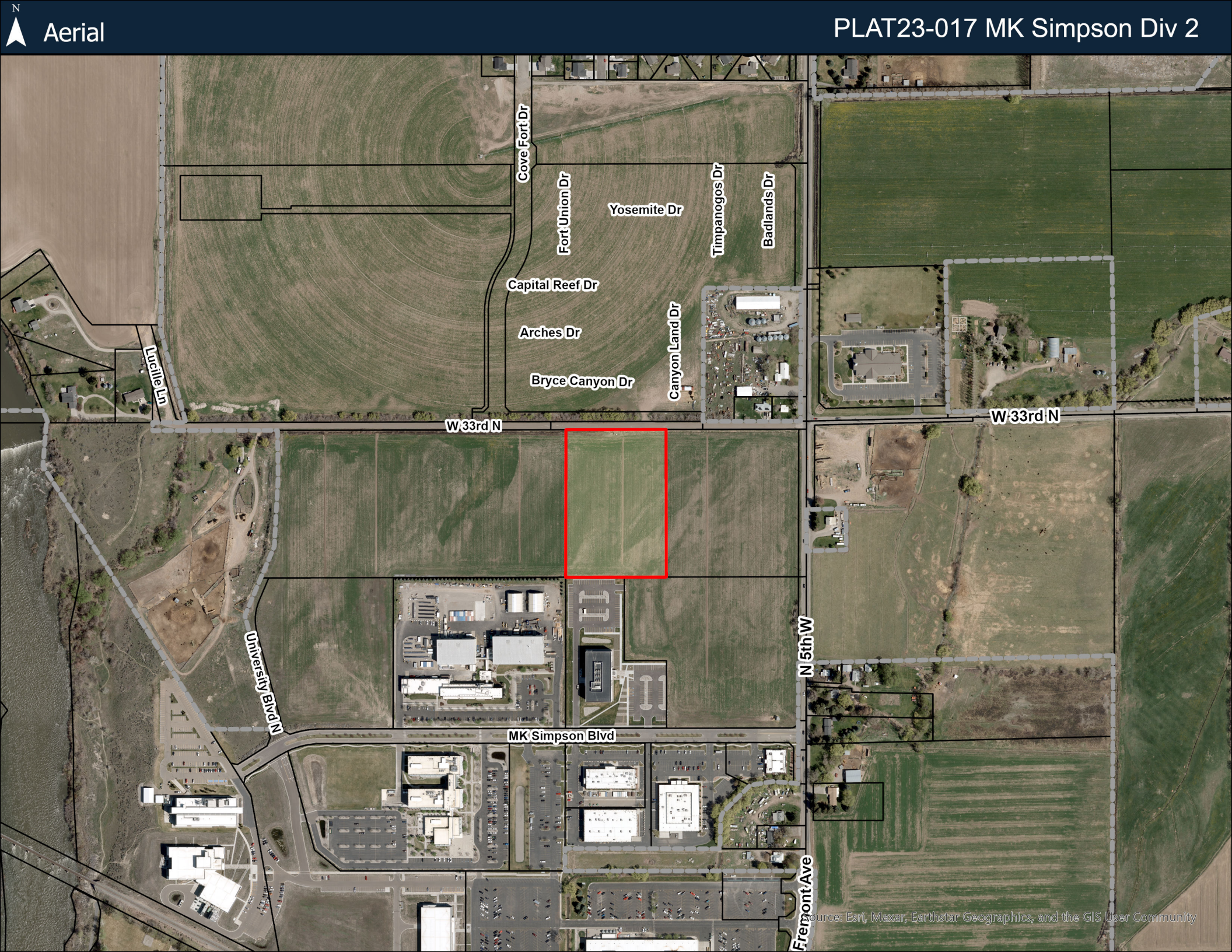
PLAT23-017 MK Simpson Div 2

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

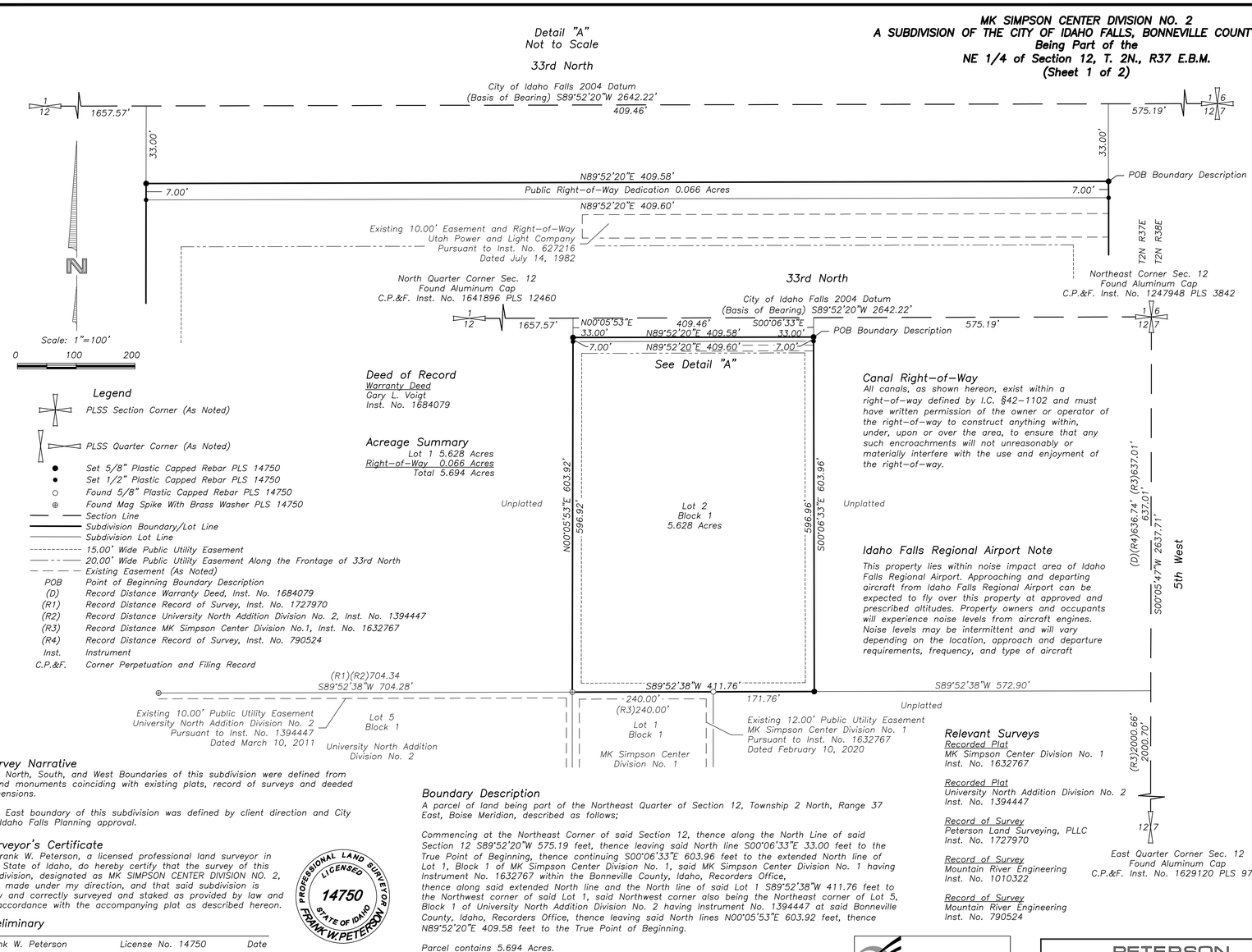
RP R2 RMH R3A CC HC LM P

N




N
Aerial
PLAT23-017 MK Simpson Div 2
Cove Fort Dr
Fort Union Dr
Yosemite Dr
Timpanogos Dr
Badlands Dr
Capital Reef Dr
Arches Dr
Bryce Canyon Dr
Canyon Land Dr
Lucille Ln
W 33rd N
W 33rd N
University Blvd N
N 5th W
MK Simpson Blvd
Fremont Ave
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

MK SIMPSON CENTER DIVISION NO. 2
A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
Being Part of the NE 1/4 of Section 12, T. 2N., R37 E.B.M.
(Sheet 1 of 2)



Survey Narrative

The North, South, and West Boundaries of this subdivision were defined from found monuments coinciding with existing plats, record of surveys and deeded dimensions.

The East boundary of this subdivision was defined by client direction and City of Idaho Falls Planning approval.

Surveyor's Certificate

I, Frank W. Peterson, a licensed professional land surveyor in the State of Idaho, do hereby certify that the survey of this subdivision, designated as MK SIMPSON CENTER DIVISION NO. 2, 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 LICENSED 14750 STATE OF IDAHO FRANK W. PETERSON

Preliminary

Frank W. Peterson License No. 14750 Date

Boundary Description

A parcel of land being part of the Northeast Quarter of Section 12, Township 2 North, Range 37 East, Boise Meridian, described as follows;

Commencing at the Northeast Corner of said Section 12, thence along the North Line of said Section 12 S89°52'20"W 575.19 feet, thence leaving said North line S00°06'33"E 33.00 feet to the True Point of Beginning, thence continuing S00°06'33"E 603.96 feet to the extended North line of Lot 1, Block 1 of MK Simpson Center Division No. 1, said MK Simpson Center Division No. 1 having Instrument No. 1632767 within the Bonneville County, Idaho, Recorders Office, thence along said extended North line and the North line of said Lot 1 S89°52'38"W 411.76 feet to the Northwest corner of said Lot 1, said Northwest corner also being the Northeast corner of Lot 5, Block 1 of University North Addition Division No. 2 having Instrument No. 1394447 at said Bonneville County, Idaho, Recorders Office, thence leaving said North lines N00°05'53"E 603.92 feet, thence N89°52'20"E 409.58 feet to the True Point of Beginning.

Parcel contains 5.694 Acres.

Relevant Surveys

Recorded Plat
MK Simpson Center Division No. 1
Inst. No. 1632767

Recorded Plat
University North Addition Division No. 2
Inst. No. 1394447

Record of Survey
Peterson Land Surveying, PLLC
Inst. No. 1727970

Record of Survey
Mountain River Engineering
Inst. No. 1010322

Record of Survey
Mountain River Engineering
Inst. No. 790524

jeff Freiberg ENGINEERING
Idaho Falls, Idaho (208) 220-6431

PETERSON LAND SURVEYING PLLC
Idaho Falls, Idaho (208) 313-5033

MK SIMPSON CENTER DIVISION NO. 2
A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
Being Part of the
NE 1/4 of Section 12, T. 2N., R37 E.B.M.
(Sheet 2 of 2)

OWNERS' Dedication

KNOW ALL MEN BY THESE PRESENTS: that the undersigned Gary L. Voigt and Lisa Voigt are the lawful OWNERS of the tract of land included within the boundary description shown hereon and has caused the same to be platted and divided into block, lots, and streets, which plat shall hereafter be known as MK SIMPSON CENTER DIVISION NO. 2, a subdivision of the City of Idaho Falls, Idaho, Bonneville County, Idaho.

BE IT FURTHER KNOWN, that OWNERS do hereby dedicate grant and convey to the public, all streets and right-of-ways shown hereon, that OWNERS also do 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.

OWNERS, or their heirs, successors and assigns, agree they will construct no permanent structure within or upon any easement shown hereon, and the City of Idaho Falls and its successors, assigns, permitees or licensees shall also have the right, to remove, cut or trim any trees, brush, ornamental shrubbery or plant which may injure or interfere with the use thereof for its intended purposes, such right may be exercised without prior notice to OWNERS or heirs, successors or assigns.

OWNERS or their 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.

OWNERS or their 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 OWNERS or their heirs 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.

OWNERS or their heirs, successors or assigns do hereby warrant and shall defend such dedication and conveyances in the quiet and peaceful possession of the public or the City of Idaho Falls, as the case may be, against said OWNERS and their heirs, successors and assigns, and against every person whomsoever who lawfully holds or who later claims to have lawfully held any rights in said estate as of the date hereof.

IN WITNESS WHEREOF, OWNERS have hereunto subscribed their seal and signatures this _____ day of _____, 202__.

_____ _____
Gary L. Voigt, Owner Lisa Voigt, Owner

Acknowledgment

STATE OF _____)
:SS.
COUNTY OF _____)

On this _____ day of _____, 20___, before me the undersigned, a notary public in and for said state, personally appeared Gary L. Voigt, known or identified to me to be the person whose name is subscribed in the attached OWNERS' Dedication, and the Drinking Water System Certificate and acknowledged to me that he is authorized to execute the same.

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 _____

Residing at: _____

Commission Expiration Date: _____

Acknowledgment

STATE OF _____)
:SS.
COUNTY OF _____)

On this _____ day of _____, 20___, before me the undersigned, a notary public in and for said state, personally appeared Lisa Voigt, known or identified to me to be the person whose name is subscribed in the attached OWNERS' Dedication, and the Drinking Water System Certificate and acknowledged to me that she is authorized to execute the same.

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 _____

Residing at: _____

Commission Expiration Date: _____

Surveyor's Certificate

I, Frank W. Peterson, a licensed professional land surveyor in the State of Idaho, do hereby certify that the survey of this subdivision, designated as MK SIMPSON CENTER DIVISION NO. 2, 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 LICENSED 14750 STATE OF IDAHO FRANK W. PETERSON

Preliminary

_____
Frank W. Peterson License No. 14750 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

_____ _____
ENVIRONMENTAL HEALTH SPECIALIST, REHS Date:

Drinking Water System Certificate

Pursuant to I.C. §50-1334, the OWNERS do 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, OWNERS have hereunto set their signatures this ____ day of _____, 202__.

_____ _____
Gary L. Voigt (Owner) Lisa Voigt (Owner)

Recorders Certificate

I hereby certify that the foregoing plat MK SIMPSON CENTER DIVISION NO. 2, was filed in the Office of the Recorder of Bonneville County, Idaho

_____
Bonneville County Recorder Date

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 it complies with I.C. §50-1305.

_____ _____
Date David Douglas Romrell, County Review Surveyor PLS 12223

Water Rights Release

The property included in this plat has petitioned for and been removed from all future irrigation water rights.

Date: _____ Instrument No. _____

City's Acceptance

The accompanying plat was duly accepted and approved and the grants and dedications are hereby accepted by the City Council of Idaho Falls adopted this ____day of _____, 202__.

_____ _____
Mayor City Clerk

_____ _____
City Engineer City Surveyor
Kent J. Fugal, PE 9247 Kenneth Baldwin Roberts, PLS 9755

Treasurer's Certificate

I, the undersigned County Treasurer in and for the County of Bonneville, State of Idaho, pursuant to the requirements of I.C. §50-1308, do hereby certify that all County property taxes due for the property included in the Boundary Description shown hereon are current.

_____ _____
Date Bonneville County Treasurer

Idaho Falls Regional Airport Note

This property lies within noise impact area of Idaho Falls Regional Airport. Approaching and departing aircraft from Idaho Falls Regional Airport can be expected to fly over this property at approved and prescribed altitudes. Property owners and occupants will experience noise levels from aircraft engines. Noise levels may be intermittent and will vary depending on the location, approach and departure requirements, frequency, and type of aircraft

Jeff Freiberg ENGINEERING
Idaho Falls, Idaho (208) 220-6431

PETERSON LAND SURVEYING PLLC
Idaho Falls, Idaho (208) 313-5033

STAFF REPORT

FINAL PLAT
MK SIMPSON CENTER DIVISION NO. 2
May 23, 2024

IDAHO FALLS
Community Development Services

Applicant: Jeff Freiberg Engineering

Project Manager: David Peterson

Location: North of MK Simpson Blvd, east of the Snake River, south of W 33rd N, west of N 5th W.

Size: 5.694 acres

Lots: 1

Existing Zoning:
Site: R&D
North: R3A
South: R&D
East: R&D
West: R&D

Existing Land Uses:
Site: Vacant
North: Vacant
South: Commercial, Vacant
East: Vacant
West: Vacant

Future Land Use Map:
Special Use

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

Requested Action: To **approve** the final plat for MK Simpson Center Division No. 2 by the Mayor and City Council.

History: This property was annexed in 2006 with an initial zoning of M-1 (Industrial Park). The property was rezoned to R&D, Research and Development in 2018 as part of a city-wide rezone.

Staff Comments: The final plat comprises one lot on approximately 5.694 acres of land. Access to the lot will come from W 33rd N, a major collector. Development of this property will rely on the improvement of W 33rd N and the extension of city services and utilities. The subdivision will dedicate 7 additional feet of right-of-way for 33rd N. There are no lot size requirements or height restrictions in the R&D Zone. However, development will need to comply with the requirements of the Limited Development Airport Overlay Zone.

The improvements of W 33rd N are currently under agreement to be developed with the East River Townhomes project, so there are no improvement drawings or a development agreement associated with MK Simpson Div 2.

Staff Recommendation: Staff has reviewed the final plat and finds that it complies with the Subdivision and Comprehensive Zoning Ordinances and recommends approval of the final plat for MK Simpson Center Division No. 2.

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

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	N/A
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposes access.	N/A
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	N/A
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	N/A
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	N/A
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	W 33rd N – Major Collector

Section 10-1-9A

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

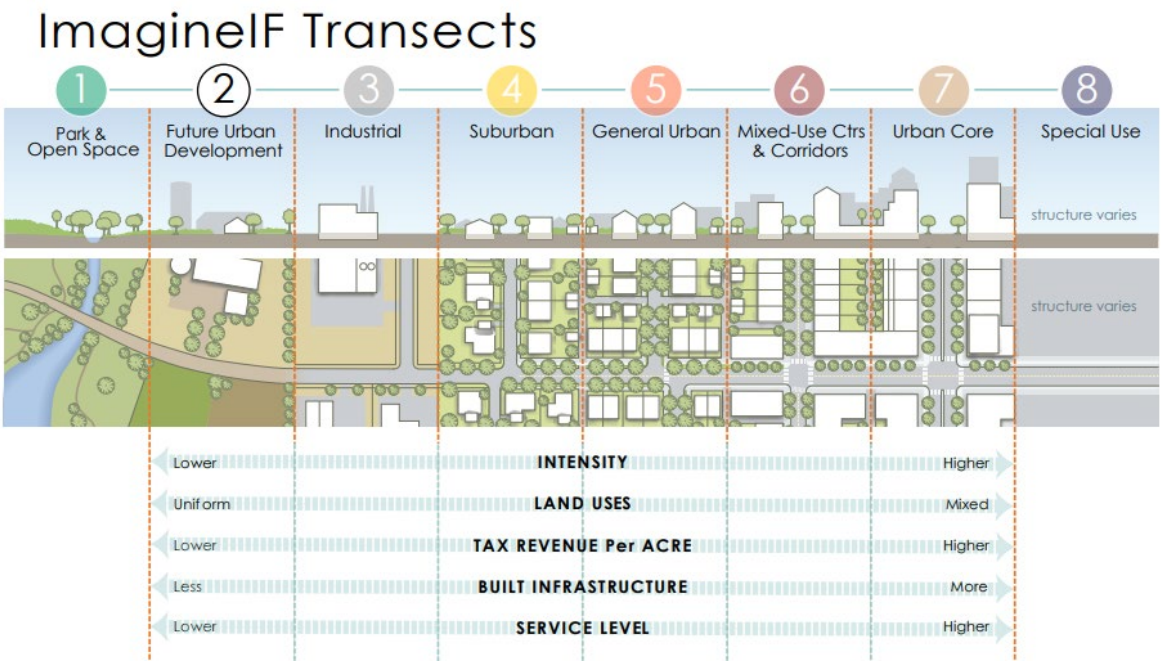
Zoning Ordinance:

11-3-9: PURPOSE OF SPECIAL PURPOSE ZONES
(A) R&D Research and Development Zone. This zone provides a special purpose zone in which the preliminary use of the land is a center for research, development, and higher education. This zone should be located close to transportation, public utilities, and other facilities necessary to support research and development and higher education facilities. This zone is also characterized by attractively designed buildings and off-street parking lots situated among trees, shrubs, and other landscape features.

Table 11-3-7: Dimensional Standards for Special Zones

	R&D	P
Site Area- Minimum in acres	30*	1*
Setbacks – Minimum in ft.		
Front	30	30
Side	0/ 20 *	20
Rear	0/ 20 *	30
Building Height- Maximum in ft.	see sub-section (3) below*	35
Lot Coverage- Maximum in %	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-10A (1-4) of this Zoning Code.		

Comprehensive Plan:





8. **Special Use**

Snapshot: The Special Use Transect denotes specific types of land use which do not readily fit into broad use categories. Structures and amenities in this designation vary and are considered on a case-by-case basis.

Local examples: INL campus, University Place, CEI campus, Airport, Sewer Treatment Plant.

July 11 2023 7:00 p.m. Planning Department

Civic Center

MEMBERS PRESENT: Commissioners Margaret Wimborne, Arnold Cantu, Dale Storer, Forrest Ihler, Bill Scott, Kristi Brower.

MEMBERS ABSENT: Scott Geddes, Glen Ogden, Marsha McDaniel

ALSO PRESENT: Assistant Planning Director Kerri Beutler, Planners Naysha Foster, David Peterson, Brian Stevens and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m. Wimborne introduced the new Director of Community Development Services, Wade Sanner, and asked Sanner to take a minute to introduce himself.

Wade Sanner introduced himself. Sanner moved to Idaho Falls from Sheridan, Wyoming. Sanner worked in various places across the County and is originally from Kansas. Sanner is grateful to be here and thanked the Commission for their service to the City.

MINUTES: Scott moved to accept the minutes of June 6, 2023, Ihler seconded the motion. The motion passed unanimously.

Business:

5. PLAT 23-017: FINAL PLAT. MK Simpson Center Division No. 3.

Applicant: Jeff Freiberg, 946 Oxbowe, Idaho Falls, Idaho. Freiberg stated that this is MKS 3, MKS 1 to the south, and MKS 2 is to the east. This is a one lot subdivision. They have concurred with the staff's recommendations and will take part in the construction on W 33rd North.

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

Ihler moved to recommend to the Mayor and City Council approval of the Final Plat for MK Simpson Center Division No. 3, Cantu seconded the motion. Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF MK SIMPSON DIVISION NO. 2 GENERALLY LOCATED NORTH OF MK SIMPSON BLVD, EAST OF THE SNAKE RIVER, SOUTH OF W 33RD N, EAST OF N 5TH W.

WHEREAS, the applicant filed an application for a final plat on May 31, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on July 11, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on May 23, 2024; 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. The property is approximately 5.694 acres generally located north of MK Simpson Blvd, east of the Snake River, south of W 33rd N, east of N 5th W.
3. The property is currently zoned R&D, Research and Development.
4. The final plat includes 1 buildable lot.
5. The final plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
6. The final plat 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 THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2024

_____

Rebecca L. Noah Casper-Mayor

Memorandum

File #: 24-229 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, May 13, 2024
DEPARTMENT: Community Development Services

Subject
Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Lincoln Park Division No. 1.

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Development Agreement for the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept or Approve the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).
3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Lincoln Park Division No. 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Lincoln Park Division No. 1. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

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, as well as the Water, Planning, Wastewater, Engineering, and Survey Divisions.

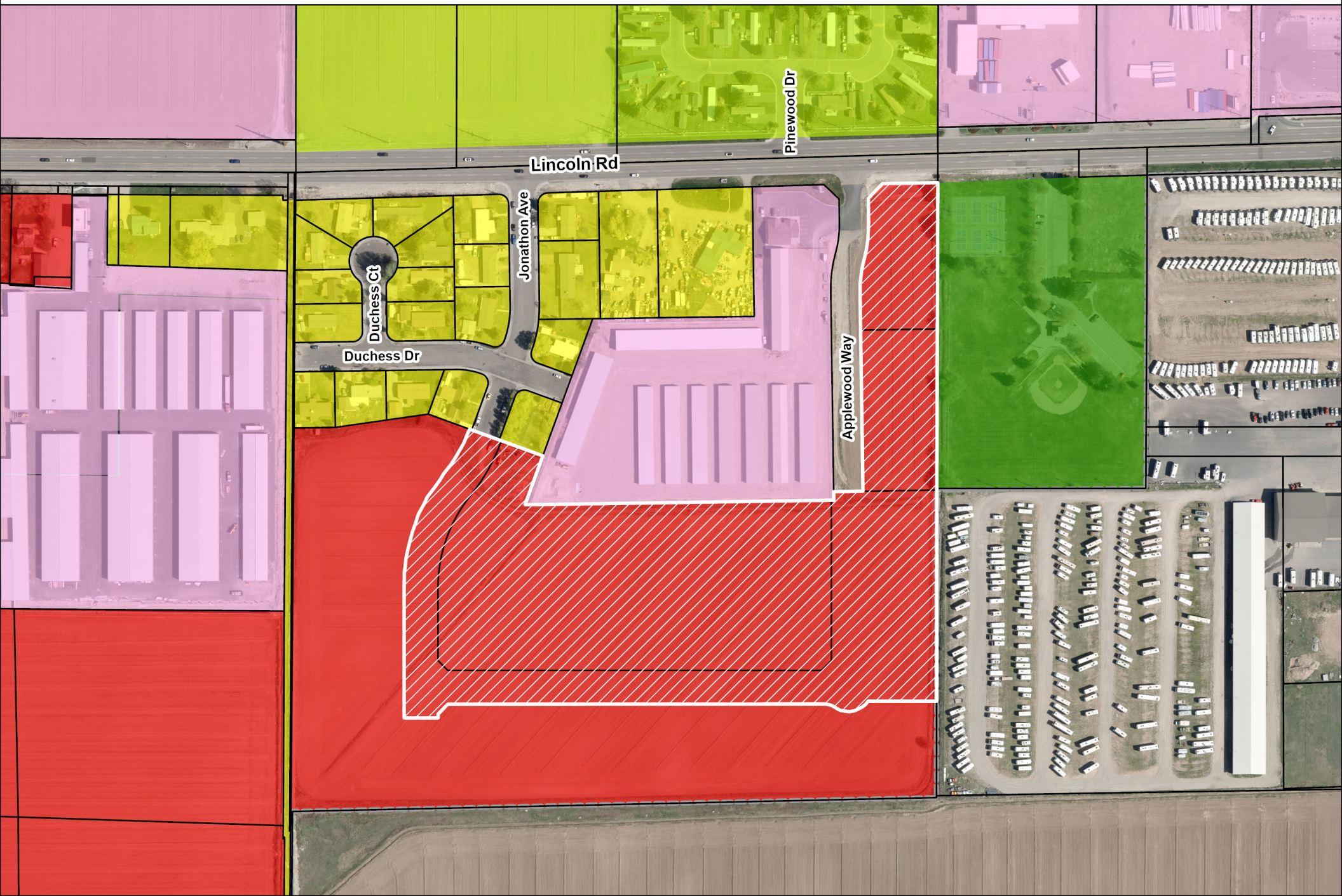
Fiscal Impact
NA

Legal Review
This application has been reviewed by the Legal Department and is consistent with applicable law.

Zoning

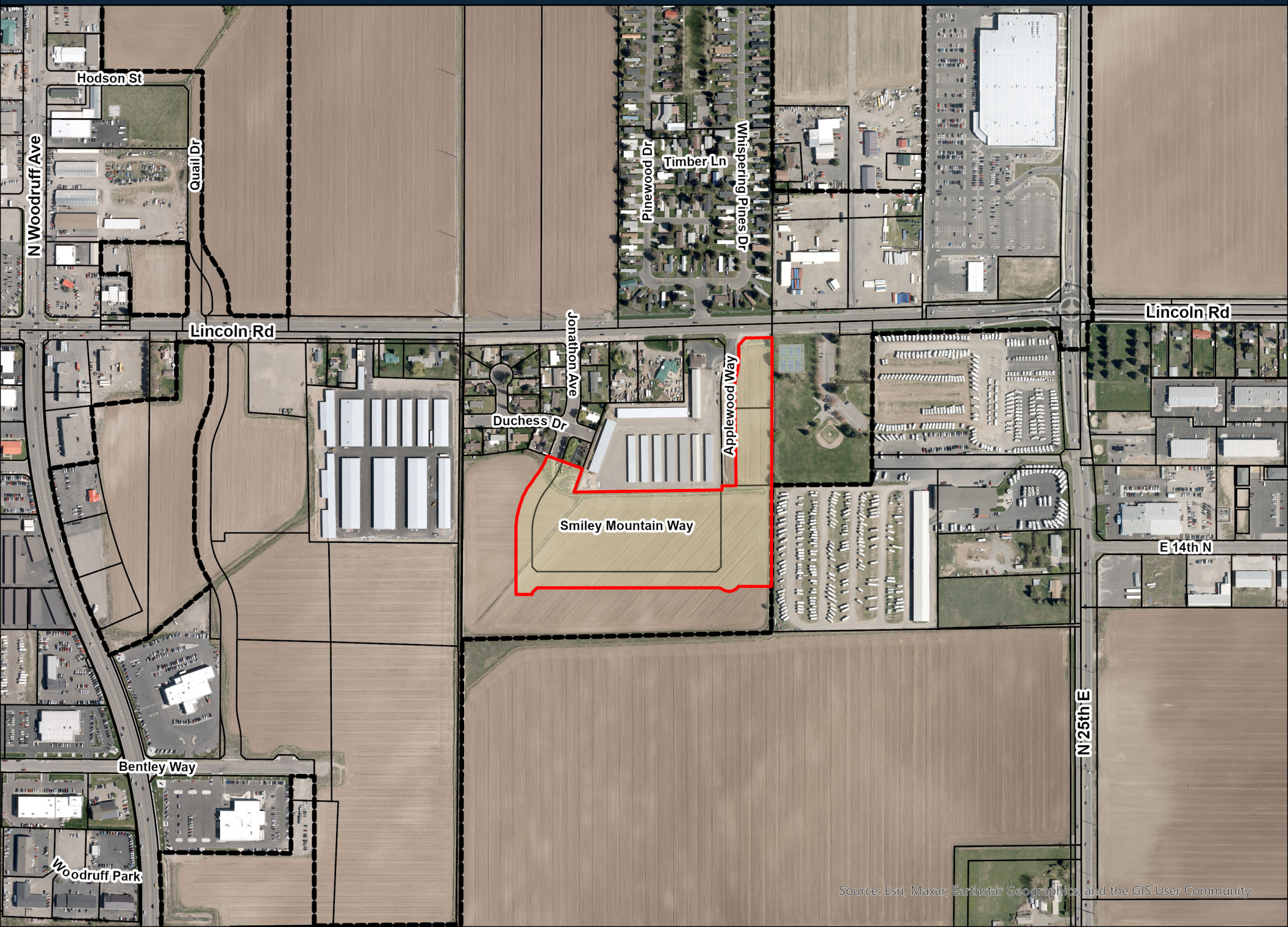
PLAT23-024 Lincoln Parkway Div 1

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



Aerial

PLAT23-024 Lincoln Parkway Div 1

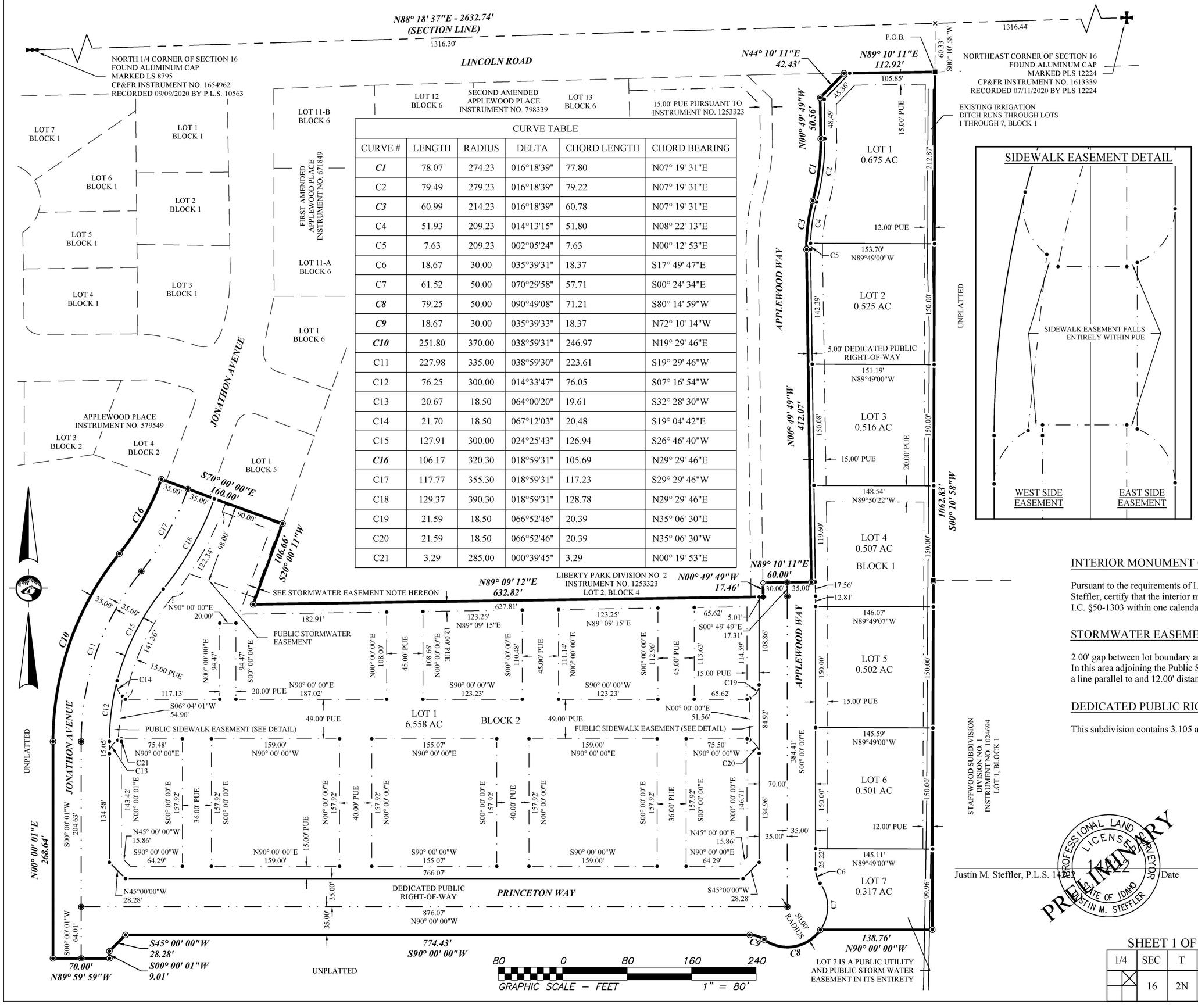


LINCOLN PARKWAY DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 2 NORTH, RANGE 38 EAST, B.M.

BASIS OF BEARING NOTE

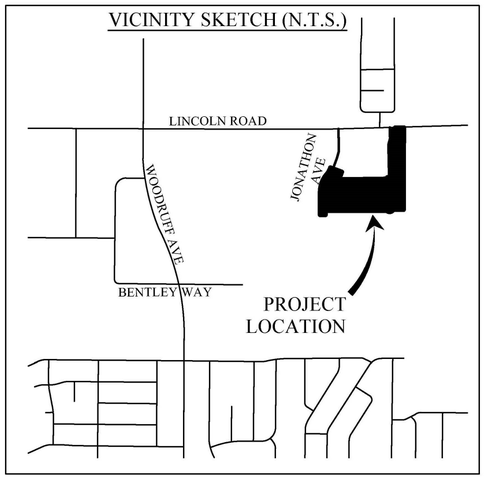
The bearings on this plat relate directly to the "City of Idaho Falls Coordinate System of 2004", which is derived from the Idaho State Plane Coordinate System (East Zone 1101), US Survey Feet, and using a combined scale factor of 1.000277265 for a grid-to-ground conversion (reference frame NAD_83(2011), epoch 2010.0000). The system orientation is based on grid north along the East Zone central meridian. No convergence angle has been applied.



CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	78.07	274.23	016°18'39"	77.80	N07° 19' 31"E
C2	79.49	279.23	016°18'39"	79.22	N07° 19' 31"E
C3	60.99	214.23	016°18'39"	60.78	N07° 19' 31"E
C4	51.93	209.23	014°13'15"	51.80	N08° 22' 13"E
C5	7.63	209.23	002°05'24"	7.63	N00° 12' 53"E
C6	18.67	30.00	035°39'31"	18.37	S17° 49' 47"E
C7	61.52	50.00	070°29'58"	57.71	S00° 24' 34"E
C8	79.25	50.00	090°49'08"	71.21	S80° 14' 59"W
C9	18.67	30.00	035°39'33"	18.37	N72° 10' 14"W
C10	251.80	370.00	038°59'31"	246.97	N19° 29' 46"E
C11	227.98	335.00	038°59'30"	223.61	S19° 29' 46"W
C12	76.25	300.00	014°33'47"	76.05	S07° 16' 54"W
C13	20.67	18.50	064°00'20"	19.61	S32° 28' 30"W
C14	21.70	18.50	067°12'03"	20.48	S19° 04' 42"E
C15	127.91	300.00	024°25'43"	126.94	S26° 46' 40"W
C16	106.17	320.30	018°59'31"	105.69	N29° 29' 46"E
C17	117.77	355.30	018°59'31"	117.23	S29° 29' 46"W
C18	129.37	390.30	018°59'31"	128.78	N29° 29' 46"E
C19	21.59	18.50	066°52'46"	20.39	N35° 06' 30"E
C20	21.59	18.50	066°52'46"	20.39	N35° 06' 30"W
C21	3.29	285.00	000°39'45"	3.29	N00° 19' 53"E

SIDEWALK EASEMENT DETAIL

VICINITY SKETCH (N.T.S.)



- PLSS SECTION CONTROL (AS NOTED)
- SET 5/8" IRON ROD WITH PLASTIC CAP MARKED "PLS 14222"
- SET 5/8" IRON ROD WITH ALUMINUM CAP MARKED "PLS 14222"
- SET 1/2" IRON ROD WITH PLASTIC CAP MARKED "PLS 14222" (SEE INTERIOR MONUMENT CERTIFICATE HEREON)
- FOUND 5/8" IRON ROD WITH PLASTIC CAP MARKED "PLS 8795"
- FOUND 1/2" IRON ROD WITH ALUMINUM CAP MARKED "PLS 8795, REPLACED WITH 5/8" IRON ROD WITH PLASTIC CAP MARKED "PLS 14222"
- PUE — PUBLIC UTILITY EASEMENT
- P.O.B. — POINT OF BEGINNING
- CP&FR — CORNER PERPETUATION AND FILING RECORD
- SUBDIVISION BOUNDARY
- LOT BOUNDARY LINE
- ADJOINING BOUNDARIES
- ROAD CENTERLINE
- SECTION LINE
- PUBLIC EASEMENTS GRANTED PURSUANT TO THIS PLAT (AS NOTED)
- SURVEY TIES

INTERIOR MONUMENT COMPLETION CERTIFICATE

Pursuant to the requirements of I.C. §50-1331, I.C. §50-1332, and I.C. §50-1333, I Justin M. Steffler, certify that the interior monuments shall be set in accordance with the requirements of I.C. §50-1303 within one calendar year of the recording date of this plat.

STORMWATER EASEMENT NOTE

2.00' gap between lot boundary and the north and east sides of the public stormwater easement. In this area adjoining the Public Storm Water Easement the PUE extends from the boundary to a line parallel to and 12.00' distant from said boundary.

DEDICATED PUBLIC RIGHT-OF-WAY

This subdivision contains 3.105 acres of dedicated public right-of-way.

Justin M. Steffler, P.L.S. 14222 — Date

PRELIMINARY
PROFESSIONAL LAND SURVEYOR
LICENSE
14222
STATE OF IDAHO
JUSTIN M. STEFFLER

CONNECT ENGINEERING
The Civil Connection
2295 N Yellowstone Hwy Unit #6
Idaho Falls, ID 83401- 208.681.8590

TITLE	LINCOLN PARKWAY DIVISION NO. 1		
DATE:	05/06/24	DRAWN/CHK BY:	PS/JS
PROJECT:	22036/T2NR38E/S16		

BADGER AERIAL MAPPING & SURVEYING
4141 S 58 W
IDAHO FALLS, ID 83402
208-715-4380

SHEET 1 OF 2

1/4	SEC	T	R
	16	2N	38E

STAFF REPORT

FINAL PLAT
LINCOLN PARKWAY DIVISION NO. 1
May 23, 2024

IDAHO FALLS

Community Development Services

Applicant: Connect Engineering

Project Manager: David Peterson

Location: Generally, north of Kearney St, east of Jonathon Ave, south of Lincoln Rd, west of Applewood Way.

Size: Approximately 13.205 Acres
Lots: 8

Existing Zoning:
Site: LC
North: HC, R1
South: LC
East: LC
West: LC

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

Future Land Use Map:
Mixed Use Centers and Corridors

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

Requested Action: To **approve** the Final Plat for Lincoln Parkway Division No. 1 by the Mayor and City Council.

History: The property was annexed into the City in August 2018 and zoned HC, Highway Commercial, with the 2018 citywide rezone. In 2022, the property was rezoned from HC to LC, Limited Commercial. A preliminary plat showing the new street network was approved by the Planning Commission in July 2023 and City staff have completed the technical review of that document.

A final plat for Lincoln Parkway Division No. 2 was applied for simultaneously, but the applicants have decided to combine the final plats moving forward. The Planning Commission recommended approval for both Lincoln Parkway Division No. 1 and Division No. 2 on November 14, 2023.

Staff Comments: The property is currently zoned LC. The final plat is approximately 13.205 acres and includes 7 buildable lots and 1 lot reserved for a public utility and storm water easement.

The primary access will come from the north onto Applewood Way from Lincoln Rd, a principle arterial. Applewood Way will be constructed as a collector with a 70’ right of way. Princeton Way will connect Applewood Way to Jonathon Ave, which will serve as a secondary access from Lincoln Rd. Princeton Way and the newly dedicated portions of Jonathon Ave will be constructed as collector streets with a 70’ right of way.

The Comprehensive Plan designates this area as Mixed Use Centers and Corridors which identifies areas for mixed use development and regional commercial centers. The LC Zone is usually located on major streets contiguous to residential uses and is characterized by retail and service uses which supply the daily household needs of the City’s residents. There are no minimum lot size requirements for the LC Zone. Residential development in this zone will meet the standards of the R3A, Residential Mixed Use Zone.

Staff Recommendation: Staff has reviewed the final plat and finds that it is consistent with the comprehensive plan and complies with the subdivision and zoning ordinances and recommends approval for Lincoln Parkway Division No. 1.

Transportation Plan: Lincoln Rd – Principle Arterial, Pickering St – Collector/Industrial

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.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	N/A
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	Applewood Way, Princeton Way, Jonathon Ave – Collector Streets

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 the 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.

11-3-6: STANDARDS FOR COMMERCIAL ZONES

(A) Dimensional Standards. Table 11-3-6 Dimensional Standards for Commercial Zones shall be used for determining the minimum site area, minimum site width measured at the setback line, minimum setbacks, maximum building height, maximum lot coverage and maximum gross density in each Commercial Zone.

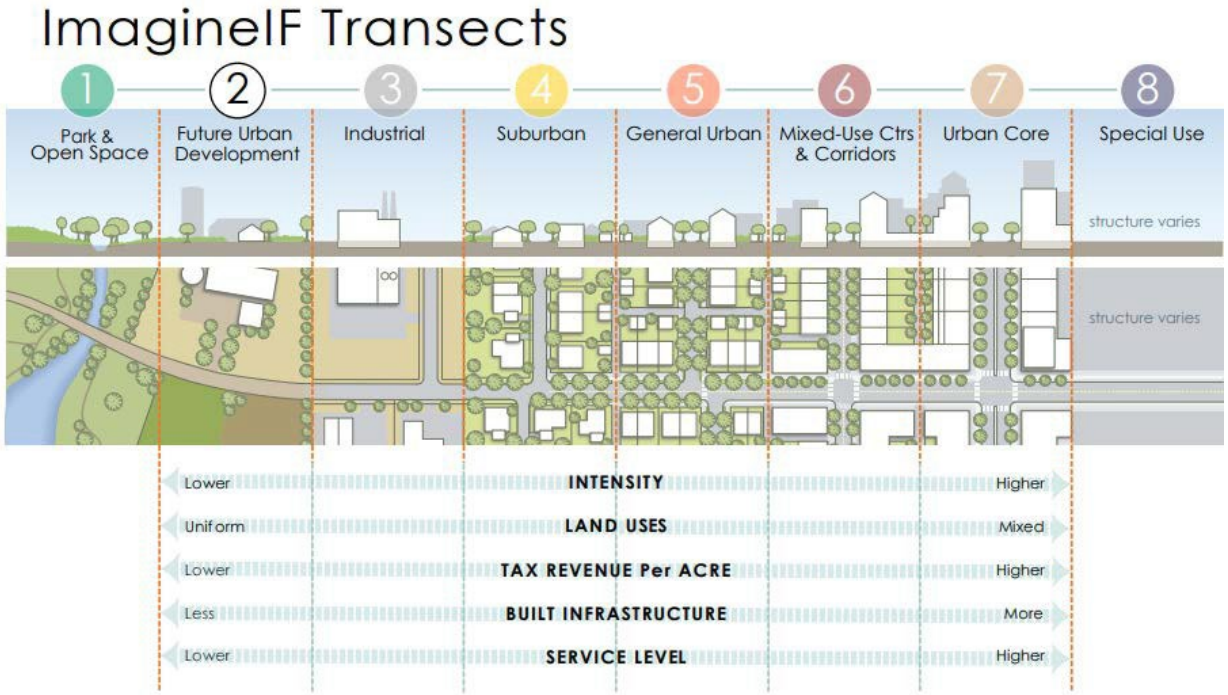
Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.				

(Ord. 3233, 12-20-18) (Ord. 3277, 10-10-19)

Comprehensive Plan Land Use

Transects: pg. 60-70





6. **Mixed-Use Centers & Corridors**

Snapshot: The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable centers that support a well-connected, walkable neighborhood.

Local examples: Northgate Mile and 1st Street corridors, Intersection of 65th South and 5th West, Intersection of Skyline and Broadway, Snake River Landing

November 14, 2023 7:00 p.m. Planning Department

City Annex Conference Room

MEMBERS PRESENT: Commissioners Kristi Brower, Forrest Ihler, Bill Scott, Margaret Wimborne Ogden, Forrest Ihler, Bill Scott, Glen Ogden.

MEMBERS ABSENT: Marsha McDaniel, Scott Geddes, Arnold Cantu, Dale Storer.

ALSO PRESENT: Assistant Planning Director Kerry Beutler, Planners David Peterson, Naysha Foster, David Peterson, Brian Stevens and interested citizens.

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

MINUTES: Ogden moved to accept the minutes of October 4, 2023, Scott seconded the motion. The motion passed unanimously.

Business:

7. PLAT 23-024: FINAL PLAT. Lincoln Parkway Division No. 1.

Applicant: Barry Bane Connect Engineering 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho. This property is southeast of Costco. The property is currently zoned LC and 9.5 acres. The next plat is Lincoln Parkway Division No. 2. Division No. 1 comes off Jonathan Ave. and has a platted street and the road will be constructed to City standards with 70' right of way. They are proposing a one lot plat, and the surrounding lots around will come at a future time.

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

Scott moved to recommend to the Mayor and City Council approval of the Final Plat for Lincoln Parkway Division No. 1, Ogden seconded the motion. Wimborne called for roll call vote: Brower, yes; Ihler, yes; Scott, yes; Wimborne, yes; Ogden, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF LINCOLN PARKWAY DIVISION NO. 1 GENERALLY LOCATED NORTH OF KEARNEY ST, EAST OF QUAIL DR, SOUTH OF LINCOLN RD, AND WEST OF N 25TH E.

WHEREAS, the applicant filed an application for a final plat on September 9, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on November 14, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on May 23, 2024; 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. The property is approximately 13.205 acres located generally north of Kearney St, east of Quail Dr, south of Lincoln Rd, and west of N 25th E.
3. The property is currently zoned LC, Limited Commercial.
4. The final plat includes 7 buildable lots and 1 lot dedicated as a public utility and stormwater easement.
5. The final plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
6. The final plat 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 THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2024

_____

Rebecca L. Noah Casper-Mayor

DEVELOPMENT AGREEMENT
LINCOLN PARKWAY DIVISION NO. 1

This DEVELOPMENT AGREEMENT LINCOLN PARKWAY DIVISION NO. 1 ("AGREEMENT"), made this _____ day of _____, 2024, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and EDGE HOLDINGS, LLC, and JONATHAN AVE AT LINCOLN, LLC ("DEVELOPER"), whose mailing addresses are P.O. Box 3093, Idaho Falls, Idaho 83401, and 35216 Noel Place, Fremont, California 94536, respectively.

W I T N E S S E T H:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Improvement, Preliminary, and Final Improvement Plans. "Improvement Plans," used

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

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

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

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

5. Inspection. DEVELOPER shall retain a professional engineer (hereafter referred to as

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

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

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

8. Warranty. DEVELOPER warrants that the materials and workmanship employed in the construction of all public improvements within the Subdivision shall be good and sound, and shall conform to generally accepted standards within the construction industry. Such warranty shall

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

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

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

11. Participation by CITY. The parties agree that those portions of the water main, the sanitary sewer line, storm drains and street section work (hereafter collectively referred to as the "Shared Work"), the cost of which CITY has expressly agreed to pay pursuant to the Special Conditions, including any water or sewer line or storm line extensions, increased line size or capacity and road width or thickness, are required because of future service needs originating from properties not owned by DEVELOPER and located within the vicinity of the Subdivision, and that sound planning requires construction thereof at the present time in order to accommodate future expansion and development. In recognition of the cost savings which can be accomplished by construction of such excess capacity and improvements concurrently with the facilities to be constructed for DEVELOPER's purposes, and the impracticality or impossibility of constructing such excess capacity and improvements separately or at a later time, DEVELOPER agrees to design and construct such facilities subject to CITY's agreement to reimburse DEVELOPER for a

portion of such costs, all as set forth in the Special Conditions. Prior to the commencement of the Shared Work, DEVELOPER shall obtain and deliver to CITY three (3) independent bona fide bids for the performance of such work from qualified and responsible contractors. Such bids shall be solicited and itemized in a manner which allows clear and specific identification of that portion of the construction work for which CITY is responsible. CITY shall have no obligation to pay for any portion of the costs of the Shared work unless prior to the commencement of the work, the parties have expressly agreed in writing to a specific amount for which CITY will reimburse the DEVELOPER. Payment of such costs by CITY shall be due within thirty (30) days from acceptance of the Subdivision by CITY and delivery of an itemized statement to CITY setting forth in detail the total amount of the costs for which CITY is responsible.

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

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

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

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

16. Taxes and Assessments. DEVELOPER shall pay all real property taxes and assessments levied or assessed against any interest in real property which DEVELOPER has agreed to convey to CITY pursuant to this AGREEMENT up to the date the final Subdivision plat for this Subdivision is recorded. Such taxes and assessments shall be paid prior to the acceptance by CITY of the public improvements within any phase or division of the Subdivision.

17. Occupancy. No building or structure within the Subdivision shall be used or occupied

for any purpose other than for the construction of such building or structure, unless a final plat has been filed and approved and all public improvements within the plat have been completed and accepted by City Engineer. CITY may withhold Certificates of Occupancy until all such work has been completed. Nothing herein shall prevent the use of a model building for the purpose of DEVELOPER's sales promotional efforts provided the building is not occupied for any other commercial or industrial purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 67-2346 shall have the meaning defined therein.

27. Certification of No Chinese Ownership. Pursuant to Idaho Code 67-2359, DEVELOPER certifies that DEVELOPER is not currently owned or operated by the government of the People's Republic of China and will not, for the duration of this AGREEMENT, be owned or operated by the government of the People's Republic China.

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

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

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

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

ATTEST:

CITY OF IDAHO FALLS, IDAHO

_____
Corrin Wilde, City Clerk

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

EDGE HOLDINGS, LLC

By _____
Porter Clayton, Manager

JONATHON AVE AT LINCOLN, LLC

By _____
Neal Bawa, Manager

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____day of _____, 2024, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said City.

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

_____
Notary Public of Idaho
(Seal) Residing at: _____
My Commission Expires:_____

STATE OF IDAHO)
) ss:
County of Idaho)

On this 16 day of April, 2024, before me, the undersigned, a notary public, in and for said State, personally appeared Porter Clayton, known or identified to me to be an authorized signator and whose name is subscribed to the within instrument and acknowledged to me that they are authorized to execute the same for and on behalf of said developer.

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

RACHAEL HUNTSMAN NOTARY PUBLIC Exp. 08/22/2025 Comm. No. 62111 STATE OF IDAHO

(Seal)

Rachael Huntsman
Notary Public of Idaho
Residing at: Idaho Falls, Bonneville
My Commission Expires: August 22, 2025

STATE OF California)
) ss:
County of Alameda)

On this 01 day of April, 2024, before me, the undersigned, a notary public, in and for said State, personally appeared Neal Bawa, known or identified to me to be an authorized signator and whose name is subscribed to the within instrument and acknowledged to me that they are authorized to execute the same for and on behalf of said developer.

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

Notary Public of California
Residing at: Alameda
My Commission Expires: 10/21/2027

(Seal)

VATSAL P. SHAH
Notary Public - California
Alameda County
Commission # 2466685
My Comm. Expires Oct 21, 2027

VATSAL P. SHAH
Notary Public - California
Alameda County
Commission # 2466685
My Comm. Expires Oct 21, 2027

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION
LINCOLN PARKWAY DIVISION NO. 1

A parcel of land located in the Northeast 1/4 of Section 16, Township 2 North, Range 38 East, being more particularly described as follows:

Commencing from the Northeast corner of said Section 16, thence S 88° 18' 37" W along the North boundary of the Northeast 1/4 said Section 16 for a distance of 1316.44 feet; Thence S 00° 10' 58" W for a distance of 60.33 feet to a point on the south right-of-way boundary of Lincoln Road, said point being the TRUE POINT OF BEGINNING.

Thence, S 00° 10' 58" W along the west boundary of Lincoln Park and Staffwood Subdivision Division No. 1, as recorded in the office of the Clerk of Bonneville County as Instrument No. 1024694 for a distance of 1062.83 feet; Thence, N 90° 00' 00" W for a distance of 138.76 feet to the beginning of a non-tangential curve; Thence along said curve turning to the right through an angle of 90° 49' 08", said curve having a radius of 50.00 feet, an arc length of 79.25 feet, and a long chord bearing S 80° 14' 59" W for a distance of 71.21 feet to a point of reverse curve; Thence along said curve turning to the left through an angle of 35° 39' 33", said curve having a radius of 30.00 feet, an arc length of 18.67 feet, and a long chord bearing N 72° 10' 14" W for a distance of 18.37 feet; Thence, S 90° 00' 00" W for a distance of 774.43 feet; Thence, S 45° 00' 00" W for a distance of 28.28 feet; Thence, S 00° 00' 01" W for a distance of 9.01 feet; Thence, N 89° 59' 59" W for a distance of 70.00 feet; Thence, N 00° 00' 01" E for a distance of 268.64 feet to the beginning of a curve; Thence along said curve turning to the right through an angle of 38° 59' 31", said curve having a radius of 370.00 feet, an arc length of 251.80 feet, and a long chord bearing N 19° 29' 46" E for a distance of 246.97 feet to a point of reverse curve; Thence along said curve turning to the left through an angle of 18° 59' 31", said curve having a radius of 320.30 feet, an arc length of 106.17 feet, and a long chord bearing N 29° 29' 46" E for a distance of 105.69 feet to a point on the south boundary of Lot 4, Block 2, Applewood Place Subdivision, as recorded in the office of the Clerk of Bonneville County as Instrument No. 579549; Thence, S 70° 00' 00" E along the south boundary of Lot 4, Block 2, and Lot 1, Block 5 of said Subdivision for a distance of 160.00 feet to the Southeast corner of Lot 1, Block 5; Thence, S 20° 00' 11" W along the west boundary of Lot 2, Block 4, of Liberty Park Division No. 2 as recorded in the office of the Clerk of Bonneville County as Instrument No. 1253323 for a distance of 106.66 feet; Thence, N 89° 09' 12" E along the south boundary of said Lot 2 for a distance of 632.82 feet to the southeast corner of said Lot 2; Thence, N 00° 49' 49" W for a distance of 17.46 feet; Thence, N 89° 10' 11" E for a distance of 60.00 feet; Thence, N 00° 49' 49" W for a distance of 412.07 feet to the beginning of a curve; Thence along said curve turning to the right through an angle of 16° 18' 39", said curve having a radius of 214.23 feet, an arc length of 60.99 feet, and a long chord bearing N 07° 19' 31" E for a distance of 60.78 feet to a point of reverse curve; Thence along said curve turning to the left through an angle of 16° 18' 39", said curve having a radius of 274.23 feet, an arc length of 78.07 feet, and a long chord bearing N 07° 19' 31" E for a distance of 77.80 feet; Thence, N 00° 49' 49" W for a distance of 50.56 feet; Thence,

N 44° 10' 11" E for a distance of 42.43 feet; Thence, N 89° 10' 11" E for a distance of 112.92 feet to the TRUE POINT OF BEGINNING.

Described boundary contains 13.205 acres, more or less.

EXHIBIT "B"
SPECIAL CONDITIONS

LINCOLN PARKWAY DIVISION NO. 1

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

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

S.C. 3.00 Lincoln Road Turn Lane Improvements. DEVELOPER shall construct turn lanes as shown on the approved improvement drawings.

S.C. 4.00 Subdivision Seal Coat. In order to preserve the long-term effectiveness of required roadway seal coat in the Subdivision, DEVELOPER shall pay all seal coat costs associated with Subdivision improvements rather than applying the seal coat. In lieu of DEVELOPER seal coat application, DEVELOPER shall pay Thirty-Nine Thousand Two Hundred Ninety-Six Dollars and Twenty Cents ($39,296.20) (12,884) square yards at $3.05 per square yard). CITY shall use such payment to apply the required seal coat at a later date, when Subdivision building permits are completed and at CITY's sole discretion on timing.

S.C. 5.00 Existing Infrastructure. When it is necessary to move or remove existing infrastructure not belonging to CITY and not within CITY right-of-way, DEVELOPER shall coordinate such activities with the applicable owner, (e.g., poles owned by Pacificorp, dba Rocky Mountain Power). Any existing electrical infrastructure owned by Pacificorp, dba Rocky Mountain Power, will require a buy-out from DEVELOPER prior to receipt of electrical service from CITY. Request for the buy-out, if any, is to be initiated by DEVELOPER after annexation.

S.C. 6.00 Construction of Idaho Falls Power and Idaho Falls Fiber Infrastructure. DEVELOPER shall, at DEVELOPER's sole expense, install all power infrastructure as described and illustrated on the Idaho Falls Power approved and signed contractor's map provided and reviewed by Idaho Falls Power. All power infrastructure installation shall conform with Idaho Falls Power's service policy. Typical power trench installation shall have a warranty of workmanship of one (1) year beginning at the time of CITY's final acceptance. However, if power infrastructure is installed during winter conditions (where frost is evident in the ground and backfill has the potential to be frozen earth) the warranty of workmanship shall be extended to two (2) full years beginning at the time of CITY's final acceptance. DEVELOPER shall incur all costs associated with Idaho Falls Power/Idaho Falls Fiber crews removing infrastructure in order to remedy settling. This includes, but is not limited to, all settlement of trenching, transformer bases, fiber boxes, and/or conduit separation.

S.C. 7.00 Storm Drainage. Storm Drainage shall be designed and constructed to accommodate drainage of the lots within the Subdivision by DEVELOPER. The storm drainage system shall meet CITY's Storm Drainage Policy. The storm pond shall be constructed as shown on the CITY-approved Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system, at DEVELOPER's sole expense, to serve this Subdivision. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPER's heirs, successors, or assigns.

S.C. 8.00 Water Line Connection. CITY agrees to allow DEVELOPER to connect to the water main located in Applewood Way, subject to DEVELOPER's payment of the water main connection fees in the amount of Thirty-One Thousand Four Hundred Forty Dollars and Twenty Cents ($31,440.20; 682 feet currently at $46.10 per foot), pursuant to section 8-4-14 (C) of the City Code. Mainline connection fee costs are subject to adjustment when CITY's fee resolution is adjusted from time to time by City Council. This fee amount is subject to fee adjustments at time of building permit application. Pursuant to section 8-4-14 (B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual water system connection fees each time an individual water service line is connected to CITY water systems. Such fees shall be paid in the amounts and manner set forth in such Code Sections.

Memorandum

File #: 24-239 **City Council Meeting**

FROM: Michael Kirkham, City Attorney
DATE: Thursday, May 16, 2024
DEPARTMENT: City Attorney

Subject
Ordinance Amendment - Title 4, Chapter 3, Section 16; Title 4, Chapter 4, Section 12; and Title 8, Chapter 3, Section 5.

Council Action Desired
☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Ordinance amending City's alcohol regulations in order to extend the area where beer and wine may be dispensed at Sandy Downs and Noise Park for events that have been issued a charitable event permit and adding the River Walk Stage to the approved City properties for permitted events 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
This ordinance would amend the City's benevolent, charitable, or public purposes licensing to extend the area beer and wine may be served during events held at the City's Sandy Downs Park and Noise Park. The current license limits dispensing beer and wine within one thousand two hundred square feet (1,250 sq ft). The amendment would permit a larger dispensing limit at Sandy Downs Park and Noise Park provided that the hours of service are limited to the afternoon hours (between 12:00 p.m. and 5:00 p.m.) and that the applicant for the charitable beer and wine license received an approved site map for a Permitted Event under Title 8, Chapter 3 of the City Code. Permitted event site map must conform to the provisions of the City Code and be reviewed and approved by the Parks and Recreation Director and Chief of Police. The ordinance also adds the River Walk Stage to the list of City-owned properties eligible to receive approval for a Permitted Event (an event that serves alcoholic beverages).

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

This Ordinance promotes good governance.

Interdepartmental Coordination
Parks and Recreation

Fiscal Impact
No anticipated fiscal impact.

Legal Review
The Legal Department prepared the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTER 3, SECTION 16, TITLE 4, CHAPTER 4, SECTION 12; AND TITLE 8, CHATPER 3, SECTION 5 TO EXTEND THE AREA THAT BEER AND WINE MAY BE DISPENSED AT SANDY DOWNS AND NOISE PARK FOR EVENTS THAT HAVE BEEN ISSUED A CHARITABLE BEER AND WINE PERMIT, AND ADDING THE RIVER WALK STAGE TO THE LOCATIONS IN WHICH A PERMITTED EVENT DISPENSING ALCOHOL ON CITY PROPERTY MAY BE HELD, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Council has established a number of regulations regarding the consumption of alcohol within the City; and

WHEREAS, the regulation of alcohol in certain locations within the City occasionally requires adjustment, in order to accommodate changing circumstances; and

WHEREAS, the City currently has designated Sandy Downs and Noise Park as City-regulated spaces where alcohol may be consumed during permitted events; and

WHEREAS, the Council desires to amend the conditional Charitable Event Alcohol Permit in order to extend the area beer and wine may be served under a permitted event held at Sandy Downs or Noise Park; and

WHEREAS, the Council desires to add the River Walk Stage to be included in the list of City-regulated spaces where alcohol may be consumed, pursuant to state and City Code provisions.

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

SECTION 1: Title 4, Chapter 3, Section 16 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

…

4-3-16 BEER SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

(A) Notwithstanding the provisions of Section 4-3-2 of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of beer or kegs of beer to a person which has not been issued any license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a permit has been issued to the person or nonprofit entity as provided in subsection (B) of this Section.

(B) Upon delivery to the Clerk of a properly completed application in accordance with the provisions of this Chapter and following receipt of an affirmative recommendation from the Chief of Police, the Clerk may issue to a Qualified Organization a permit authorizing the sale or dispensing of beer at an event sponsored by such qualified organization if the Clerk is satisfied that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose.

(C) Any permit issued to an applicant who desires to conduct a charitable event within the City shall be subject to the following conditions:

(1) Except as otherwise provided in subsections (2) and (3) of this section, all events shall be conducted within a confined area constructed and operated in accordance with the terms and provisions of this subsection. The applicant shall designate in their application an area not to exceed one thousand two hundred fifty (1,250) square feet in which all beer will be sold, dispensed, possessed and consumed. Such area shall be completely surrounded by a fence, barricade, or other physical barrier to pedestrian traffic, except for one (1) opening not to exceed six (6) feet in width. Such defined premises shall be at such location as may be approved by the Chief of Police, which location shall be specified on the permit. Such defined area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense beer outside such area. The applicant shall also erect and maintain in a conspicuous location at all times, a sign with large letters no less than two (2) inches high bearing the following legend: "No Open Container of Beer May Be Possessed or Transported Beyond the Fenced Area," or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter. Beer shall not be sold, conveyed or dispensed between the hours of 9:00 o'clock p.m. and 10:00 o'clock a.m. of the following day. Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation, shall be grounds for summary revocation of such permit. The Chief of Police or the Clerk may establish additional conditions or restrictions as reasonably necessary to protect the public health and safety, or alternatively may waive or modify the conditions and restrictions herein provided such waiver or modification does not jeopardize the public health and safety.

(2) Charitable events may, with the prior approval of the Chief of Police, be conducted in or upon a public street, subject to the terms and conditions of this subsection. Beer may be dispensed at an event conducted in a public street and within an area comprised of no more than one (1) street on one (1) side of a City block, excluding any intersections thereof, provided it is dispensed only between the hours of 5:00 o'clock p.m. and 9:00 o'clock p.m. on any permitted day of the week. Beer shall not be sold on Sundays or legal holidays at such events. Such street area shall be considered to be the "premises" for the purposes of ~~of~~ this Chapter and the applicant shall not sell or dispense beer outside such area. The applicant shall also erect and maintain at all times in a conspicuous location at each end of such street area, a sign with large letters no less than two (2) inches high bearing the following legend: "No Open Container of Beer May Be Possessed or Transported Beyond this Point" or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter. Failure to

construct or maintain such fence, barrier or sign shall be grounds for summary revocation of such permit.

(3) Charitable events that are held at Sandy Downs or Noise Park and which also have been issued a Permitted Event permit under this Code may allow beer to be sold, dispensed, possessed, and consumed in an area that exceeds one thousand two hundred fifty (1,250) square feet, provided that beer is dispensed only between the hours of 12:00 o'clock p.m. and 5:00 o'clock p.m. and within the Permitted Event's dispensing area indicated on the approved site map.

. . .

SECTION 2: Title 4, Chapter 4, Section 12 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

…

4-4-12: WINE SOLD OR DONATED FOR BENEVOLENT, CHARITABLE OR PUBLIC PURPOSES - PERMIT REQUIRED:

(A) Notwithstanding the provisions of this Chapter, nothing shall prevent any licensed dealer, wholesaler or retailer from selling or donating unbroken packages of wine to a person which has not been issued any license for the sale of alcoholic beverages in this state, for benevolent, charitable or public purposes if a permit has been issued to the person or nonprofit entity as provided in subsection (B) of this Section.

(B) Upon delivery to the Clerk of a properly completed application in accordance with the provisions of this Chapter and following receipt of an affirmative recommendation from the Chief of Police, the Clerk may issue to a Qualified Organization a permit authorizing the sale or dispensing of wine at an event sponsored by such qualified organization if the Clerk is satisfied that the proceeds, after deducting reasonable expenses incurred, will be donated for a benevolent, charitable or public purpose.

(C) Any permit issued to an applicant who desires to conduct a charitable event within the City shall be subject to the following conditions:

(1) Except as otherwise provided in subsections (2) and (3) of this Section, all events shall be conducted within a confined area constructed and operated in accordance with the terms and provisions of this subsection. The applicant shall designate in their application, an area not to exceed one thousand two hundred fifty square feet (1250 ft^2) in which all wine will be sold, dispensed, possessed, and consumed. Such area shall be completely surrounded by a fence, barricade, or other physical barrier to pedestrian traffic, except for one (1) opening not to exceed six feet (6') in width. Such defined premises shall be at such location as may be approved by the Chief of Police, which location shall be specified on the permit. Such defined area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense wine outside such area. The applicant shall also erect and maintain in a conspicuous location at all times, a sign with large letters no less than two inches (2")

high bearing the following legend: "No Open Container of Wine May Be Possessed or Transported Beyond the Fenced Area," or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter. Failure to construct or maintain such fence, barrier or sign shall be grounds for summary revocation of such permit. The Chief of Police or the Clerk may establish additional conditions or restrictions as reasonably necessary to protect the public health and safety, or alternatively may waive or modify the conditions and restrictions herein provided such waiver or modification does not jeopardize the public health and safety.

(2) Charitable events may, with the prior approval of the Chief of Police, be conducted in or upon a public street, subject to the terms and conditions of this subsection. Wine may be dispensed at an event conducted in a public street and within an area comprised of no more than one (1) street on one (1) side of a City block, excluding any intersections thereof, provided it is dispensed only between the hours of 5:00 o'clock p.m. and 9:00 o'clock p.m. on any permitted day of the week. Wine shall not be sold on Sundays or legal holidays at such events. Such street area shall be considered to be the "premises" for the purposes of this Chapter and the applicant shall not sell or dispense wine outside such area. The applicant shall also erect and maintain at all times in a conspicuous location at each end of such street area, a sign with large letters no less than two inches (2") inches high bearing the following legend: "No Open Container of Wine May Be Possessed or Transported Beyond this Point," or such other legend which adequately apprises customers of the prohibitions set forth in this Chapter. Failure to construct or maintain such fence, barrier or sign, or failure to comply with such hours of operation, shall be grounds for summary revocation of such permit.

(3) Charitable events that are held at Sandy Downs or Noise Park and which also have been issued a Permitted Event permit under this Code may allow wine to be sold, dispensed, possessed, and consumed in an area that exceeds one thousand two hundred fifty (1,250) square feet, provided that wine is dispensed only between the hours of 12:00 o'clock p.m. and 5:00 o'clock p.m. and within the Permitted Event's dispensing area indicated on the approved site map.

…

SECTION 3: Title 8, Chapter 3, Section 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

(C) LOCATION AND DURATION OF PERMITTED EVENTS:

(1) A Permitted Event, for beer and wine consumption only, shall be allowed exclusively within the following locations and maximum consumption hours, within the designated service times indicated below, within the City:

a. The Pier at Snake River Landing – 12:00 p.m. to 2:00 a.m. local time.

b. Civitan Plaza – 12:00 p.m. to 10:00 p.m. local time.

c. Sportsman's Park at the shelters and bandshell at Freeman Park, provided that the consumption areas do not extend beyond two hundred feet (200') from the park structures – 12:00 p.m. to 10:00 p.m. local time.

d. Idaho Falls Park Zoo at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

e. Tautphaus Park Multi-Use Shelter, including grassy area to the east of the shelter, which shall not include the fenced baseball fields or Rodgers Street, extending four hundred fifty (450) feet east from the shelter – 12:00 p.m. to 10:00 p.m. local time.

f. Funland Amusement Park at Tautphaus Park – 12:00 p.m. to 10:00 p.m. local time.

g. Skyline Activity Center – 12:00 p.m. to 2:00 a.m. local time.

h. The public plaza located at 330 Memorial Drive – 12:00 p.m. to 10:00 p.m. local time.

i. Melaleuca Field – 12:00 p.m. to 10:00 p.m. local time.

j. Idaho Falls Public Library and adjacent property – 12:00 p.m. to 10:00 p.m. local time.

k. Gem Lake Bike Park – 12:00 p.m. to 10:00 p.m. local time.

~~k.~~l. The River Walk Stage, provided that the consumption areas do not extend beyond one hundred fifty feet (150') from the River Walk Stage – 12:00 p.m. to 10:00 p.m. local time.

~~l.~~m. A closed public street, provided that the City Police Chief has approved the street closure for an event –12:00 p.m. to 10:00 p.m. local time.

(2) A permitted event, for any alcoholic beverage, shall be allowed only in the following locations and for the maximum consumption hours, within the designated service times indicated below, within the City:

a. Sandy Downs – 12:00 p.m. to 12:00 a.m. local time.

b. Noise Park – 12:00 p.m. to 2:00 a.m. local time.

…

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2024.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

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; AMENDING TITLE 4, CHAPTER 3, SECTION 16, TITLE 4, CHAPTER 4, SECTION 12; AND TITLE 8, CHATPER 3, SECTION 5 TO EXTEND THE AREA THAT BEER AND WINE MAY BE DISPENSED AT SANDY DOWNS AND NOISE PARK FOR EVENTS THAT HAVE BEEN ISSUED A CHARITABLE BEER AND WINE PERMIT, AND ADDING THE RIVER WALK STAGE TO THE LOCATIONS IN WHICH A PERMITTED EVENT DISPENSING ALCOHOL ON CITY PROPERTY MAY BE HELD, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____

CORRIN WILDE, CITY CLERK

(SEAL)

Memorandum

File #: 24-240 **City Council Meeting**

FROM: Michael Kirkham, City Attorney
DATE: Thursday, May 16, 2024
DEPARTMENT: City Attorney

Subject
Ordinance Amendment - Title 3, Chapter 5

Council Action Desired
☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Ordinance amending Title 3, Chapter 5 of the City Code to designate the City Surveyor as the City's agent authorized to acknowledge, file, and record Highway Right-of-Way Plats, 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
Idaho Code § 40-209 governs the creation and recording of Right-of-Way plats that may be filed by a highway administrator. As the highway administrator of the roads and streets within the City, the City is authorized to designate a highway right-of-way agent who may file such Right-of-Way plats. This ordinance would designate the City Surveyor as the City's authorized agent.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

This action promotes the City's good governance objective.

Interdepartmental Coordination
Public Works

Fiscal Impact
No anticipated fiscal impact.

Legal Review

The Legal Department prepared 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 3, CHAPTER 5 OF THE CITY CODE TO DESIGNATE THE CITY SURVEYOR AS THE CITY'S IDAHO CODE § 40-209 AGENT AUTHORIZED TO ACKNOWLEDGE AND FILE THE HIGHWAY RIGHT OF WAY PLATS PREPARED BY THE CITY IN ITS ROLE AS THE PUBLIC HIGHWAY AGENCY FOR THE PUBLIC RIGHTS OF WAY WITHIN THE CITY'S GEOGRAPHIC BOUNDARIES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Idaho Legislature has empowered Idaho's cities to administer, control, and maintain the highways, streets, and other public rights-of-way or public utility easements located within the City's geographic boundaries (collectively "City's highway system"); and

WHEREAS, the City is the public highway agency, as defined in Idaho Code § 40-117(6), over the City's highway system; and

WHEREAS, Idaho Code § 40-209 requires public highway agencies to appoint an agent who is authorized to file highway right-of-way plats and public utility easements; and

WHEREAS, the Council desires to appoint the City's Right-of-Way Agent as the City "agent" for the purposes of Idaho Code § 40-209.

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

SECTION 1: Title 3, Chapter 5 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

…

3-5-4 City Surveyor: The City Surveyor, or their designee, is hereby designated as the City's agent authorized to acknowledge, file, and record Highway Right-of-Way Plats on behalf of the City, according to the procedures and processes outlined in Idaho Code § 40-209.

~~3-5-4~~ 3-5-5 NO PRIVATE DUTY: Nothing in this Chapter shall create a private right, duty or obligation of the City in favor of any person, or give rise to any private right of action, on account of any failure by the City or any employee of the Public Works Department to perform the duties prescribed herein The Department of Public Works is hereby established as an administrative department of the City.

…

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be

held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2024.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

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; AMENDING TITLE 3, CHAPTER 5 OF THE CITY CODE TO DESIGNATE THE CITY SURVEYOR AS THE CITY'S IDAHO CODE § 40-209 AGENT AUTHORIZED TO ACKNOWLEDGE AND FILE THE HIGHWAY RIGHT OF WAY PLATS PREPARED BY THE CITY IN ITS ROLE AS THE PUBLIC HIGHWAY AGENCY FOR THE PUBLIC RIGHTS OF WAY WITHIN THE CITY'S GEOGRAPHIC BOUNDARIES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
CORRIN WILDE, CITY CLERK

(SEAL)

Memorandum

File #: 24-241 **City Council Meeting**

FROM: Michael Kirkham, City Attorney
DATE: Thursday, May 16, 2024
DEPARTMENT: City Attorney

Subject
Ordinance Amendment - Title 5, Chapter 8, Sections 12 and 13

Council Action Desired

☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Ordinance amending City's weed and litter regulations 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

This ordinance would amend Title 5 Chapter 8's weed and litter nuisance regulations. In addition to changes that reflect the reassignment of code enforcement from the Community Development Services Department to the Police Department, the ordinance would authorize the Chief or Police, or their designee, to defer a nuisance abatement when abatement would require more than ten (10) days. The changes also provide that a property owner's time to appeal a nuisance order would be tolled during the Chief's deferral period.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The ordinance promotes the City's good governance objectives.

Interdepartmental Coordination

The City Attorney coordinated this work with the Police Department.

Fiscal Impact

No anticipated fiscal impact

Legal Review

The Legal Department prepared 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 5, CHAPTER 8, SECTIONS 12 AND 13 OF THE CITY CODE APPOINTING AND AUTHORIZING THE CHIEF OF POLICE TO DEFER ABATEMENT OF A PUBLIC NUISANCE AND TOLLING THE TIME TO FILE AN APPEAL IN THE EVENT THE CHIEF OF POLICE DEFERS ABATEMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, pursuant to the authority granted to the City through the Idaho Constitution and Idaho Code § 50-301, the City had adopted a litter and weed control ordinance; and

WHEREAS, weed and litter detract from the appearance of the City and pose a health and safety risk, constituting a public nuisance; and

WHEREAS, controlling and abating weed and litter within the City is necessary for the preservation of the health, safety, and sanitation of the community; and

WHEREAS, the City has recently reorganized the enforcement of the City's litter and weed control ordinance to the Police Department; and

WHEREAS, the Council desires to extend the period of time a violator has to come into compliance with the City's litter and weed control ordinance; and

WHEREAS, the Council wishes to clarify that the Chief of Police, or his or her designee, is authorized to defer an abatement proceeding when abatement would require more than fourteen (14) calendar days.

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

SECTION 1: Title 5, Chapter 8, Section 11 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-8-11 REMOVAL OF PLANT NUISANCES.

A. It shall be unlawful and a public nuisance for any owner(s) or occupant(s) or for controller(s) of any real property within the City to allow weeds or noxious weeds to grow, exist or accumulate upon such real property.

B. Permitted Plantings. Where otherwise allowed by this Code (including this Chapter and the Zoning Code), and where it is not determined by the Fire Marshall to be a fire hazard or fire nuisance or determined by the ~~Zoning Administrator~~Director of Community Development

Services or Code Enforcement to be a public nuisance, the following plantings that are not noxious weeds are permitted:

1. Ornamental flowers and ornamental plants;

2. Plants grown for agricultural purpose or food production; and

3. Intentional landscape or xeriscape plantings, including native or drought tolerant plants, where the height of the plants in excess of ten inches (10') is not due to neglect.

Section 2: Title 5, Chapter 8, Section 12 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-8-12 NOTICE TO ABATE.

(A) Whenever a violation of this Chapter comprises a public nuisance, a notice shall be issued by the City to the owner(s), occupant(s), or person(s) of the premises requiring abatement of the nuisance identified in this notice.

(B) Said notice shall be served upon the owner(s) of the affected premises, as such ownership is shown on the last property tax assessment rolls of Bonneville County, Idaho, and upon any known occupant(s) or controller(s) of the premises. Service of notice may be accomplished through personal service on the owner(s), occupant(s), or person(s) in control of the property, by United States mail, by hand delivery, by posting in a conspicuous place upon the premises, or by other delivery method reasonably calculated to give notice to the owner(s), occupant(s), or person(s) in control of the property.

(C) Such notice shall be in writing and shall clearly state that the property contains a public nuisance and that the owner(s), occupant(s), or controller(s) shall abate the nuisance within ten (10) calendar days after the date of the notice; that the owner(s), occupant(s), or person(s) in control of the property given the notice may, within ten (10) calendar days following receipt of the notice, deliver in writing to the Clerk their objections to the abatement of the nuisance and request an appeal hearing before a panel comprised of three (3) members of the Board of Adjustment upon payment of a fee for the appeal in an amount established from time to time by the Council.

(D) Where the ~~Director of Community Development Services~~Chief of Police, or his or her designee, determines that abatement of the nuisance requires more than ten (10) days to abate, the ~~Director~~ Chief, or his or her designee, may defer abatement of such nuisance.~~;~~ ~~however, any appeal of such an abatement notice (along with the proper fee for appeal) shall be filed ten (10) calendar days after receipt of such notice.~~ The ~~Director's~~ Chief's deferral of abatement shall be in writing and shall identify a date by which the nuisance shall be abated. Failure to abate the nuisance on or before the deferral date is a violation of this Chapter. In the event that the Chief, or his or her designee, defers abatement of a nuisance, the period of time to file an appeal to the Clerk shall be tolled until the expiration of the deferment.

SECTION 3: Title 5, Chapter 8, Section 13 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-8-13 APPEAL.

Upon receipt by the City of intent to appeal and payment of the appeal fee, a person receiving notice to abate shall be heard by the Board of Adjustment panel within ~~ten~~ twenty (~~10~~20) business days of the filing of the appeal.~~,~~ ~~d~~During ~~which~~ the pendency of the appeal ~~time~~ no action shall be taken by the City regarding the nuisance. At the appeal hearing, the appellant must show, by a preponderance of the evidence, that ~~there is an exception to abatement of the nuisance under this Chapter~~City staff has erred in interpreting this Chapter by in determining that the facts and circumstances of the case constitute a public nuisance under this chapter. The decision of the Board of Adjustment panel shall be final. Unless the Board of Adjustment panel finds an exception to nuisance abatement, abatement of the nuisance shall take place within ten (10) calendar days following the decision by the Board of Adjustment panel. If the Board of Adjustment rules for the appellant, the City shall refund the appeal fee to the appellant.

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2024.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

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; AMENDING TITLE 5, CHAPTER 8, SECTIONS 12 AND 13 OF THE CITY CODE APPOINTING AND AUTHORIZING THE CHIEF OF POLICE TO DEFER ABATEMENT OF A PUBLIC NUISANCE AND TOLLING THE TIME TO FILE AN APPEAL IN THE EVENT THE CHIEF OF POLICE DEFERS ABATEMENT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
CORRIN WILDE, CITY CLERK

(SEAL)

Memorandum

File #: 24-242 **City Council Meeting**

FROM: Michael Kirkham, City Attorney
DATE: Thursday, May 16, 2024
DEPARTMENT: City Attorney

Subject
Ordinance - Adding Title 5, Chapter 4, Section 12

Council Action Desired
☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Ordinance regulating trapping within the City 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
This ordinance would add a new section to the City's general offenses that would regulate animal trapping within the City limits. The ordinance would designate the City's sidewalks as public trails in order to clarify and empower the Idaho Fish and Game to cite both licensed and unlicensed trappers who set traps adjacent to the City's sidewalks. In addition, the ordinance would give independent authority to City Police to cite those who set traps within three hundred feet (300') of any sidewalk or paved trail open to the public within the City's limits. This restriction mirrors the restriction imposed by Idaho Fish and Game as set out in IDAPA 13.01.16.450.03. The ordinance would also prohibit trapping within any City park and other public lands within the control or management of the City. The proposed ordinance would require trappers to place conspicuous warning signs in areas where trapping is not prohibited within the City. The ordinance exempts trapping conducted by governmental employees and agents for nuisance abatement and other authorized purposes and cage or live trapping.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☒ ☒ ☐

The proposed ordinance promotes the City's good governance, community safety, and livable community objectives.

Interdepartmental Coordination
Parks and Recreation

Fiscal Impact
No anticipated fiscal impact

Legal Review
The Legal Department prepared the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; ADDING TITLE 5, CHAPTER 4, SECTION 12 TO THE CITY CODE TO REGULATE TRAPPING WITHIN THE CITY, INCLUDING PROHIBITING SETTING TRAPS WITHIN PARKS AND ALONG SIDEWALKS AND REQUIRING WARNING SIGNS FOR TRAPS SET IN AREAS NOT PROHIBITED BY ORDINANCE OR STATE LAW, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City has established a variety of outdoor recreational parks to promote community connection, wellness and fitness, and to preserve open green spaces; and

WHEREAS, the City's parks are used by people of all ages, including children; and

WHEREAS, the City is empowered by the Idaho Constitution and Idaho Code § 50-302 to adopt ordinances to maintain the peace, governance, and wellbeing of the citizens of the City; and

WHEREAS, the Council finds that fur and animal trapping is inconsistent with the community's expectations for recreation within the City's parks, walking paths, and other public spaces; and

WHEREAS, the Council desires to adopt reasonable limits and restrictions on animal and fur trapping within the City limits.

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

SECTION 1: Title 5, Chapter 4, Section 12 of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

…

5-4-12 – TRAPPING WITHIN CITY LIMITS –

(A) Sidewalks are Public Trails – The City has designated all sidewalks within the City's jurisdictional limits as public trails.

(B) Trapping Along Sidewalks and Trails Prohibited - Any person who sets a trap, snare, deadfall, or any other device designed to capture, injure, or kill an animal within a three hundred feet (300') of any sidewalk or paved trail open to the public within the City, regardless of whether or not such act results in the successful capture or taking of an animal, shall be guilty of an infraction and shall pay a fine set from time to time by resolution of the Council. Provided that any person who has been previously found guilty of a violation of this Section within a period of five (5) years shall be guilty of a

misdemeanor.

(C) Trapping within City Parks Prohibited. Any person who sets a trap, snare, deadfall, or any other device designed to capture, injure, or kill an animal within a park or public land which is under the control, operation, or management of the City, regardless of whether or not such act results in the successful capture or taking of an animal, shall be guilty of an infraction and shall pay a fine set from time to time by resolution of the Council. Provided that any person who has been previously found guilty of a violation of this Section within a period of five (5) years shall be guilty of a misdemeanor.

(D) Warning Signs Required – Any trap that is set within the City in an area that is not prohibited under this Code and that otherwise adheres to the rules and regulations set by the Idaho Department of Fish and Game Department shall post a conspicuous warning sign to inform the public that traps are in the area. The warning sign shall substantially conform to the recommend warning signs available from the Idaho Department of Fish and Game.

1. A person who sets a trap within the City who fails to conform to this subsection shall be guilty of an infraction and shall pay a fine set from time to time by resolution of the Council.
2. In the event that a person or their domestic animal is injured by a trap that fails to conform to this subsection, the person who set the trap shall be guilty of a misdemeanor.

(E) Defenses. It shall be a defense to prosecution under this Section that the person cited for violation:

1. was an employee or agent of the City, Bonneville County, the State of Idaho, or the United States of America who is performing activities within their scope of employment, such as nuisance abatement or other authorized purposes, or
2. was utilizing a cage or box live trap.

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2024.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

CORRIN WILDE, CITY CLERK REBECC 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; ADDING TITLE 5, CHAPTER 4, SECTION 12 TO THE CITY CODE TO REGULATE TRAPPING WITHIN THE CITY, INCLUDING PROHIBITING SETTING TRAPS WITHIN PARKS AND ALONG SIDEWALKS AND REQUIRING WARNING SIGNS FOR TRAPS SET IN AREAS NOT PROHIBITED BY ORDINANCE OR STATE LAW, PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
CORRIN WILDE, CITY CLERK

(SEAL)

Memorandum

File #: 24-243 **City Council Meeting**

FROM: Michael Kirkham, City Attorney
DATE: Thursday, May 16, 2024
DEPARTMENT: City Attorney

Subject
Resolution to Waive Certain 2024 Fourth of July Fees

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Resolution to waive certain 2024 Fourth of July fees for services performed by the City of Idaho Falls to assist in the free, public Fourth of July activities and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
This annual resolution waiving certain City fees allows for support of the 2024 Community Fourth of July Celebration.

Alignment with City & Department Planning Objectives



☒ ☐ ☐ ☐ ☒ ☒ ☐ ☐

The resolution aligns with the livability community-oriented result by supporting an accessible, free family-oriented community event and fosters economic growth by attracting visitors to the community.

Interdepartmental Coordination
Parks, Public Works, and Idaho Falls Power Departments reviewed the proposed resolution and concur with it.

Fiscal Impact
The labor and equipment for this event are donated by the Idaho Falls Public Works Department and Idaho Falls Power as well as the Parks and Recreation Department. The estimated cost to the city is $9,095.92 (Parks and Recreation Dept.), $890.76 (Idaho Falls Power), and $22,610.35 (Public Works Dept.), for a total of $32,597.03. Services provided by the City's Police and Fire Departments to support these events, though significant, are not calculated here as fees typically are not charged for overall public safety services.

Legal Review

The Legal Department prepared the proposed resolution.

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, WAIVING CERTAIN CITY FEES FOR SERVICES IN SUPPORT OF THE 2024 COMMUNITY FOURTH OF JULY CELEBRATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Fourth of July is a special time that allows citizens to celebrate the heritage of American freedom initiated by the signing of the Declaration of Independence; and

WHEREAS, Independence Day has been celebrated since the creation of Idaho Falls as a city; and

WHEREAS, the City of Idaho Falls has gained wide notoriety through the sustained and community-wide Fourth of July celebration; and

WHEREAS, the Fourth of July and associated Freedom Festival is a point of civic pride and an event that brings people together; and

WHEREAS, for many years the City has supported Freedom Celebration and Fourth of July fireworks by providing emergency and support services to accommodate the large crowds that gather by the Snake River setting for the fireworks; and

WHEREAS, the Council wishes to continue to provide necessary and appropriate services and support of the community-wide celebration and fireworks show as the event changes location; and

WHEREAS, the City, in support of the community's enjoyment of fireworks, desires to waive certain fees for services performed in July of 2024, which normally would be required for services; and

WHEREAS, the City provided the necessary City services to accommodate large crowds, transportation, ingress and egress to the fireworks viewing sites, and general public safety measures at no cost.

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

1. The City waives the following fees at the currently established City rates, as indicated below:

2024 4th of July Fee Waivers

Public Works – Street Division	
SERVICE	**QUANTITY or COSTS**
Fireworks Sand – Loader	$ 183.60
Fireworks Sand – Dump Truck	$ 287.20
Fireworks Barricades – Message Boards	$ 4,800.00
Fireworks Barricades – Flat Bed	$ 7,688.00
Fireworks Barricades – Pick Up (Set up)	$ 295.80
Fireworks Barricades – Pick Up (During/After)	$ 394.40
Fireworks Barricades – Loader and Backhoe (Set up)	$ 400.80
Fireworks Barricades – Loader and Backhoe (During/After)	$ 534.40
Fireworks Barricades – Patch Truck	$ 2,172.00
Fireworks Barricades – Barrier Delivery (Backhoe)	$ 918.00
Fireworks Barricades – Barrier Delivery (Dump Truck)	$ 13,36.00
Fireworks Cleaning – Sweeper (Before)	$ 216.10
Fireworks Cleaning – Sweeper (After)	$ 216.10
Total	**$19,442.40**

Public Works – Sanitation Division		
SERVICE		**QUANTITY or COSTS**
Employee #1, 2, 3	Deliver 150 - 95 gals	$558.00
Employee #4	Deliver 6 - 30yd's	$248.50
Employee #1, 2, 3	Remove 150 - 95 gals	$558.00
Employee #4	Dump & Remove 6 - 30yd's	$288.75
	5 - 30yd's	$1,262.25
	1 - 30yd's (cardboard)	$252.45
	Total	$**3,167.95**

COMBINED TOTAL: $22,610.35

Parks and Rec	
SERVICE/STAFF HOURS	**QUANTITY or COSTS**
Delivery/Set Up Trash Containers and Picnic Tables	
Park Manager	$370
Park Operator	$197.76
2 Seasonal Staff	$210.12
2 Pick Up Trucks with Trailers	$395.52
96 Picnic Tables	$1,119.61
3 Pick-Up Trucks with Trailers	$593
Garbage and Porta-Potty Maintenance	
Park Manager	$138.75
2103 Operator	$100.64
2103 3 hrs	$185.40
6 Seasonal Staff	$629.33
3 OHV Mules	$667.44
Pick-up truck	$74.16

Event Clean Up	
Park Manager	$370.00
Park Operator	$197.76
2 Seasonal Staff	$210.12
2 Pick Up Trucks with Trailers	$395.52
96 Picnic Tables	$1,119.61
3 Pick-Up Trucks with Trailers	$593.28
2103 Operator	$167.73
2103 5 hrs	$412.00
7 Seasonal Staff	$412.00
3 Full Time Staff	$458.92
Cleaning Supplies and Trash Can Liners	$77.25
TOTAL	**$9,095.92**

Idaho Falls Power	
SERVICE	**QUANTITY or COSTS**
Disconnect/Reconnect Street Lighting – 2 Employees/6hrs	$890.76
TOTAL	**$890.76**

ADOPTED and effective this ____ day of July, 2024.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

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 Resolution entitled, "A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, WAIVING CERTAIN CITY FEES FOR SERVICES IN SUPPORT OF THE 2024 COMMUNITY FOURTH OF JULY CELEBRATION; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

_____
Corrin Wilde, City Clerk

(SEAL)