

*The public is invited to observe City Council Work Sessions. However, the agenda for Work Sessions does not include an opportunity for public interaction. Seating in the Council Chambers may be limited. All seating is available on a first-come, first-serve basis. The public also may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>.*

*This meeting may be canceled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting of the City of Idaho Falls, you may contact City Clerk Corrin Wilde at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.*

### **CITY COUNCIL WORK SESSION – Special Meeting**

*Times listed in parentheses are only estimates.*

#### **Call to Order and Roll Call**

#### **Municipal Services, Public Works, and Legal Departments:**

**Discussion:** Consideration of Bids Received for the Frontier Center Lobby Expansion Project and other Project Financing Matters. (45)  
**Action:** Council Direction to Staff or take other action deemed to be in the public interest

#### **Community Development Services:**

**Presentation and Discussion:** Historic Preservation Plan (20)  
**Action:** Council Direction to Staff (or take other appropriate action)

**Consideration and Discussion:** U-Pick Red Barn CUP Revocation Mediation (10)  
**Action:** Council Direction to Staff (or take other appropriate action)

#### **Airport and Legal Department:**

**Consideration and Discussion:** The proposed resolution distinguishes the Mayor's authority to authorize lease agreements wherein the City will be the tenant and lease agreements wherein the City will be the Landlord. (10)  
**Action Item:** Approve the Signing Authority Resolution and give authorization for the Mayor and City Clerk to execute the necessary documents

#### **Mayor's Office and Legal Department:**

**Presentation and Discussion:** Proposed Sponsorship and Advertising Policy (30)  
**Action:** Council Direction to Staff (or take other appropriate action)

#### **Mayor's Office, Economic Development:**

**Presentation and Discussion:** Economic Development Focus Report (45)  
**Action:** Council Direction to Staff (or take other appropriate action)

#### **Mayor and Council:**

**Mayor and Council Reports:** Calendars, Announcements Events, Reports, Updates, Concerns, Questions, and Discussion—to include discussion of Strategic Plan Edits, if any. (30).  
**Action:** Council Direction to Staff (or take other appropriate action)

DATED this 13<sup>th</sup>, day of December 2024



Corrin Wilde, City Clerk

# **Airport and Legal Department**

**Signing Authority Resolution: Approving this Signing Authority Resolution will grant the Mayor and the Mayor's designees limited authority to execute minor contracts, lease agreements, real property purchases and change orders within certain limits to improve City efficiency timely execution of City initiatives. The proposed resolution distinguishes the Mayor's authority to authorize lease agreements wherein the City will be the tenant and lease agreements wherein the City will be the landlord.**

**RESOLUTION NO. 2024- \_\_\_\_\_**

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MEMORALIZING CITY POLICY BY GRANTING THE MAYOR LIMITED AUTHORITY TO EXECUTE CONTRACTS, LEASES, REAL ESTATE PURCHASES, AND CHANGE ORDERS WITHIN CERTAIN LIMITS IN ORDER TO FURTHER THE INTERESTS OF THE CITY; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City authorizes and approves the City budget annually; and

WHEREAS, the City budget includes funding for various City projects; and

WHEREAS, project change orders may become necessary in order to deal with unanticipated circumstances and contingencies and to otherwise ensure the City projects continue to move forward on a timely basis; and

WHEREAS, timely execution of lease agreements may be necessary for City-owned or City-controlled properties with various individuals, corporations or other entities for the benefit the City; and

WHEREAS, timely acquisition of additional real property by the City may be required to complete various City projects or to further City interests; and

WHEREAS, timely execution of minor contracts may be required to provide services necessary to accomplish certain aspirations of the City; and

WHEREAS, authorizing the Mayor, or Mayor's Designee(s) to enter into such contracts, leases and change orders, where budgeted and related to City projects or initiatives, will promote efficiency and timeliness.

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

1. Change Orders

- a. The City Council hereby grants to the Mayor and to the Mayor's Designee(s) authority to approve change orders not to exceed the following cumulative amounts:
  - i. Budgeted City project of Two Hundred Thousand dollars (\$200,000) or less, twenty-five percent (25%) of the original project contract estimate; and

- ii. Budgeted City project of more than Two Hundred Thousand dollars (\$200,000), fifteen percent (15%) of the original project contract estimate.
- b. The Mayor shall inform the Council of any approved change order over the amount of five hundred thousand dollars (\$500,000) of the City's money within thirty (30) days of such approval.

2. Contracts, Leases, and Real Property Purchases

- a. The City Council hereby grants to the Mayor and to the Mayor's Designee(s) authority to negotiate and to execute budgeted:
    - i. Lease agreements wherein the City will be the tenant for a term of less than one (1) year that do not exceed fifty thousand dollars (\$50,000); and
    - ii. Lease agreements of City-owned or City-controlled properties (including Airport-related lease agreements), wherein the City will be the landlord and the lease agreement is not anticipated to be controversial, as determined by the Mayor and the appropriate Department Director(s); and
    - iii. Real property purchase agreements where the purchase amount does not exceed fifty thousand dollars (\$50,000); and
    - iv. Contracts that do not exceed seventy-five thousand dollars (\$75,000).
  - b. Prior to execution, all contracts, leases and real property purchases authorized pursuant to this Resolution must be approved by the Department Director responsible and reviewed by the City Attorney's Office,
3. Nothing in this Resolution shall alter, enhance, or diminish the powers and duties granted to the Board of Trustees of the Idaho Falls Public Library by Idaho Code.
4. This Resolution supersedes and replaces Resolutions 2020-26.

This Resolution shall be in full force and effect from and after its passage by the Council.

ADOPTED and effective this \_\_\_\_\_ day of December, 2024.

CITY OF IDAHO FALLS, IDAHO

\_\_\_\_\_  
Rebecca L. Noah Casper, Mayor

ATTEST:

\_\_\_\_\_  
Jasmine Marroquin, Deputy City Clerk

# **Mayor's Office and Legal Department**

## **POLICY**

### **SPONSORSHIP AND ADVERTISING WITH CITY EVENTS AND CITY PROPERTY**

#### **I. GENERAL POLICY.**

The City, through its elected and appointed officials, employees, and citizen committee and/or commission members, may:

- (A) actively seek donations and/or sponsorship for City events and programs; and
- (B) facilitate advertising on certain City properties and vehicles.

The City retains the right to not offer particular programs, activities, events, and vehicles for advertising that are, in the City's sole determination, incompatible with sponsorship or advertisement.

This Policy will be implemented with appropriate restrictions that may be placed on certain programs, activities, events, and vehicles. These restrictions may include, but are not limited to, grant funding conditions, limitations imposed by regulation or statute, etc. This Policy shall be implemented with specific guidelines, as subsequently adopted by the Council for specified events, programs, and facilities. This Policy shall also be implemented pursuant to all appropriate provisions of the City and all existing City contracts or permits for special events, etc.

The City retains the right to employ third-party contractors to manage, facilitate, solicit, and seek advertisements and sponsorships in accordance with this policy.

#### **II. DEFINITIONS.**

**Advertiser.** A person or entity seeking to use City facilities, property, or vehicles to induce or invite the public generally to enter into a commercial transaction for products, services, or events.

**City Programs.** Activities and events financed primarily with general or other City funds or grant monies received by the City, and planned, organized, and conducted by the City.

**City-Sponsored Community Programs.** Activities, events, or projects that the City jointly conducts with a Non-City Organizer to serve the community for a public purpose, including but not limited to, programs, activities, and events that the City would directly finance or operate solely if there were adequate resources available to do so. City-Sponsored Community Programs may be jointly planned, organized, or conducted by the City and a Non-City Organizer or may be solely planned, organized, or conducted by a Non-City Organizer.

**Commercial Speech.** An advertisement that proposes or invites the public generally to enter into a commercial transaction for products, services, or events.

**Non-City Organizer.** A person or entity seeking City sponsorship or support for activities, events, or programs open to the public.

**Paid Advertising.** Temporary exposure (such as signs, sign space, paid ads, print ads, radio spots, etc.) that is arranged for an Advertiser who provides money in exchange for a specified or negotiated type and/or extent of advertising.

**Sponsor.** A person or entity providing funds to offset the cost and/or services or materials in support of a City program. Sponsorship does not authorize the Sponsor to plan, organize, or conduct the City program, but allows recognition advertising at a level to be recommended by a City Department and approved by the Mayor, Council, or their designee(s).

### III. CITY SPONSORSHIP/ADVERTISING

#### (A) Inventory of Available Space.

Each City Department shall identify and share annually a list of City programs, activities, events, and vehicles available for sponsorship or advertising to the Mayor's Office and City Clerk. The Clerk shall establish and maintain an up-to-date inventory of programs, activities, events, and vehicles that may be eligible for private sponsorship or advertising. The inventory should include existing sponsors or advertisers; the time frame necessary for sponsor commitment/advertising; and the current cost to the City. Once the appropriate programs, activities, events, and vehicles have been identified, specific and detailed guidelines for approval by the Council will be developed for each type of program, activity, event, and vehicle to minimize the risk of litigation or liability.

#### (B) Application Process.

A sponsorship or advertising proposal must be submitted to the Mayor's Office and Clerk. The City will engage in negotiating or committing to any sponsorship or advertising proposal. Any verbal or written commitments regarding a program or project shall not be binding on the City unless this policy has been adhered to.

A proposal shall include, at a minimum, the following information:

1. Detailed discussion of program or project;
2. Name, address, and telephone number of Sponsor, including contact person;
3. Item, project, or service being provided;



4. Approximate monetary value of the program or service being provided;
5. Recognition requested;
6. Name of City Department(s) involved; and
7. Cost to the City, if any, to administer the program.

The Clerk shall forward all proposals for sponsorship or advertising valued at ten thousand dollars (\$10,000) or less to the Department that is associated with the sponsorship or advertisement, as long as the sponsorship/advertising substantially conforms with this Policy, and is not inconsistent with other current City agreements. Such acceptance may be made by the Department Director in writing.

The Clerk shall forward all proposals for sponsorship or advertising valued in excess of ten thousand dollars (\$10,000) to the Department that is associated with the sponsorship or advertisement for review and a recommendation to the Mayor. The Department shall forward recommended sponsorships, supported programs, and advertising proposals to the Mayor with a recommendation for approval or denial of the proposal. The Mayor or the Mayor's designee shall have the authority to approve any proposal valued between ten thousand dollars (\$10,000) and seventy-five thousand dollars (\$75,000) after considering the Department's recommendation. Such approval shall be made by the Mayor or the Mayor's designee in writing.

A Department that is associated with the sponsorship or advertisement in excess of seventy-five thousand dollars (\$75,000) shall forward the proposal to the Mayor and the Legal Department for review. The Mayor and the Legal Department shall provide a recommendation to either approve or deny the proposal and forward the proposal to the Council for final approval. Such approval shall be made by the Council or the Council's authorized signatory in writing.

#### IV. CITY ADVERTISING

The Clerk shall maintain an inventory of all property, vehicles, and materials available for advertising. The Clerk's inventory shall also be reviewed and approved annually by the City Council. Once approved by the City Council, City Staff or a private firm may market these areas or potential advertising at rates that are comparable with the private sector.

##### (A) Non-Public Forum

Any City facility, property, or vehicle identified by a City Department as available for advertisement shall only be utilized as a non-public forum for paid Paid Advertising.

In limiting Paid Advertising to Commercial Speech the City has an interest in:

1. maintaining a position of neutrality on issues that would disaffect park and recreation patrons;
2. preventing a reduction in income earned from selling advertising space because commercial advertisers would be dissuaded from using the same forum that would also be used for public debate; and
3. minimizing chances of abuse, the appearance of favoritism, and the risk of imposing upon a captive audience certain material that does not facilitate the public purpose of the City facility, property, or vehicle upon which the advertisement appears.

Pursuant to this policy, the City is doing no more than reserve eligibility for access to non-public forums for commercial speech. All Advertisers must obtain permission and all proposed advertising must be submitted to the Department Director, or their designee (which may include a private firm contracted with the City to provide advertisement management service) associated with the advertisement space for compliance review. The Department may seek and receive input from appropriate City staff, including the City's Legal Department, at any time during the review process. The Department Director or their designee will review the proposed advertisement for compliance with this policy and make a final decision to approve or deny the advertisement.

**(B) Permitted Advertising Content.**

Only Commercial Speech will be permitted on identified City facilities, property, or vehicles identified by a Department as available for advertisement and placed on the Clerk's inventory list. In addition, the City or other governmental entity may display advertising by the City or by other governmental entities as its own government speech. Where there is an implied non-commercial message attached to the commercial speech, such implied content shall not be evaluated or acted upon by the City so long as the main purpose of the advertisement is to propose a commercial transaction. In determining the main purpose of the advertisement, the City shall take into account the organization's stated purpose in their articles of incorporation, the organization's web materials, and any other public-facing media that the organization makes generally known.

All Paid Advertisements shall include the Advertiser's identity. This disclosure shall be readily identifiable on the advertisement and shall include the following phrase: "Paid for by \_\_\_\_\_." This disclosure shall be in clearly visible letters, no smaller than 72-point font for exteriors and 24-point font for interiors. Advertiser shall produce all advertisements at Advertiser's sole expense and conform to the standards for size, weight, material, and placement as set forth by the Department that is associated with the sponsorship or advertisement.

All Paid Advertisements shall conform to the City's sign code and all other applicable laws and regulations.

**(C) Prohibited Advertising Content**

Paid Advertising is prohibited on City facilities, property, or vehicles if it includes any of the following:

1. Promotion or opposition to a political party, the election of any candidate or group of candidates, initiatives, referendums, or other ballot measures.
2. Noncommercial speech.
3. Promotion, participation, or offering for sale, rental, use or participation in the following products, services, or activities (including brand names, trademarks, and other images or materials associated with such products, services, or activities):
  - a. Tobacco products (including e-cigarettes and other nicotine delivery systems), marijuana products (including CBD products), alcoholic products;
  - b. Weapons, including firearms, ammunition, and other firearm-related products;
  - c. Adult/mature entertainment products, including but not limited to films rated "X" or "NC-17," television media rated "MA," or video games rated "A" or "M";
  - d. Adult entertainment, sexually oriented businesses, and other adult services, such as adult book and video stores, adult internet sites, and the like;
  - e. Any depiction that meets the definition of "obscene material" in Idaho Code § 18-4101; and
  - f. Any activity that is illegal under federal, state, or the City laws or regulations.
4. Infringing copyrighted or trademarked materials.
5. Profane or violent language, images, or descriptions, including images, descriptions, of dead, mutilated, or disfigured human beings or animals; or the act of killing, mutilating, or disfiguring human beings or animals; or the intentional infliction of pain or suffering toward a person or animal.

In limiting certain forms of commercial speech the City has an interest in reducing drinking, smoking, and substance abuse by minors, including substances that would be illegal for a minor to consume or possess; reducing a minor's use of age-restricted products; reducing a minor's use of substances; to protecting minors from dangers attendant to illegal use of weapons; and protecting minors from content that is rated as not appropriate for minors.

(D) Agreement Required.

All proposed sponsorships and advertisements must be documented in a written agreement. For any sponsorship or advertisement in excess of \$75,000, the City shall negotiate and draft a formal contract and receive requiring Council approval for the sponsorship or advertisement.

Unless expressly provided otherwise by the Council, such an agreement would address the following:

1. The specific location, size, and placement of the advertisement.
2. A depiction of the advertisement to be placed on the City's facility, property, or vehicle.

3. That the Advertiser, at its sole cost, shall comply with all applicable laws, ordinances, rules, and regulations, and shall obtain and maintain such permits, licenses, and certificates required by federal, state, and local governmental authorities having jurisdiction. The Advertiser shall defend, indemnify, and hold the City harmless from any and all claims of any negligence, omission, or failure to comply or violation of any applicable law or regulation.
4. Unless special circumstances necessitate a longer period, the term of any agreement for a Paid advertisement should not exceed one (1) year.
5. Approval of an advertisement shall in no way obligate the City to approve or continue it in the future.
6. A disclaimer of express or implied City endorsement of the advertisement, although the disclaimer need not appear in the advertisement itself.

#### V. CITY PROGRAM SPONSORS.

All proposed sponsored City Programs and their Sponsors must receive prior approval from the Department associated with the sponsorships, and in sponsorships valued in excess of \$75,000, the Council. Depending on the complexity or in cases where more than \$10,000 is involved in a sponsorship, the Department shall execute a Memorandum of Understanding between the Sponsor and the City.

Unless expressly provided otherwise by the Council, either type of agreement would address the following:

1. The specific City Program to be sponsored must further a goal of the City.
2. Sponsors may provide funds or pay for facilities, equipment, supplies, staff services, security services, consultation, public relations services, and/or materials.
3. Specific Council approval shall be obtained for sponsorship of a City Program including alcohol, tobacco, or addictive substances.
4. The Sponsor shall not directly seek to make a profit from the sponsorship; however, building community education or interest on a subject or gaining professional exposure may be acceptable.
5. The City's cost to recognize a Sponsor shall not exceed the fair market value of the sponsorship.

6. The City shall be appropriately represented and/or acknowledged in any publicity and public announcements for an event or program. All publicity (such as media releases, posters, flyers, etc.) shall be approved by the City Public Information Officer or their designee.
7. Approval of programs, activities, events, and vehicles shall in no way obligate the City to approve or continue it in the future.

## VI. CITY SPONSORSHIP OF NON-CITY COMMUNITY PROGRAMS.

City sponsorship or support of a City-Sponsored Community Program shall receive prior approval from the Mayor and approval from the Council. All City Sponsorship of Non-City Community Programs shall require a written Memorandum of Understanding between the Non-City Organizer or a formal contract. The City may use a Non-City Community Program's form contract in cases where City Sponsorship is valued less than \$10,000 and where the City-Sponsorship is not complex. Unless expressly provided otherwise by the Council, either agreement shall contain these items:

1. The specific City-Sponsored Community Program must further a goal of the City. The purpose(s) of the sponsorship and proof that such is consistent with the City's goal to enhance service to the citizens shall be promulgated in the recitals of the agreement.
2. The specific City facilities, equipment, supplies, staff services, security services, consultation, public relations services, and/or materials the City shall contribute to the City-Sponsored Community Program, including any mutually shared resources between the City and the Non-City Organizer
3. The Non-City Organizer shall not directly seek to make a profit from the City-Sponsored Community Program. However, building community education or interest on a subject or gaining professional exposure may be acceptable for City sponsorship or support.
4. The City shall be appropriately represented and/or acknowledged in any publicity and public announcements the City-Sponsored Community Program. The Non-City Organizer shall provide the City's Chief Public Information Officer all publicity (such as media releases, posters, flyers, etc.) for approved prior to publication. The City's Chief Public Information Officer shall not unreasonably delay or withhold approval for publicity.
5. The Non-City Organizer shall, at the Non-City Organizer's sole cost, comply with all applicable laws, ordinances, rules, and regulations, and shall obtain and maintain such permits, licenses, and certificates required by federal, state and local governmental authorities having jurisdiction over the facility or space where the City-Sponsored Community Program is held. The Non-City Organizer shall have and be allocated the sole responsibility to comply with the Americans with Disabilities Act (ADA) with respect to

the facility where the City-Sponsored Community Program is held. The Non-City Organizer shall defend, indemnify, and hold the City harmless from any and all claims of any negligence, omission, or failure to comply or violation of any applicable law or regulation. The Non-City Organizer shall provide evidence of, and maintain, sufficient insurance for the City Sponsored Community Program.

6. Any request from a Non-City Organizer for a waiver of City fees or costs shall be approved by the Council unless specifically approved in the City's annual budget process.
7. A statement that the City's sponsorship or support for the City Sponsored Community Event is for the singular event identified in the agreement. Unless special circumstances necessitate a longer period, the term of any agreement for a City sponsorship or support should not exceed one (1) year.
8. Approval of a City Sponsored Community Program shall in no way obligate the City to approve or continue it in the future.