



City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, June 10, 2021

7:30 PM

City Council Chambers

Welcome.

This meeting is open to any member of the public to observe (either in person or via the City's website livestream). To participate personally, we ask you to follow these City guidelines. Note that not all agenda items include the opportunity for public comment. Also, please be aware that an amendment to this agenda may be made by Council during the meeting upon passage of a motion that states a good faith reason why the desired change was not included in the original agenda posting.

Opportunity for General Public Comment.

You are invited to address the City Council but only regarding general matters that are not listed on this agenda or that are already noticed for a public hearing, subject the Public Hearing Participation Guidelines below. When you address the Council, please state your name and some general contact information (e.g., city, address, neighborhood). Please limit your remarks to three (3) minutes. For legal reasons, topics you may not comment upon include matters currently pending before the City's Planning and Zoning Commission or Board of Adjustment; pending City enforcement actions (including those on appeal); and City personnel actions.

Public Hearing Participation Guidelines.

1. *In-person Comment.* Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address your comments directly to the Council and try to limit them to three (3) minutes.
2. *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.
3. *Remote Comment.* 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 forty-eight (48) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony.

Regularly scheduled Council meetings are live-streamed and archived on the City website (idahofalls.gov). If communication aids, services, or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or ADA Coordinator Lisa Farris at 208-612-8323, so that they can help accommodate your needs.

1. **Call to Order.**
2. **Pledge of Allegiance.**
3. **Public Comment.**

Please see guidelines above.

4. Consent Agenda.

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

A. Idaho Falls Power

- 1) Shell Energy Trade Agreement No. 3861457 **21-142**
Idaho Falls Power requests that this Power Trade Agreement with Shell Energy North America (US), LP to purchase 20-MWs of heavy load energy for the month of June 2021 be ratified.

Attachments: 3861457 Shell Trade Confirm

B. Municipal Services

- 1) Treasurer's Report for April 2021 **21-143**
A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending April 2021, total cash, and investments total \$145.9M. Total receipts received and reconciled to the general ledger were reported at \$20.2M, which includes revenues of \$18.4M and interdepartmental transfers of \$1.8M. Total distributions reconciled to the general ledger were reported at \$20.5M, which includes salary and benefits of \$7.9M, operating costs of \$10.8M and interdepartmental transfers of \$1.8M. As recommended by the city's external auditors, the Treasurer's Report includes the consolidation of \$2.1M from the Fire Capital Improvement Fund to the General Fund. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$132.2M.

Attachments: MS_Treasurer's Report for April 2021.pdf

- 2) Minutes from Council Meetings **21-147**
May 24, 2021 City Council Work Session; May 27, 2021 City Council Meeting; and June 3, 2021 Special Council Meeting.

Attachments: 20210524 Work Session - Unapproved.pdf
20210527 Council Meeting - Unapproved.pdf
20210603 State and Federal Legislation - Unapproved.pdf

- 3) License Applications, all carrying the required approvals

Recommended Action:

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

5. Regular Agenda.**A. Community Development Services**

- 1) Final Plat, Development Agreement, and Reasoned Statement of **21-144**

Relevant Criteria and Standards, Park Place Division No. 6.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Park Place Division No. 6. The Planning and Zoning Commission considered this item at its March 16, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Recommended Action:

1. Approve the Development Agreement for Park Place Division No. 6 and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).
2. Accept the Final Plat for Park Place Division No. 6, 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 Park Place Division No. 6 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.jpg
Aerial.jpg
Final Plat Map.pdf
Staff Report Park Place Final Plat.docx
PC Minutes.docx
Development Agreement.pdf
Reasoned Statement.doc

- 2)** Public Hearing-CDBG 2021-2025 Community Development Block Grant Five Year Consolidated Plan, 2021 CDBG Annual Action Plan, and 2021-2025 Analysis of Impediments to Fair Housing Choice **21-145**

Pursuant to Housing and Urban Development (HUD) requirements, entitlement cities receiving CDBG funds must complete a Five-Year Consolidated Plan, an Analysis of Impediments to Fair Housing Choice, and an accompanying Annual Action Plan for the initial allocation year (2021). As part of the Citizen Participation Plan, pursuant to 24 CFR 91.105, the City must hold a public hearing for each of the three plan elements. Public Notice was published in the Post Register 6/6/21 and posted on the City CDBG webpage. In addition, regular notices were communicated throughout the process to housing providers and service agencies, past and current applicants of CDBG funding, and City Mayor, Council, and Directors.

Draft plans have been produced by Western Economic Services, Inc. and Lisa Farris. Both will present their respective portions of the projects at the public hearing on June 10th. Only the executive summaries are included with this memo as the documents are still at an “internal staff review” stage. Any questions or comments following the hearing should be directed to Lisa Farris.

Recommended Action:

No action requested for this hearing.

Attachments: PY2021 CDBG Table of Applicants and Projects.docx
Consolidated Plan Executive Summary.pdf
Analysis of Impediments Executive Summary.pdf

6. **Announcements.**

7. **Adjournment.**

File #: 21-142

City Council Meeting

FROM: Bear Prairie, General Manager

DATE: Tuesday, June 1, 2021

DEPARTMENT: Idaho Falls Power

Subject

Shell Energy Trade Agreement No. 3861457

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing

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

Ratify Shell Energy Trade Agreement No. 3861457, or take other action deemed appropriate.

Description, Background Information & Purpose

Idaho Falls Power requests that this Power Trade Agreement with Shell Energy North America (US), LP to purchase 20-MWs of heavy load energy for the month of June 2021 be ratified.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

This action supports our readiness for good governance by supporting decision making with timely and accurate short-term analysis that enhances vision and planning, ensuring access to reliable and affordable power. It also supports the financial stability and risk management element of the IFP Strategic Plan.

Interdepartmental Coordination

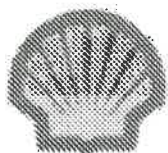
n/a

Fiscal Impact

This transaction is within the acceptable range of our budget and complies with risk management policies. The total purchase amount is \$ 495,040.00

Legal Review

n/a



Shell Energy North America (US), L.P.

1000 MAIN ST FL 12
HOUSTON, TX 77002-6367
877-504-2491

May 20, 2021

Deal No.

3861457

CITY OF IDAHO FALLS
140 S CAPITOL AVENUE,
IDAHO FALLS, ID 83405
Fax: 1(208)612-8435

CONFIRMATION AGREEMENT

This confirmation agreement (this "Confirmation" or "Agreement") shall confirm the agreement reached on May 19, 2021, between Shell Energy North America (US), L.P. ("Shell Energy") and CITY OF IDAHO FALLS ("CounterParty") (herein sometimes referred to as a "Party" and collectively as the "Parties") regarding the sale of electric capacity and/or electric energy under the terms and conditions set forth below.

BUYER: CITY OF IDAHO FALLS
SELLER: Shell Energy North America (US), L.P.
PRODUCT/FIRMNESS: FIRM ✓

PERIOD OF DELIVERY: 06/01/2021 through 06/30/2021 ✓
QUANTITY: 20 Mws of energy per hour ✓
PRICE: \$ 59.50/Mwhr Fixed ✓
DELIVERY POINT(S): BPA ✓
SCHEDULING: Monday thru Saturday, Hours ending 0700 thru 2200 Excluding NERC Holidays

TIME ZONE: PPT
TOTAL MWH: 8,320 ✓

SPECIAL CONDITIONS: Seller and Buyer agree to notify each other as soon as practically possible of any interruption or curtailment affecting this transaction. Buyer should notify Coral at 1-(800) 267-2562.

SUBJECT TO MASTER AGREEMENT DATED: WSPP as amended 02/01/2000

No Challenges; Defense of Agreement. Neither Party will exercise any of its respective rights under Section 205 or Section 206 of the Federal Power Acts to challenge or seek to modify any of the rates or other terms and conditions of this Agreement.

Mobile-Sierra.

(a) Absent the agreement of all parties to the proposed change, the standard of review for changes to any portion of this Agreement or any Transaction entered into hereunder proposed by a Party, a non-party, or the Federal Energy Regulatory Commission acting sua sponte, shall be the "public interest" standard of review set forth in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956) (the "Mobile-Sierra" doctrine).

(b) The Parties agree that, if and to the extent that FERC adopts a final Mobile-Sierra policy statement in Docket No. PL02-7-000 ("Final Policy Statement"), which requires that, in order to exclude application of the "just and reasonable" standard under Sections 205 and 206 of the Federal Power Act, the Parties must agree to language which varies from that set forth in clause (a) immediately above, then, without further action of either Party, such Section shall be deemed amended to incorporate the specific language in the Final Policy Statement that requires the "public interest" standard of review.


This Confirmation sets forth the terms of the transaction into which the Parties have entered into and shall constitute the entire agreement between the Parties relating to the contemplated purchase and sale of electric energy and/or electric capacity. Please have this confirmation executed by an authorized representative or officer of your company and return via facsimile to 713-767-5414 or email SENA-Confirmations-Power@shell.com. If no objection to this Confirmation has been received by Shell Energy by facsimile transmission by 5:00 p.m., Houston, Texas time, two (2) business days after receipt of this Confirmation to the other Party by facsimile, then this Confirmation (i) shall be binding and enforceable against Counterparty and Shell Energy and (ii) shall be the final expression of all the terms hereof, regardless whether executed by the other Party.


ATTENTION: CONTRACTS NORTH AMERICA, AT FAX NO. 713-767-5414 or email SENA-Confirmations-Power@shell.com.

PLEASE SIGN AND RETURN TO SHELL ENERGY NORTH AMERICA (US), L.P.,

CITY OF IDAHO FALLS

Shell Energy North America (US), L.P.

By: 
Name: Sean Egan
Title: GM
Date: 5/23/21

By: 
Name: John W. Pillion
Title: Confirmations Team Lead
Date: 05/20/2021



Memorandum

File #: 21-143

City Council Meeting

FROM: Joss Roos, City Treasurer

DATE: Thursday, June 3, 2021

DEPARTMENT: Municipal Services

Subject

Treasurer's Report for April 2021

Council Action Desired

☐ Ordinance

☐ Resolution

☐ Public Hearing

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

Accept and approve the Treasurer's Report for the month-ending April 2021 or take other action deemed appropriate.

Description, Background Information & Purpose

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending April 2021, total cash, and investments total \$145.9M. Total receipts received and reconciled to the general ledger were reported at \$20.2M, which includes revenues of \$18.4M and interdepartmental transfers of \$1.8M. Total distributions reconciled to the general ledger were reported at \$20.5M, which includes salary and benefits of \$7.9M, operating costs of \$10.8M and interdepartmental transfers of \$1.8M. As recommended by the city's external auditors, the Treasurer's Report includes the consolidation of \$2.1M from the Fire Capital Improvement Fund to the General Fund. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$132.2M.

Alignment with City & Department Planning Objectives



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

Interdepartmental Coordination

Not applicable.

Fiscal Impact

Not applicable.

Legal Review

Not applicable.

CITY OF IDAHO FALLS MONTHLY TREASURER'S REPORT
April, 2021

| FUND | BEGINNING CASH & INVESTMENTS | TOTAL RECEIPTS | TOTAL DISBURSEMENTS | ENDING BALANCE CASH & INVESTMENTS |
|-------------------------------|------------------------------------|------------------------|------------------------|---|
| GENERAL* | \$15,458,913.83 | \$4,400,712.94 | \$6,490,000.03 | \$13,369,626.74 |
| STREET | \$4,756,043.46 | \$1,711,865.84 | \$417,689.82 | \$6,050,219.48 |
| RECREATION | (\$49,126.42) | \$131,132.62 | \$178,835.55 | (\$96,829.35) |
| LIBRARY | \$4,393,527.90 | \$37,767.96 | \$261,194.69 | \$4,170,101.17 |
| AIRPORT PFC FUND | \$59,435.58 | \$54,549.97 | \$37.50 | \$113,948.05 |
| MUNICIPAL EQUIP. REPLCMT. | \$5,493,340.29 | \$210,218.68 | \$281,426.90 | \$5,422,132.07 |
| EL. LT. WEATHERIZATION FD | \$3,572,115.50 | \$34,785.91 | \$27,094.31 | \$3,579,807.10 |
| BUSINESS IMPRV. DISTRICT | \$96,441.21 | \$1,391.67 | \$60.85 | \$97,772.03 |
| GOLF | (\$785,444.67) | \$715,146.37 | \$358,627.50 | (\$428,925.80) |
| SELF-INSURANCE FD. | \$2,797,703.37 | \$224,600.73 | \$64,582.09 | \$2,957,722.01 |
| HEALTH & ACCIDENT INSUR. | \$4,624,019.52 | \$4,491.00 | \$2,917.59 | \$4,625,592.93 |
| EMERGENCY MEDICAL SERVICES | (\$896,219.03) | \$585,165.19 | \$904,750.27 | (\$1,215,804.11) |
| WILDLAND | \$475,439.88 | \$461.76 | \$38,772.90 | \$437,128.74 |
| MUNICIPAL CAPITAL IMP. | \$2,566,628.41 | \$12,319.37 | \$12,897.72 | \$2,566,050.06 |
| STREET CAPITAL IMPROVEMENT | \$642,513.60 | \$73,249.55 | \$43,905.40 | \$671,857.75 |
| BRIDGE & ARTERIAL STREET | \$972,295.54 | \$19,302.33 | \$13,664.79 | \$977,933.08 |
| SURFACE DRAINAGE | \$233,107.68 | \$2,416.03 | \$147.08 | \$235,376.63 |
| TRAFFIC LIGHT CAPITAL IMPRV. | \$1,088,199.67 | \$27,726.09 | \$23,945.62 | \$1,091,980.14 |
| PARKS CAPITAL IMPROVEMENT | \$5,930.91 | \$5.76 | \$3.74 | \$5,932.93 |
| ZOO CAPITAL IMPROVEMENT | \$290,352.17 | \$40,488.00 | \$4,442.46 | \$326,397.71 |
| CIVIC AUDITORIUM CAPITAL IMP. | \$204,370.71 | \$198.49 | \$128.95 | \$204,440.25 |
| GOLF CAPITAL IMP. | \$345,028.63 | \$94,678.26 | \$17,558.87 | \$422,148.02 |
| POLICE CAPITAL IMPROVEMENT | \$1,000.00 | \$0.97 | \$0.63 | \$1,000.34 |
| AIRPORT | (\$233,899.52) | \$3,020,898.10 | \$2,123,595.09 | \$663,403.49 |
| WATER | \$14,618,229.80 | \$1,088,498.83 | \$587,621.71 | \$15,119,106.92 |
| SANITATION | \$5,581,658.99 | \$473,699.67 | \$387,335.24 | \$5,668,023.42 |
| IDAHO FALLS POWER | \$52,409,157.83 | \$5,238,536.08 | \$6,274,588.26 | \$51,373,105.65 |
| FIBER | \$647,209.44 | \$900,520.94 | \$1,204,999.34 | \$342,731.04 |
| WASTEWATER | \$26,879,378.12 | \$1,087,398.07 | \$780,294.85 | \$27,186,481.34 |
| TOTAL ALL FUNDS | \$146,247,352.40 | \$20,192,227.18 | \$20,501,119.75 | \$145,938,459.83 |

* -\$2,127,516.43 from the Fire Capital Improvement Fund was combined with the General Fund

CITY OF IDAHO FALLS
INVESTMENT RECONCILIATION
Apr-21

| | <u>BOND</u> | <u>AGENCY</u> | <u>TREASURY</u> | <u>CERTIFICATES</u> | <u>MONEY MARKET</u> | <u>CASH/EQUIVALENT</u> | <u>TOTAL</u> |
|--------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|-------------------------|
| LPL | | | | \$506,821.25 | | \$1,238.30 | \$508,059.55 |
| LGIP | | | | | \$40,341,140.00 | | \$40,341,140.00 |
| WELLS FARGO | \$43,967,989.87 | \$13,189,427.06 | \$13,381,870.27 | \$1,005,047.65 | \$0.00 | | \$71,544,334.85 |
| DA DAVIDSON | | | | \$519,460.00 | | \$6,267.74 | \$525,727.74 |
| WASHINGTON FEDERAL | | | | \$260,353.17 | | | \$260,353.17 |
| LOOKOUT CU | | | | \$270,834.71 | | | \$270,834.71 |
| KEY BANK | \$2,091,530.75 | \$1,199,840.28 | \$2,315,087.25 | | | \$106,623.06 | \$5,713,081.34 |
| IDAHO CENTRAL | | | | \$4,359,622.32 | | | \$4,359,622.32 |
| BANK OF IDAHO | | | | \$6,626,590.67 | | | \$6,626,590.67 |
| BANK OF COMMERCE | | | | \$2,049,697.59 | | | \$2,049,697.59 |
| | <u>\$46,059,520.62</u> | <u>\$14,389,267.34</u> | <u>\$15,696,957.52</u> | <u>\$15,598,427.36</u> | <u>\$40,341,140.00</u> | <u>\$114,129.10</u> | <u>\$132,199,441.94</u> |

Memorandum

File #: 21-147

City Council Meeting

FROM: Kathy Hampton, City Clerk
DATE: Friday, June 4, 2021
DEPARTMENT: Municipal Services

Subject

Minutes from Council Meetings

Council Action Desired

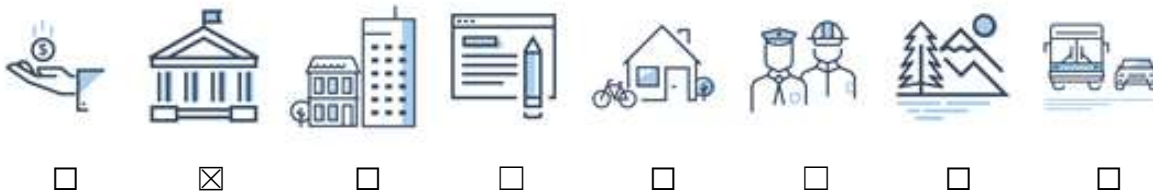
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

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

Description, Background Information & Purpose

May 24, 2021 City Council Work Session; May 27, 2021 City Council Meeting; and June 3, 2021 Special Council Meeting.

Alignment with City & Department Planning Objectives



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

Interdepartmental Coordination

N/A

Fiscal Impact

N/A

Legal Review

N/A

May 24, 2021 Work Session - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, May 24, 2021, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Absent:

Councilor Thomas Hally

Also present:

Juan Alvarez, Assistant Director of the Idaho National Laboratory (INL) and Connecting Us, Sustaining Progress (CUSP) Steering Committee Chair
Chris Fredericksen, Public Works Director
Chris Canfield, Public Works Assistant Director
Rory R. Villanueva, AIA, Architects Design Group LEED G.A.
Gaddiel Torres-Pagán, Architects Design Group Design Architect
Bryce Johnson, Police Chief
Jeremy Galbreath, Police Captain
Brad Cramer, Community Development Services Director
Catherine Smith, Idaho Falls Downtown Development Corporation (IFDDC) Executive Director
Dana Briggs, Economic Development Coordinator
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Final Report: Connecting Us, Sustaining Progress (CUSP) Steering Committee:

Mayor Casper reminded the Council that a resolution was passed in July 2019 regarding CUSP. Mr. Alvarez stated the CUSP consisted of eight (8) subcommittees and more than 22 volunteers who were a variety of diverse individuals. He noted the Community Enrichment subcommittee could not be maintained during Coronavirus (COVID-19). Mr. Alvarez stated the report contains 81 suggested actions to move forward, these are not recommendations. He also stated the strategic components focused on the guardrails of the City. He believes the effort of the volunteers showed their commitment of wanting what's best for the City. Mr. Alvarez also commended the efforts of the Mayor and the City departments. Mr. Alvarez briefly described the history of the community, which is included in the final report. He believes there is a lot to be proud of in this City. Mr. Alvarez reviewed CUSP high-priority issues including the spirit of inclusion; law enforcement and social disparities; the COVID-19 pandemic; housing and transportation; environmental sustainability; and K-12 education. He also reviewed the CUSP Vision which addresses five (5) critical attributes:

- Public engagement and social cohesion where every resident can see themselves and understand how their individual uniqueness enriches the city. No one feels left behind; everyone is welcomed — indeed, essential — to our community. Idaho Falls is a place where future change helps or enhances the lives of those who struggle and creates opportunities for shared experiences.
- Comprehensive access to education (early childhood to grade 12, career technical, and higher education) that retains and attracts the next generation workforce to meet the growing demands of our community.

May 24, 2021 Work Session - Unapproved

- A whole of city approach to wellness and safety where residents can access quality housing and transportation and find security in livable neighborhoods that meet diverse needs, enhance quality of life, and nurture and sustain one's life span.
- Sustainable living with increased use of clean energy, conservation of natural resources, and reduction of harmful emissions.
- Diversified local economy that puts a new generation of Idaho Falls residents to work by attracting new professional and skilled trade jobs to the city in construction, manufacturing, engineering, health care, and technology.

Each critical attribute contained suggested actions including 'who' could assist with these actions. Mr. Alvarez stated, as next steps, principles to guide action include Aspirational, Patience and Urgency, City and Community, Engagement, and Progress. He reviewed suggested City Actions – City departments review the report; identify areas that align with City responsibilities; assess what is in progress, what more can be done, and what new projects/initiatives may be needed; and update near-term (3-6 months) and long-term City plans. He also reviewed suggested Community Actions – brief report to Chamber and Regional Economic Development for Eastern Idaho (REDI); organize roundtables with business and non-profit CEOs; and establish a Community Action Plan under an agreed to organizational construct. Mayor Casper and Mr. Alvarez briefly described a survey created by the Diversity and Inclusion Subcommittee. General comments followed including the survey being based on the City as collectively, the challenges within each subcommittee, re-addressing this report in five (5) years, and having this conversation with other groups in the community. Mayor Casper encouraged the Council to identify policies that could assist with this report as well as incorporating this report into strategic planning. She expressed her appreciation to Mr. Alvarez and the generosity of the INL.

Calendars, Announcements, Reports, Coronavirus (COVID-19) Update, and Legislative Update:

May 24, Community Bike Ride postponed to June 7

May 25, Idaho Falls Power (IFP) Training

May 26, Golf Advisory Board

May 27, IFP Board Meeting; City Club (Topic: salmon with Kris Millgate); and City Council Meeting

May 28, Association of Idaho Cities (AIC) Board Meeting

May 31, Memorial Day—City Offices Closed

June 3, Special Council Meeting to discuss the impact of Federal and State action on City budgets

June 14, Flag Day

June 15, Airport Leadership Workshop

June 16-18, AIC Annual Conference

June 20, Father's Day

June 24, CEO of Influence

June 30, Public Works Annual Meeting

August 11, City Employee Picnic

August 19, Employee Benefits Fair

September 16-19, The Wall that Heals

Mayor Casper stated the City website is due for an update. She recommended the Council review the website for any changes. She also recommended Council bios be edited. Mayor Casper stated, although not required per State law, public comment will return to the Council Meeting agendas. She also stated she would welcome recommendations of individuals for the newly approved Sister Cities Advisory Committee, or any other City committee.

May 24, 2021 Work Session - Unapproved

COVID-19 – Mayor Casper stated more than 580,000 individuals in the State have been fully vaccinated, which is less than 50%. She noted some individuals have not received their second doses. She is hopeful for higher numbers once the 12-18 individuals receive their vaccinations. She also noted the region and County are doing well. There was no legislative update.

Liaison Reports and Councilmember Concerns:

Council President Dingman had no items to report.

Councilor Francis stated the Parks and Recreation (P&R) Department has a contract with TNT Landscaping for the right-of-ways (ROW) in the City; and Tim Reinke was recently inducted into the Rocky Mountain Section of the Professional Golfers' Association (PGA) Hall of Fame. He also stated the Library received a \$9,000 grant from the Rogers and Hazel Rose Fund/Idaho Community Foundation. This grant can be used for general operations.

Councilor Radford stated Community Development Services is continuing to work on the Comprehensive Plan; and IFP is sorting through previous issues with a bid contract.

Councilor Burtenshaw stated six (6) new recruits were recently inducted into the Idaho Falls Fire Department (IFFD) and two (2) additional recruits will be forthcoming in August. She noted these recruits are not new full-time employees, they are all replacements.

Councilor Freeman stated an interactive construction map is up and running on the City website. He noted 18 projects are currently listed.

Mayor Casper stated the Chamber of Commerce is studying the parade route for future years. She noted City personnel are involved in these conversations.

Update: Law Enforcement Complex:

Assistant Director Canfield presented a virtual tour of the proposed facility. Mr. Villanueva stated the team is looking at Option B – the project “Hard Costs” with all the Deduct Alternates accepted at this point, and total construction cost, which includes the one-year 4% escalation, totaling \$25,047,750. The project “Soft Costs”, which includes Furniture, Fixtures, and Equipment (FF&E), are currently totaling \$1,224,200. Additional “Soft Costs” (professional fees, civil engineering, permits, etc.) total \$2,405,769. There is also a contingency at 5% for a total of \$1,204,219. The total project amounts to \$29,881,938 for the opinion of probable costs. Mr. Villanueva stated this amount is very close to the Phase I study. He reviewed the schedule of the project stating the project is currently in design development until the end of June; construction documents will begin in July through February; bid and negotiation will start in February 2022 through April 2022; construction to begin in April 2022; and construction tentatively ending in May 2023. He also reviewed the site plan stating the project site is ½ mile north of downtown, one (1) mile east of the Snake River, with the main component as the stockyards west of the building. He noted the stockyards has some historical significance. Mr. Villanueva stated there will be three (3) points of entrance to the facility, a secured exit to the south, a secured exit and entrance on Elva, secured parking behind the headquarters, and a future firing range and training center to the west of the facility. Mr. Torres-Pagán reviewed the upper and lower floor plans of the facility as well as below grade. Assistant Director Canfield stated the project is on schedule and on budget. He noted a ROW will need to be vacated, which will be forthcoming. He also noted the team is working with the Historical Preservation for the historical nature of the stockyards. Per Mayor Casper, Assistant Director Canfield stated due to the rising costs of building items adjustments have been made to stay within the budget. Per Councilor Radford, Assistant Director Canfield explained the material costs, labor costs, and procurement details regarding the 40% material cost increase. Mr. Villanueva stated the two-year at 5% escalation was reduced to one-year at 4% to adjust the possible increases. He also stated this is an opinion of probable costs, the design will have more accurate costs. Also per Councilor Radford, Assistant Director Canfield stated the site was deemed historic, therefore demolition could not occur as anticipated. Per Councilor Francis, Mr. Villanueva stated options for heating and air are still being discussed. Per Council President Dingman, Captain Galbreath stated there

May 24, 2021 Work Session - Unapproved

will be a metal detector to access the secured areas but there will not be a metal detector in the general public area. Per Mayor Casper, Chief Johnson stated the training space could be used for a community room.

Consideration: Personnel Policy Manual/Police Policy Manual:

Mayor Casper stated this item was originally discussed at the May 10 Council Work Session. She noted the amended language requires a 30-day comment period prior to Council approval. She also reminded the Council that the changes were requested from the Idaho Falls Police Department (IFPD) personnel. Councilor Francis indicated the difference of changes to the Chiefs/Mayors version and his proposed version are Sections 3 and 5. He reviewed his proposed changes to Section 3 - changes could come forward from an individual or an association; 'City' was too vague; specified individuals; and identified parameters included in the City employee manual. He also reviewed proposed changes in Section 5 regarding investigations, which would eliminate some language. Chief Johnson believes the proposed language is better than what was originally proposed. Councilor Freeman agrees. Discussion followed regarding the redundancy of language in Section 35 of the City Employee Personnel Manual and Section 13 of the Police Personnel Manual as well as the separation of the two (2) manuals. Councilor Francis believes the language is important to the IFPD personnel. Chief Johnson believes recognition of the police association was important to the IFPD personnel. Councilor Freeman believes Section 13 is a show of good faith to the Police Association. Council President Dingman agrees although she does not believe a lot of redundancy is efficient. Mayor Casper stated the City Personnel Policy Manual is a clear definition of employees' rights and responsibilities and governs all employees. Council President Dingman believes the Council must do all they can to ensure all employees are aware of their rights and are supported. It was then moved by Councilor Freeman, seconded by Councilor Francis, to approve the Francis version of the Police Manual amendment language. Roll call as follows: Aye – Councilors Freeman, Radford, Burtenshaw, Francis. Dingman. Nay – none. Motion carried.

Discussion: Idaho Falls Downtown Development Corporation (IFDDC) Parking Code:

Director Cramer stated conversations have occurred with the IFDDC regarding individuals and the 'parking game', which has been a continual problem for several years. This proposed ordinance would address a concept of Block Face, which means a vehicle would need to be moved to a different block versus a different parking stall. Ms. Smith stated IFDDC follows best practices for industry standards in the parking world. She indicated the IFDDC is part of the Pacific Intermountain Parking and Transportation Association (PIPTA) which meets monthly with other organizations and cities in the intermountain west. She also indicated she has visited with the downtown parking department in Boise as Boise has similar issues. Ms. Smith stated the movement of employees' vehicles is very problematic for the downtown businesses, especially on A Street. She indicated she has tried to work with downtown employees to utilize the off-street parking lots, which has not been successful. Ms. Smith indicated parking meters may assist with the downtown parking issues and the IFDDC is actively exploring downtown parking meters. She stated a survey occurred four (4) months ago with a variety of results received for downtown parking meters. She also stated there is a public perception that the public is only welcome in the downtown area for two (2) hours. Per Councilor Radford, Ms. Smith stated the goals are to make sure a parking space is available after two (2) hours and to keep businesses moving. She believes downtown employees should not be parking on-street. Per Councilor Freeman, Ms. Smith stated one (1) block is approximately 125 feet. She indicated the Block Face will also assist with the accuracy of citations. Discussion followed regarding precise measurements versus the number of feet, the goals of what should be accomplished, and parking meters. Per Mayor Casper, Ms. Smith prefers changes to occur sooner than later. Per Councilor Burtenshaw, Mr. Fife stated the government cannot create laws for parking although employers could include this as a condition of their employment. General comments followed including accommodations for Americans with Disabilities Act of 1990 (ADA) accessibility.

Discussion: Building Easement:

May 24, 2021 Work Session - Unapproved

Ms. Briggs reviewed the building located at 417 W. Broadway, known as the Ferrell's Building. She stated the building has been purchased by a new developer, however, in order to achieve the developer's use for the building, openings need to be made for windows on the south and west sides of the building. She also stated, per the International Fire Code (IFC), a five-foot no-build easement is required. Ms. Briggs stated the Library Board has recommended the developers be granted a six-foot no-build easement on the south and west sides for façade and the five-foot no-build zone. Mr. Fife stated the Library has a separate statute that it functions under, although the Library must have the consent of the City regarding use of real property. This property is relative to the Library building and the parking lot. Mayor Casper clarified the no-build is a restriction for the City not to build within six-feet to the existing building. Ms. Briggs stated trees, landscaping, fences, and stairs are not prohibited. Brief comments followed regarding the windows, any required building permits, and the façade. Mayor Casper stated this item will be included on the May 27 Council Meeting agenda.

Update: Economic Development Incentive Program:

Ms. Briggs reminded the Council of the Economic Development Incentive Program approved for Intermountain Packing in July 2020. At that time, the estimated fee waivers were \$126,530. Ms. Briggs stated estimates are based on the applicant's total valuation of the project. At that time, Intermountain Packing estimated the total project cost at \$20M. Ms. Briggs stated the project is moving forward, although the valuation has increased to \$40M. The majority of this increase is due to the increase in construction and material costs as well as an increase of the square footage of the facility. Therefore, the fee waivers have also increased, which now amounts to \$223,000. This is a difference of \$96,653. Ms. Briggs indicated, per discussion with Community Development Services and Legal staff, there could be language changes to any resolutions moving forward. Councilor Radford does not believe any changes may be needed. Per Mayor Casper, Director Cramer believes this facility would be classified as heavy industry. Councilor Burtenshaw strongly believes there should not be a limitation. Councilor Francis is unsure about the limitations at this point. Director Cramer explained the fees being waived. He indicated a portion of these fees will affect his revenues.

Announcements:

Mayor Casper requested Council notification for the continual need of the WebEx platform.

There being no further business, the meeting adjourned at 6:10 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor



City Council Meeting

Minutes - Draft

680 Park Avenue
Idaho Falls, ID 83402

Thursday, May 27, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally (arrived at 7:41 p.m.), Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper lead those present in the Pledge of Allegiance.

3. Public Comment.

No one appeared.

4. Consent Agenda.

A. Mayor's Office

1) Grant of Easement

The building located at 417 W. Broadway Street in Idaho Falls, Idaho is currently undergoing renovations by a developer. To achieve the desired purpose and use the developer envisions for the building, openings need to be made for windows on the south and west sides of the structure. The international fire code requires a 5-foot no build easement, and because the building is built to the limits of the lot, additional space is needed on the south and west side of the building for this purpose. The easement proposal has been brought before the Idaho Falls Library Board, and the Board recommended the developers be granted a 6-foot easement on the south and west sides of the building to allow some adjustment to the façade of the current building, as well as achieve the 5-foot no build zone required by the fire code. Idaho Code allows the Library to control Library occupied facilities and programs; however, some Library functions require City consent. In this situation, the granting of a 6-foot no-build easement requires approval by the Idaho Falls City Council for the Mayor to authorize the easement. Granting the easement will allow the developer to move forward with the renovation project and revitalize a key structure along the Broadway Street corridor and downtown Idaho Falls.

B. Idaho Falls Power

- 1) IFP Hatch Substation Upgrade Agreement with JM Concrete, Inc.

Idaho Falls Power solicited bids from qualified contractors to provide the concrete foundation work required for the Hatch substation upgrade project, with JM Concrete Inc. being the only responsive, responsible bidder.

C. Public Works

- 1) Bid Award - Street Overlays - 2021

On Thursday, May 11, 2021, bids were received and opened for the Street Overlays - 2021 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to furnish all tools, labor, equipment, and materials necessary to complete overlays on prioritized city streets.

CI. Municipal Services

- 1) Minutes from Council Meetings

May 10, 2021 City Council Work Session and Executive Session; and May 13, 2021 City Council Meeting.

- 2) License Applications, all carrying the required approvals

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

5. Regular Agenda.

A. Idaho Falls Power

- 1) Resolution authorizing financing of certain new transmission facilities.

Idaho Falls Power will enter into a transmission service agreement with the IERA for payment to construct the Sugarmill-Paine 161 kV line and related facilities. These associated facilities and improvements have a life cycle of 60+ years and enables better rate making to match the beneficiaries of these assets with those paying for them; therefore a transmission service payment over 15 years is fiscally prudent. This resolution and attached exhibits enable Idaho Falls Power to execute the necessary agreements for the transmission service contract with IERA.

Mayor Casper stated this item was thoroughly discussed at the May 27, 2021 Idaho Falls Power (IFP) Board Meeting. IFP Director Bear Prairie stated this is a long-time project that began in 2008. Councilor Radford reiterated the amount of work that has gone into this project including the purchase of several properties on the easements. He believes this is an affordable way to finance this project which allows capital funding for other projects. Councilor

Freeman noted this project is not being paid by tax dollars, the project is paid through IFP rates. Director Prairie stated this project is currently under construction with a ribbon cutting anticipated in fall of 2021 for the Paine Substation.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Resolution authorizing the execution and delivery of an asset purchase agreement, a transmission service agreement and related documents to enable the Idaho Energy Resources Authority (IERA) to finance certain transmission facilities. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

RESOLUTION NO. 2021-15

A RESOLUTION AUTHORIZING THE FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES THROUGH THE IDAHO ENERGY RESOURCES AUTHORITY AND PURCHASING THE TRANSMISSION CAPACITY THEREFROM; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSET PURCHASE AGREEMENT, A TRANSMISSION SERVICE AGREEMENT AND RELATED DOCUMENTS; AND APPROVING RELATED MATTERS.

B. Public Works

- 1)** Easement Vacations - Instrument Numbers 827706 and 828967 within Victorian Village Subdivision.

Public Works recommends vacation of the storm drainage easements previously identified. The easements were originally established to provide temporary storm drainage protection until subdivision improvements were fully completed. Now that those improvements are planned for construction, the easements no longer serve a valid purpose.

Public Works Director Chris Fredericksen noted these easements were issued in the early 1990's.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Easement Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

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

ORDINANCE NO. 3387

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

- 2)** State Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the

Path Connection project.

Attached for your consideration is a State Local Agreement for construction with ITD for the Path Connection project. The purpose of the project is to improve pedestrian accommodations within the city pedestrian network. Construction will place sidewalk along the east side of South Capital Avenue from Pancheri Drive to Short Street. In addition, street paving, curb, gutter and sidewalk will be placed within Short Street between South Capital Avenue and Chamberlain Avenue.

Director Fredericksen stated the estimated total amount of the project is \$418,500. He also stated the City's match at 7.34% of the funding amounts to \$30,718 which is intended to be paid by in-kind services.

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

RESOLUTION 2021-16

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREFTER CALLED THE CITY, FOR CONSTRUCTION OF PEDESTRIAN ACCESS PATH CONNECTION PLAN.

C. City Attorney

1) Library Board Ordinance

The Legislature recently made changes to Idaho Code Sections 33-2604 and 33-2608 to prohibit elected officials and City officers from appointment to library boards and to clarify the relationship between library employees and the City. This Ordinance adopts those changes and, in addition, conforms Title 2, Chapter 1, with recent changes in Title 2 that standardize practices for City boards, committees, and commissions. On May 12, 2021, the Library Board unanimously recommended that the Council pass this Ordinance.

Mr. Fife stated the library exists because of the City, however, it is regulated by the Title 33 of State Code. He noted the proposed ordinance defines how employees of the library, as City employees, are to be considered and treated. He also noted the Director of the library is the only employee of the Board of Trustees. Councilor Francis gave a brief history of the library per the recitals in the proposed ordinance. Mayor Casper noted smaller cities may have a difficult time with board members.

It was moved by Councilor Francis, seconded by Councilor Hally, that Council approve the Ordinance amending Title 2, Chapter 1 to conform the Library Board with recent Idaho Code changes and to align the Chapter with other Title 2 Chapters relative to Board functions under a suspension of the rules requiring three complete and separate readings and direct that it be

read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

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

ORDINANCE NO. 3388

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 2, CHAPTER 1, OF THE CITY CODE TO REGULATE COMPOSITION OF LIBRARY BOARD AND TO STANDARDIZE THE CHAPTER WITH OTHER TITLE 2 CHAPTERS; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

2) Animal Ordinance adjustments

The Ordinance allows the keeping of a limited number of rabbits or certain types of fowl not currently regulated by the City Code (ducks, turkeys, geese, and quail). Such animals are commonly permitted in urban agricultural areas and are frequently included in farm-related educational programs. Code changes include consolidation, clarification, and adjustment of definitions and regulations.

Mr. Fife stated there are two (2) ordinances that regulate animals, and all uses in the animal ordinances are regulated by the nuisance ordinance. He indicated he worked with the Idaho Falls Police Department (IFPD), Public Health, and animal interest individuals on this proposed ordinance. Per Councilor Francis' concern, Mr. Fife stated slaughtering could only occur if allowed by Idaho Code and the Zoning Code. Discussion followed regarding slaughtering. Mr. Fife stated this item was previously discussed (at the April 19, 2021 Council Work Session). Councilor Radford noted, per Animal Control Services, a pamphlet will explain the slaughtering.

It was moved by Councilor Hally, seconded by Councilor Radford, to approve the Ordinance adjusting the Code to allow the keeping of a limited number of rabbits or various fowl and making other minor changes under a suspension of the rules requiring three complete and separate readings and direct that it be read by title and published by summary. Per Councilor Burtenshaw's concern, Councilor Radford indicated the number of fowl would also be addressed with Animal Control Services. The motion carried by the following vote: Aye - Councilors Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - Councilor Francis.

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

ORDINANCE NO. 3389

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE, AMENDING TITLE 5, CHAPTER 5, TO REORGANIZE AND CLARIFY CHAPTER PROVISIONS; ALLOW KEEPING OF RABBITS AND FOWL, INCLUDING CHICKENS, QUAIL, DUCKS, AND GEESE, UNDER CERTAIN CONDITIONS, AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

D. Community Development Services

- 1)** Resolution approving the CDBG PY 2020 Consolidated Annual Performance and Evaluation Report (CAPER).

Pursuant to HUD requirements, entitlement communities receiving CDBG funds must complete an annual performance and evaluation report (CAPER). As part of the reporting process, information on projects completed and funds spent were presented in a public hearing and posted for public comment. The public hearing was held at the May 13, 2021, City Council regular meeting. The meeting was followed by a 15-day public comment period. The CAPER must be submitted to HUD no later than June 30, 2021. Questions about the CAPER or the projects presented may be directed to the CDBG Administrator, Lisa Farris.

Mayor Casper stated the Community Development Block Grant (CDBG) grant is one (1) of the most significant grants on a regular basis. Ms. Farris stated no public comment was received during the 15-day public comment period. She explained the City of Idaho Falls has been an Entitlement City since 2004 which allows annual funds from the Department of Housing and Urban Development (HUD). She stated these funds are mainly used for Low-to-Moderate (LMI) individuals and can be used for economic development, public service activities and infrastructure projects. Councilor Hally noted a City must have a population of at least 50,000 to be eligible as an Entitlement City.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Resolution for the 2020 CAPER. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

RESOLUTION NO. 2021-17

RESOLUTION OF THE CITY OF IDAHO FALLS ADOPTING THE FY2020 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER).

- 2)** Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Equinox Townhomes.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Equinox Townhomes. The Planning and Zoning Commission considered this item at its January 5, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

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

Mayor Casper requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. Mr. Jolley stated this project has been in the

works for approximately five (5) months and has been in coordination with the adjacent property owners and City staff. He noted a neighborhood meeting was held in December 2020, prior to the recently approved rezone, where the project was discussed in full. He also noted additional conversations have occurred with the neighbors since that time. Mr. Jolley indicated this is a multi-family project including approximately 66 townhome units. He noted the easterly side of the project has the largest space and gap between the residential homes to allow the largest buffer, and the landscape buffer was increased. Mr. Jolley also noted the height of the fence will be matched with the current fence per a neighbor request. Per Councilor Radford, Mr. Jolley explained the green space within the development. He noted there will be playground equipment and a storm water pond designed to hold the water on the extremities so individuals can utilize the common area. He identified the increased landscaping, the fence, common area, and the utility location. Per Councilor Burtenshaw's concern for the west side of the project, Mr. Jolley stated the landscaping was increased to approximately 14 feet to the property line, with another 10 feet to the sidewalk. He noted the sidewalk may meander to allow spacing for IFP transformers.

Mayor Casper requested staff presentation.

Community Development Services Assistant Director Kerry Beutler appeared. Mr. Beutler stated, per a legal announcement prior to the meeting regarding the public hearings on the agenda, he clarified this hearing is open to public testimony.

Slide 1 - Property under consideration

Mr. Beutler stated the property is currently infill property.

Slide 2 - Aerial photo of property under consideration

Mr. Beutler stated the property is currently vacant. He reiterated the Planned Unit Development (PUD) includes 66 units, five (5) sixplex and nine (9) fourplex type townhomes. The PUD requires increased landscaping requirements of a minimum of 25% open space/common space within the development. This particular layout provides 36% common space.

Slide 4 - Development plan

Mr. Beutler stated amenities are required for individuals residing in a PUD complex. He noted this PUD is providing two (2) amenities - a playground area that is central to the development, and a BBQ area towards the southern end. Mr. Beutler also stated the project is exceeding the minimum parking requirement with 206 parking stalls versus the minimum requirement of 132 parking stalls.

Per Councilor Freeman, Mr. Beutler confirmed the accesses on Jenny Lee Drive will line up.

Mayor Casper requested any public comment. No one appeared.

Mayor Casper closed the public hearing.

Councilor Radford praised the development for using infill for this project. He is hopeful this

housing will be affordable and efficient. He noted this is in a walkable center. Councilor Francis expressed his appreciation to the developer for meeting with the neighbors and making adjustments as requested. Mayor Casper concurred.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Planned Unit Development for Equinox Townhomes as presented. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Equinox Townhomes and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

3) Public Hearing-Appeal of the Preliminary Plat and Reasoned Statement of Relevant Criteria and Standards for Ivywood West.

Attached is the appeal application for the Preliminary Plat of Ivywood West. The following is a chronology of events regarding the preliminary plat and subsequent request for reconsideration and appeal.

- On March 2, 2021 the Planning and Zoning Commission unanimously approved the preliminary plat with the following conditions: Adjust R1 lots that exceed the maximum of 13,500 square feet, show full street right-of-way on S. 12 West, provide connection with S. 8th West, and City staff to review the Connecting Our Community Plan's principles and policies and determine application to the preliminary plat and the applicant would comply with any identified requirements.
- On March 16, 2021, a request for reconsideration of the decision was filed with the Planning Division.
- On April 6, 2021 the Planning and Zoning Commission held the reconsideration hearing and denied the request for reconsideration by affirming their decision to approve the preliminary plat with a vote of 4-1.
- On April 20, 2021 the Planning and Zoning Commission approved the Reasoned Statement of Relevant Criteria and Standards affirming their decision and denying the request for reconsideration.
- On May 4, 2021, a request for appeal to City Council was filed with the Planning Division.

Requirements for Approving a Preliminary Plat

The City Subdivision Ordinance 10-1-8(C)(1) When acting on a preliminary plat application, the Planning and Zoning Commission shall review the preliminary plat to determine that the

preliminary plat is consistent with the principles contained within the Comprehensive Plan and is in compliance with this Chapter and all applicable Federal, State, or local laws. In conducting such reviews, the Commission may recess such hearing for good cause and may solicit information, data, studies, or comments necessary to determine such compliance. In the event the Commission conditionally approves the preliminary plat, it shall advise the developer in writing of the conditions under which the approval is granted, and upon developer's compliance with such conditions and the Director's written certification thereof, the preliminary plat shall be deemed approved. If approval of the plat is denied, the Commission shall advise the developer, in writing, of the reasons for denial of the preliminary plat application.

Codes Related to Appeals

The City's Subdivision Ordinance Section 10-1-8(D) provides for any aggrieved person to appeal to the Council the decision of the Planning and Zoning Commission regarding a preliminary plat. Specific concerns identified by the appellant include the existing road and transportation infrastructure is not adequate for the proposed Ivywood Subdivision. The appeal application states that their existing community is being harmed by a governmental approach that allows new development to proceed without requiring the new development to provide adequate infrastructure.

11-6-4 (C) Appeal Procedures for Board of Adjustment and Planning and Zoning Commission Decisions.

(1) Decisions of the Board of Adjustment and Planning and Zoning Commission shall be final unless a written appeal is made to the City Council within fourteen (14) days of the date of the written notice of decision described above in paragraph Section 11-6-4B (4).

(a) The written notice of appeal shall be filed with the Zoning Administrator and shall set forth the objections to the decision made by the Board of Adjustment or Planning and Zoning Commission.

(b) Upon receipt of the appeal, the Zoning Administrator shall forward to the Council the record of the Board of Adjustment or Planning and Zoning Commission, including the Reasoned Statement of Relevant Criteria and Standards, adopted by the Board or the Commission.

(2) The concurring vote of a majority of the members of the City Council shall be required to reverse any requirement, decision, or condition of the Board of Adjustment or Planning and Zoning Commission.

(3) Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code, as amended.

Councilor Radford recused himself from this item. He stated he has a personal relationship with the appellant and this has an impact on his family businesses.

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

Mayor Casper explained the Council approves final plats, however, the Council does not approve preliminary plats, this is a power reserved to the Planning and Zoning (P&Z) Commission. If an individual does not agree with a decision of the P&Z, the individual can request the P&Z to reconsider, with the next level to appeal before the City Council. Assistant City Attorney Michael Kirkham stated this hearing is similar to an appellant court hearing where only the appellant will be able to speak. The appellant will present reasons that he believes where P&Z made a mistake on their decision. This process is outlined in the City's Subdivision Ordinance and the Local Land Use Planning Act (LLUPA). Mr. Kirkham explained the appellant is to bring specific code provisions or other reasons why the appellant believes that comprises an error. He stated the Council is not making a decision from scratch, instead the Council is looking at the decision of P&Z including statutes and facts. He noted the LLUPA does not allow Council to go outside of the current record. Per Councilor Francis, Mr. Kirkham confirmed the Council could ask questions at any time during the appellant report and the staff report. He reiterated no new items will be introduced into the record, the Council is only reviewing the P&Z decision, and there is no opportunity for other public testimony.

Mayor Casper requested appellant presentation.

Mark Radford, appellant, appeared. Mr. Radford stated a lot of items were discussed in prior hearings with the P&Z. He believes the development plan was not in complete compliance with the City including high density items that were designed for R1, and no traffic study was completed. He also believes development must pay for development.

Slide 1 - Ivywood Subdivision

Mr. Radford stated the neighborhood has expressed concern for 65th S as this road is a major thoroughfare that provides traffic from Ammon and Idaho Falls to I15. He also stated traffic has dramatically increased as the communities have grown. He believes this is a safety risk.

Slide 2 - Photos of Sunnyside Road and York Road

Mr. Radford stated York Road is single lane which has almost as much traffic on a daily basis as Sunnyside Road. He also identified the school bus spot.

Slide 3 - Ivywood Subdivision Preliminary Plat

Mr. Radford stated the plat is planning 527 residential units, and there are 300+ units planned on Ivywood East. According to the US Census Bureau data, there is an average of three (3) persons per home and two (2) vehicles per household, which amounts to 1,054 vehicles in this side of the subdivision. Mr. Radford believes this will create a lot of safety and traffic issues.

Slide 4 - Photo of S 5th W and York Road intersection

Mr. Radford stated this intersection, as well as the 15th W intersection, will be directly impacted by this subdivision and cannot handle the influx of traffic. He expressed his major safety concern.

Slide 5 - Photo of Township Road and Holmes Avenue

Mr. Radford stated there have been several accidents over the last ten (10) years. He noted this intersection was recently changed to a four-way stop following three (3) fatalities.

Slide 6 - The solution: Development must pay for development

Mr. Radford believes 65th W should be paid for by the Ivywood subdivision developers. He

believes there will be a small community within the 120 acres which is going to be a disaster. He expressed his concern.

Slide 7 - The City must pass an impact fee ordinance pursuant to Idaho Code § 67-8201 *et seq.* "...an equitable program for planning and financing public facilities needed to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety and general welfare of the citizens of the state of Idaho." (Idaho Code § 67-8202)

Mr. Radford believes it's important that the Council pass this ordinance before the final plat application is accepted. He also believes the community wants development and it's great the community is growing, however, the problem is safety and traffic as the road systems are not improved. He believes this needs to be addressed.

Slide 8 - The public should have a meaningful opportunity to provide input regarding the developers' infrastructure obligations

Mr. Radford noted during the previous public hearing an engineering firm communicated with neighbors. He indicated no one has talked to the neighbors. He believes, if the preliminary plat passes, it's very important that public input is allowed during the final plat stages. Mr. Radford indicated he consulted with an out of state engineering firm about this subdivision who works with several large communities throughout the west coast. He also indicated this engineering firm stated if the City passes this it would be a major disaster with traffic and fire hazards. Mr. Radford stated there is no way to provide the recommendations to the City as a secondary opinion. He reiterated that he believes it's important to give public input during the final plat process, although he's been told by City officials that it is not possible. He believes this should be changed when it directly affects the neighborhoods. He also reiterated he believes it's very important that development pay for these roads.

Councilor Francis believes many of the statements made are for recommendations for policy, he does not know how this fits with an appeal of the decision of P&Z. Mr. Radford stated discussion did occur, although it may be not construed as policy. He questioned why the City does not have a highway district such as Ada County. Mayor Casper reminded the Council that the appeal is for the actual decision made by P&Z. Mr. Radford believes the Subdivision Ordinance is very broad and almost everything could be approved through this ordinance. He also believes the Subdivision Ordinance should be changed as the community grows. He does not believe the preliminary plat coincides with the City plan as there has been no fiscal impact study and no traffic study. He indicated State Codes should reflect and concur with the City plan.

Mayor Casper requested staff presentation.

Councilor Burtenshaw questioned the zoning. Mr. Kirkham stated the zoning change was a different process, this hearing is about the P&Z decision.

Mr. Beutler appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Beutler noted the colors on the slide indicate City limits. He stated the purpose of the preliminary plat is to look at the street outlay and utility layout and whether the subdivision makes sense as a general concept. He also stated the Comprehensive (Comp) Plan is used to guide decisions with regard to growth and is an aspirational document. He indicated sometimes the policies within the Comp Plan conflict with each other so a proposed zone may meet some of the policies and not meet other policies. Mr. Beutler stated this property has R1 and R3A zoning designations. There are 297 lots in the R1 zone and 232 lots in the R3A zone. The minimum density requirements have been met in both zones. Mr. Beutler stated this property was annexed in 2006 with the zoning designations given at that time. He noted a recent rezone slightly expanded the R3A. Mr. Beutler stated the impact fee ordinance is not affective in the City and cannot be retroactively applied. He also stated City staff is obligated to manage the application by following the steps, which cannot be changed mid-stream. He indicated the same is true for a public hearing during the final plat process. The Subdivision Ordinance clearly identifies this process. Mr. Beutler stated neighborhood meetings are encouraged and highly recommended, although not required by Code. He also stated the fiscal impact study comes from the Comp Plan - he read a brief section from the Comp Plan referencing the fiscal impact plan. Mr. Beutler stated the fiscal impact study should be one of the things to consider although it would need to be revised and updated, which has not been completed and is not in affect as it is not normally part of the subdivision review process. Mr. Beutler stated when this subdivision was annexed in 2006 a preliminary plat for 501 lots was approved at that time. The developer provided traffic counts, as well as traffic mitigation measures which included construction of left-hand turn lanes, deceleration lanes, and acceleration lanes for 65th S and S 15th W. Mr. Beutler stated the purpose of traffic study is to look at the potential need of off-site improvements for the development. He indicated a traffic study was not required by the developer although it will be required prior to any final plat approvals. Any improvements will be worked through in the development agreement process. The development agreement will set the timing of improvements, who's responsible for improvements, and what phase of development these should occur in. Mr. Beutler stated the traffic study will be reviewed internally and comments will be provided as needed. He also stated this is an area of City and County streets and any street must be developed to City standards. He noted 5th W is a great example of street improvements. He also noted there are many streets in Bonneville County jurisdiction and the developer will have to work with the County on improvements. The City will provide and give input on improvements, although the requirements are limited outside of City jurisdiction.

Per Councilor Francis, Mr. Beutler stated broad brushstrokes refers to the land use map associated with the Comp Plan. The policy statements in the Comp Plan are also written broadly, once a property is zoned it is given development rights allowed in that zone. The Zoning Ordinance is a legal document that regulates property, the Comp Plan is a planning document, and the final plat process includes City departments as the reviewing agency. Mr. Beutler indicated the P&Z Commission will provide a recommendation to the City Council; the City Council would determine if the final plat meets the minimum standards of City Code; and the Community Development Services Departments allows comment and concerns for the final

plat although there is no formal public hearing. He also indicated the traffic count from 2006 is out of date, a traffic study would be required and would determine what changes should be made which is completed before the final plat. Mayor Casper requested explanation by Mr. Beutler of the two-phase plat process. Mr. Kirkham counseled Council not to consider what might happen with the final plat as a basis on the appeal. Mr. Beutler explained the preliminary plat allows public input as a public hearing and it looks at a conceptual standpoint if the subdivision will work based on the number of lots, the street layout, connection to adjacent rights-of-ways, and utility service connections. Mr. Beutler also explained the final plat is actual engineered drawings. Per Councilor Burtenshaw, Mr. Kirkham stated, if denied, the developer would go back to the P&Z. He also stated any mistakes by the P&Z would have to be explained per the LLUPA and the Reasoned Statement of Relevant Criteria and Standards (RSRCS). Per Councilor Francis, Mr. Kirkham believes the Comp Plan, the Zoning Ordinance, or other appropriate ordinance or regulation was read correctly. He referred to an Idaho Supreme Court case regarding the City of Lewiston. He stated the Comp Plan is not the same as the zoning code which set standards and laws in jurisdiction. He also reiterated the Comp Plan is a conceptual document although a City cannot have a zoning code without a Comp Plan. The Comp Plan informs a decision, including any rezone of property, and should be looked at for guidance in the zoning code that is cohesive, follows the plan, and benefits the community. Per Councilor Francis, Mr. Kirkham clarified a factor of the P&Z decision was the consistency of the zoning. Per Councilor Hally, Mr. Beutler stated there were several discussions regarding the existing conditions of 65th S. Mr. Kirkham clarified the Subdivision Ordinance as well as the Zoning Ordinance should be considered. Per Councilor Burtenshaw, Mr. Kirkham stated the Comp Plan cannot be the sole basis for denial especially when the application conforms to the zoning code.

Mr. Radford reappeared. He questioned the purpose of the Comp Plan as he believes the Comp Plan is not being followed; Idaho Falls is about winners and losers; the engineer the developer has hired engineered the roads between Ammon and Iona; the City should be a beacon on the hill; and certain Councilmembers are addicted to growth without considering safety factors. He also believes a new traffic study would be much different from 2006 and the public demands transparency, which is not occurring. He stated all this has been discussed in prior meetings. He believes the Council must curb their addiction to development and growth and do it right and smart.

Mayor Casper closed the public hearing.

Councilor Francis believes there's a difference between the legal requirement and policy recommendations, although he believes the P&Z hearing met the requirements. Discussion followed regarding the RSRCS and the Comp Plan. Mr. Kirkham reiterated the Comp Plan cannot be used as a sole justification for denial of an application. He reminded the Council the Comp Plan is an aspirational goal for the order of planning for the community. Councilor Hally believes traffic is important. Mr. Kirkham reminded the Council that their decision is based on the P&Z decision and should focus on the current ordinances and laws. He stated, per code,

the appellant shall list the specific code provisions or other reasons that comprised error. Councilor Freeman believes P&Z acted appropriately as many of the impacts are out of the Councils' jurisdiction.

It was moved by Councilor Francis, seconded by Councilor Hally, that Council affirm the decision of the Planning and Zoning Commission to approve the Preliminary Plat for Ivywood West. The motion carried by the following vote: Aye - Councilors Hally, Francis, Freeman, Dingman. Nay - Councilor Burtenshaw. Abstain - Councilor Radford.

It was moved by Councilor Francis, seconded by Councilor Freeman, that Council approve the Reasoned Statement of Relevant Criteria and Standards for the Preliminary Plat of Ivywood West. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally. Nay - Councilor Burtenshaw. Abstain - Councilor Radford.

Mayor Casper stated the City does not ignore growth although she does not believe the Council is addicted to growth. She believes the pursuit of happiness referred to ownership of property, therefore there is a lot of procedure on property. She stated the State must have clear reasoned statements and criteria to deprive someone of their rights. Mayor Casper stated the City does consider safety and traffic, which are done at the final plat stage and within the development agreement. She believes there may be a communication gap regarding impact fees. She noted all concerns raised will be addressed at some point in this process.

6. Announcements.

Mayor Casper announced the Field of Honor for Memorial Day as a drive-thru event; and the Idaho Falls Police Department will sponsor a baseball game with the Idaho Falls Chukars on June 3. Councilor Freeman expressed his appreciation to all those individuals who were in attendance.

7. Adjournment.

There being no further business, the meeting adjourned at 9:53 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

June 3, 2021 State and Federal Legislation - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting, Thursday, June 3, 2021, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:30 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper

Council President Michelle Ziel-Dingman

Councilor John Radford

Councilor Jim Freeman

Councilor Jim Francis

Councilor Thomas Hally (arrived at 7:07 p.m.)

Absent:

Councilor Lisa Burtenshaw

Also present:

Pamela Alexander, Municipal Services Director

Mark Hagedorn, Controller

Josh Roos, Treasurer

Brad Cramer, Community Development Services Director

Robert Wright, Library Director

Ryan Tew, Human Resources Director

Duane Nelson, Fire Chief

Bryce Johnson, Police Chief (departed at 6:57 p.m.)

Chris Fredericksen, Public Works Director

PJ Holm, Parks and Recreation Director

Randy Fife, City Attorney

Stephen Boorman, Idaho Falls Power Assistant Director

Michael Kirkham, Assistant City Attorney

Dana Briggs, Economic Development Coordinator

Bud Cranor, Public Information Officer (via WebEx)

Kent Fugal, City Engineer (via WebEx)

Kathy Hampton, City Clerk

Mayor Casper noted that Idaho Falls Regional Airport (IDA) staff was excused from the meeting as IDA falls under different grant funding.

Discussion and Planning for Implementation of American Rescue Plan Act (ARPA):

Director Alexander expressed her appreciation to the finance team. Mr. Roos stated ARPA was initiated on March 11, 2021. This allocates \$1.9T - \$350B for State and local fiscal recovery; \$130B for cities and counties; \$65B for metropolitan cities (more than 50,000 population); \$124M for Idaho metro cities; and \$10.5M for the City of Idaho Falls. Mayor Casper indicated the guidelines are for larger cities, and there is latitude of spending for these large cities. She believes the challenge is to spend money equitably and responsibly, and a measure of realism and accountability needs to be considered. Councilor Radford believes this money may help small businesses. Councilor Freeman expressed his concern for using this funding for on-going items.

June 3, 2021 State and Federal Legislation - Unapproved

Mr. Roos reviewed important dates for the APRA. He noted the Interim Final Rule (IFR) feedback and questions are due by July 16, 2021. He also noted the City received payment of \$5M on May 19, 2021, and the remaining half of funds will be received in one (1) year; funds must be incurred by December 31, 2024, and funds must be expended by December 31, 2026.

Mr. Roos reviewed the eligible expenditures:

1) Support public health expenditure (this is mainly for the public and the citizens of Idaho Falls)

- Supporting the public health response:
 - COVID-19 mitigation and prevention
 - Medical expenses
 - Behavioral health care
 - Public health and safety staff (any payroll expenditures must be directly related to Coronavirus (COVID-19), counties are also receiving funds)
 - Expenses to improve the design and execution of health and public health programs
- Address negative economic impacts (all must be tracked):
 - Households and individuals (more than 20M jobs were lost country-wide)
 - Small businesses (make up ½ of the US sector employment)
 - Impacted industries
 - Rebuilding public sector capacity
 - Hardest hit communities

2) Replace lost public sector revenue

- Not included – revenue generated by utilities; refunds and other correcting transactions; proceeds from issuance of debt
- Included – everything not listed above; revenues to support public services (zoo, aquatics, ambulance, etc. – unsure about Library and Airport)

Mr. Roos explained the lost revenue calculation noting there are checkpoint dates each December 31 for four (4) years, funds can be spent on government services, and the funds cannot be used for a rainy day fund (although they could be allocated to a project). Mr. Roos used the Ambulance and Recreation Funds as lost revenue calculation examples, noting the Ambulance Fund lost revenue = \$407,769 and the Recreation Fund lost revenue = \$96,021. He indicated all departments could go through this calculation.

3) Provide premium pay for essential workers (less applicable to the City of Idaho Falls)

- Eligible to workers performing essential work during COVID-19

Mr. Roos reviewed the list of eligible workers. He stated the City would need to review how, who, and qualifications. This allows up to \$13 per hour and \$25,000 maximum per individual.

4) Invest in water, sewer, and broadband infrastructure

- Water/sewer infrastructure – treasury aimed to give governments “wide latitude to identify highest priority for communities”

Mr. Roos stated any projects approved through the Environmental Protection Agency’s (EPA) Clean Water Revolving Fund and Drinking Water State Revolving Fund are automatically guaranteed for funding.

- Broadband infrastructure – Americans turn to internet access service for every aspect of daily life including work, study, and healthcare

Mr. Roos stated this will help the under-served. General comments followed including Idaho Falls Fiber, labor standards, and the Davis-Bacon Act.

June 3, 2021 State and Federal Legislation - Unapproved

Mr. Roos reviewed audit/reporting dates. He noted there have been no expenditures through August 31, 2021; the quarterly report is due October 31, 2021 (with subsequent quarterly reports due within 30 days after calendar quarter end); and the annual Recovery Plan Performance Report is due August 31, 2022 (this report only applies to cities with more than 250,000 population).

Mr. Roos stated staff recommendation is to form three (3) study committees to research funding possibilities to support public health expenditures; replace lost public sector revenue; and invest in water, sewer, and broadband infrastructure. Each committee would consist of two (2) councilmembers, at least one (1) director and any staff as needed. Mr. Roos reviewed the committee timeline, and it has been suggested that committees begin the real work after the 2021-22 budget process. Mayor Casper stated this money will be scrutinized, and the process must be important although the process has not been determined at this point. She noted Council will make the final decisions.

Staff-recommended actions were reviewed – authorize a new staff position to assist current staff with significant administration and reporting requirements. Director Cramer is in favor of a grant coordinator as he believes this position would off-load some time/work load from Lisa Farris, the current Grants Administrator. He also believes two (2) positions would be funded through various sources. Comments followed including specific duties for this position/individual. Mr. Hagedorn noted a weakness in the audit is the lack of a central system to track grants. He stated all grants would go through this individual. Per Councilor Freeman, Mr. Roos stated there is currently no stipulation on wages for this individual. Mayor Casper noted contingency was included in the budget to allow authorization for this position. Director Cramer indicated discussion has been occurring with Human Resources for this position. It was then moved by Council President Dingman, seconded by Councilor Francis, to authorize a full-time employee tentatively called the Assistant Grant Administrator, to be hired within this years' budget, who will be paid for by ARPA funds who will be responsible for the communication of, administration, management, ongoing reporting, data collecting, budgeting, oversight and any other tasks as needed as it relates to federal, state, and other grant monies. Roll call as follows: Aye – Councilors Radford, Freeman, Francis, Dingman, Hally. Nay – none. Motion carried. Per Mayor Casper, Ms. Briggs believes the challenge with grants was clearly defining the parameters and criteria. Per Mayor Casper, Mr. Hagedorn stated all funds will require reporting. It was also moved by Council President Dingman, seconded by Councilor Radford, to form three (3) study committees to discuss and provide policy and budgeting recommendations to staff and City Council regarding ARPA funding. These committees will be made up of two (2) councilmembers, at least one (1) director, and additional staff as recommended by staff, Mayor, or Council. Roll call as follows: Aye – Councilors Hally, Dingman, Francis, Freeman, Radford. Nay – none. Motion carried.

Discussion of the Impact of House Bill (HB) 389 on the City's General Fund and Strategies for Managing and Mitigating the Impact HB389:

Mayor Casper noted this HB was passed in three (3) days. She believes this bill was not designed to improve quality of taxation and governance in a city. She noted the governor signed this bill into law on May 21 being retroactive to January 1, 2021.

Mr. Hagedorn reviewed HB389 key facts:

- Change in tax relief programs to low-income families and disabled veterans

Mr. Hagedorn stated the State remits tax relief funds to local entities (Circuit Breaker Program) – zero impact

- Change in value of exempt personal property

Mr. Hagedorn stated the currently personal property is less than 1% of total City valuation, ultimately this will decrease valuation – neutral impact

- Change in homeowners' exemption

Mr. Hagedorn stated this will decrease overall value which will increase levy rate – neutral impact

Mr. Hagedorn reviewed homeowners' exemption increase less than market increase and homeowners' exemption increase greater than market increase for \$200,000, \$250,000, \$300,000, and \$350,000 residential, and \$500,000, \$2M, and \$10M business. He stated the tax burden shifts to commercial properties and low-income bracket, and the homeowners' exemption will continue to shift between residential and commercial unless indexed. He reviewed how the homeowners' exemption affected the City of Idaho Falls. He believes the homeowners' exemption is being made-up for the previous several years.

- Discounted values on new construction and annexation

Mr. Hagedorn stated new construction and annexation valuation were discounted to 90%; growth dollars are not fully able to increase capacity of services provided; lost revenue compounds each year; theoretical loss of \$700,000 over the past five years; and penalizes high-growth areas – negative impact

- Discounted values on urban renewal areas

Mr. Hagedorn stated retiring urban renewal areas valuation were discounted to 80%. Director Cramer stated the largest district has been closed, with the next one to close in 2028. Mr. Hagedorn reviewed the increment value in those districts, which are not currently on the City's roll. General comments followed regarding urban renewal districts.

- Cap on levy increases

Mr. Hagedorn stated the maximum levy increase for the entity is 8%, previously only the statutory allowed increase (3%) was regulated; another penalty for growth greater than 5% of the already discounted values; and nine (9) years out of the past 40 years were above 8% - negative impact (\$2M less in the levy, foregone is not specified in the 8%)

- Forgone limits

Mr. Hagedorn stated there is a 1% levy increase for operations and maintenance (current value of \$387,600, will take more than 11 years to recoup the forgone amount of \$6,664,000); 3% levy increase for capital projects (only in the year the capital project is budgeted, not used for statutory allowable increase calculation); and limits taxing districts to finance capital projects to one (1) year – negative impact. He also stated this will limit financial planning. He noted the forgone was levied at 1% to build Fire Station 1. Comments followed regarding the frustration with the State legislators.

Mr. Hagedorn reviewed the outstanding questions for the Tax Commission, the courts, and future legislative sessions.

- City impact

Mr. Hagedorn stated these changes limit financial resources to deal with increasing growth without providing basic funding mechanisms for essential services. He also stated the City is unsure what to do at this point. Potential responses: require fiscal impact studies; implement public safety position control index; review City building permit issuance process; and shape City processes to allow for the City to catch up and absorb growth impacts.

Update on Status of Impact Fee Study and Implementation:

Director Fredericksen stated an agreement for professional services was approved in March 2021 with Tischler Bise, Inc. He also stated the contract is scheduled for completion in July or August, and the first two (2) of nine (9) steps have been completed. He noted the Tischler Bise contract amounted to \$48,660. Per Mayor Casper, Director Fredericksen believes there will be a number of steps how to implement the fees, including meetings with businesses. Mayor Casper recommended getting as much decided as possible prior to the elections.

There being no further business, the meeting adjourned at 8:39 p.m.



Memorandum

File #: 21-144

City Council Meeting

FROM: Brad Cramer, Director
DATE: Thursday, June 3, 2021
DEPARTMENT: Community Development Services

Subject

Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 6.

Council Action Desired

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

1. Approve the Development Agreement for Park Place Division No. 6 and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).
2. Accept the Final Plat for Park Place Division No. 6, 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 Park Place Division No. 6 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 Park Place Division No. 6. The Planning and Zoning Commission considered this item at its March 16, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



Consideration of the Final Plat must be consistent with the principles of the Comprehensive Plan and Zoning Ordinance, which include many policies and goals related to Good Governance, Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination

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


Fiscal Impact

NA
















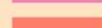


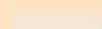



Legal Review

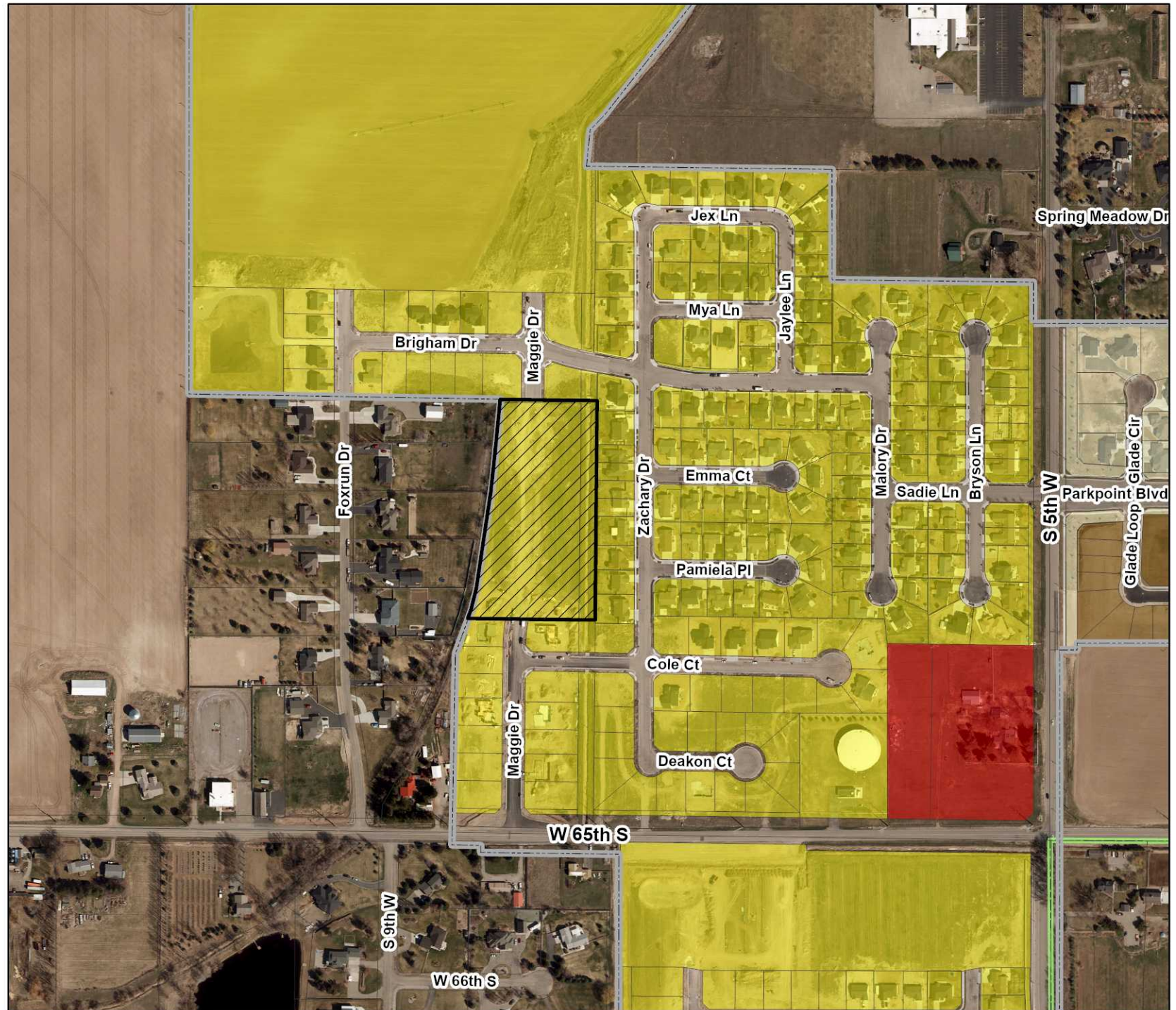
This application and development agreement have been reviewed by Legal pursuant to applicable law.

Legend

-  Site
-  City Limits
-  Area of Impact

Overlays

-  PT
-  PT&T-1
-  PUD
-  T-1
-  T-2
-  RE
-  RP
-  R1
-  R2
-  TN
-  RMH
-  R3
-  R3A
-  PB
-  DT
-  CC
-  LC
-  HC
-  R&D
-  LM
-  I&M
-  P





IDAHO FALLS FINAL STAFF REPORT

FINAL PLAT

Park Place Division 6,

March 16, 2021



Community
Development
Services

Applicant: Horrocks
Engineering

Project Manager: Naysha
Foster

Location: north of W 65th S,
east of S 15th W, south of W
49th S, west of S 5th W.

Size: 5.216 acres

Lots:

Total: 15

Buildable: 13

Average Lot Size:

9,142 sq. ft. (0.21 acres)

Existing Zoning:

Site: R1

North: R1

South: R1

East: R1

West: County A-1

Existing Land Uses:

Site: Vacant

North: Residential

South: Residential

East: Residential

West: Residential

Future Land Use Map:

Low Density Residential

Attachments:

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

Requested Action: To **recommend** approval of the final plat
for Park Place Division 6, to the Mayor and City Council.

History: This property was part of a larger area that was
annexed in October 2003 and initially zoned R1 in this area.
A preliminary plat was approved September 2005. The
preliminary plat has been modified a few times, however,
Division 6 has remained unchanged and was not included
in the area of the preliminary plat that was modified.

Staff Comments: The density allowed in a R1 zone is 6
units per net acre. The developer is proposing 2.4 units per
net acre. The allowed density for 3.34 net acres is 20 units
per acre. The R1 zone requires a minimum lot size of 7,000
square feet and a maximum lot size of 13,500 square feet.
The average buildable lots size is 9,142 square feet. Each
meets the 50 foot street frontage requirement along Maggie
Dr. Maggie Dr. is proposed to be a 70 foot right of way and
will be classified as a residential collector. A stipulation of
the preliminary requires a multi-use path easement along
both sides of the Gustafson Lateral Canal. The path easement
will be conveyed to the City as part of plat certifications.

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

Staff Recommendation: Staff has reviewed the final plat
and finds that it complies with the subdivision ordinance and
consistent with the development standards of the R1 Zone.
Staff recommends approval of the plat.

Subdivision Ordinance: Boxes with an “X” indicated compliance with the ordinance

| REQUIREMENTS | Staff Review |
|---|--------------|
| Requirements listed in Section 10-1: | |
| Building envelopes sufficient to construct a building. | X |
| Lot dimensions conform to the minimum standards of Zoning Ordinance. | X |
| Lots have full frontage on, and access to, a dedicated street. | X |
| Residential lots do not have direct access to arterial streets. | X |
| Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access. | 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. | 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. | X |

Section 10-1-9A

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

Zoning Ordinance:

11-3-3: Purpose of Residential Zones, (C) R1 Single Dwelling Residential

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

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

| | RE | RP | R1 | R2 | TN | R3 | R3A | RMH |
|--|---------|---------|---------|--------|--------|--------|-------|-------|
| Lot Area | | | | | | | | |
| Lot Area Minimum in ft ² | 1 acre* | 12,000 | 7,000 | 6,000* | 3,000* | 5,000* | 5,000 | 5,000 |
| Lot Area Maximum in ft ² | | | 13,500* | | | | | |
| Site Width | | | | | | | | |
| Site Width at Front Setback, Minimum in ft. | 150 | 60 | 50 | 50 | 25 | 50 | 50 | 50 |
| Setbacks, Minimum in ft. | | | | | | | | |
| Front | 40 | 30* | 25* | 20* | 15* | 15 | 15 | 30 |
| Front Maximum in ft. | | | | | 20* | | | |
| Side | 20 | 7.5/10* | 6 | 6 | 5 | 6 | 6 | 10 |
| Rear | 40 | 25 | 25 | 25 | 10 | 25* | 25* | 25* |
| Lot Coverage, Building Height, and Density | | | | | | | | |
| Maximum Lot Coverage in % | 30 | 40 | 40 | 80 | 50 | 80 | 80 | 40 |
| Maximum Building Height in ft* | 24 | 24 | 24 | 36 | * | | | 24 |
| Maximum Density in net units/acre | 1 | 4 | 6 | 17 | 15 | 35 | 35 | 8 |
| *See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code. | | | | | | | | |

Comprehensive Plan Policies:

Residential development should reflect the economic and social diversity of Idaho Falls.

New and existing development should foster inclusiveness and connectivity through mixed housing types and sizes. Neighborhood connections through paths, parks, open spaces, and streets. (p 40.)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p.67)

March 16, 2021

7:00 p.m.

Planning Department

City Annex Building

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

MEMBERS ABSENT: None.

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Brian Stevens; and Naysha Foster; and interested citizens.

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

Business:

3. PLAT 21-006: FINAL PLAT. Final Plat for Park Place Division No. 6.

Applicant: Justin Scott, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Scott stated that Division 6 has 13 buildable lots and 15 total lots. Scott stated that the property is just over 5 acres. Scott stated that Park Place Division No. 6 will connect the divisions to the North, (Park Place 4). Scott stated that this Division will be key in connecting Maggie Drive and servicing those that live north. Scott stated that this Division will connect the residential collector to direct residents to the south.

Dixon asked if this is approved, is there anything that would prevent it from being the next division developed in Park Place as opposed to the one that was approved last meeting. Scott stated that the one that was discussed in the last meeting (March 2) there was discussion that this one would be developed prior to that preliminary plat that was approved, or in conjunction therewith. Scott stated that it will either be simultaneously or first, so people have access to Maggie Drive.

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

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Park Place Division 6, Denney seconded the motion. Dixon called for roll call vote: Black, yes; Cantu, yes; Denney, yes; Hicks, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The Motion passed unanimously.

DEVELOPMENT AGREEMENT
PARK PLACE DIVISION NO. 6

This DEVELOPMENT AGREEMENT PARK PLACE DIVISION NO. 6 ("AGREEMENT"), made this _____ day of _____, 2021, by and between the CITY OF IDAHO FALLS, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and PARK PLACE JOINT VENTURE, LLC., an Idaho limited liability company ("DEVELOPER"), whose mailing address is P.O. Box 51298, Idaho Falls, Idaho 83405.

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 the 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. Storm Water Discharge Certification. Prior to the acceptance and approval of Final Improvement Plans for any division or phase of the Subdivision, DEVELOPER shall obtain the certification of any Irrigation District, canal company or other entity into which any storm water from such phase or division will be discharged. The certification shall state that such water delivery entity has reviewed and approved the Final Improvement Plans for such phase or division and that the discharge of storm waters from such area into their canal or ditch in the manner shown in the Final Improvement Plans is approved and accepted by such entity.

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

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

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

26. 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.

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

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

ATTEST:

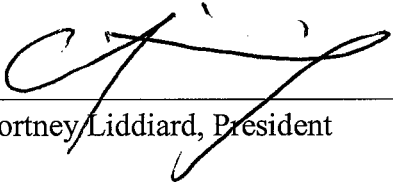
CITY OF IDAHO FALLS, IDAHO

Kathy Hampton, City Clerk

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

PARK PLACE JOINT VENTURE, LLC, an Idaho
limited liability company

By: BV Management Services, Inc., an Idaho
corporation

By 
Cortney Liddiard, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2021, 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.

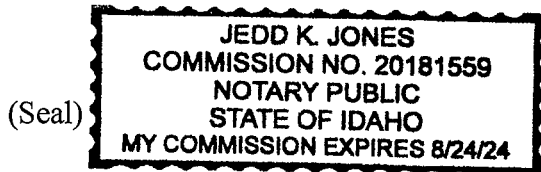
(Seal)

Notary Public of Idaho
Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 18 day of May, 2021, before me, the undersigned, a notary public, in and for said State, personally appeared Cortney Liddiard, known or identified to me to be the President of BV Management Services, Inc., which corporation is the Manager of Park Place Joint Venture, LLC, and the Manager who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such corporation as the Manager executed the same in said limited liability company name.

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



Jedd K Jones
Notary Public of Idaho
Residing at: Bonneville County
My Commission Expires: 8/24/24

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

PARK PLACE DIVISION NO. 6

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 37 EAST, BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1, BEING MARKED BY A 1 INCH ALUMINUM CAP STAMPED PLS 827 AS SHOWN ON CORNER PERPETUATION AND FILING, INSTRUMENT NO. 596400; THENCE ALONG THE SOUTH LINE OF SAID SECTION 1, SOUTH 89°14'35" EAST 813.16 FEET; THENCE ALONG THE WESTERLY LINE OF PARK PLACE DIVISION NO. 5, INSTRUMENT NO. 1601475, NORTH 00°45'25" EAST 549.99 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 20°14'29" EAST 116.61 FEET TO THE NORTHWEST CORNER OF SAID PARK PLACE DIVISION NO. 5, BEING THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINE OF HOLDEN PLACE DIVISION NO. 1, INSTRUMENT NO. 878987 THE FOLLOWING FOUR COURSES; (1) THENCE NORTH 20°12'08" EAST 29.11 FEET; (2) THENCE NORTH 13°51'50" EAST 69.21 FEET; (3) THENCE NORTH 08°32'23" EAST 323.23 FEET; THENCE NORTH 05°32'50" EAST 261.08 FEET TO THE NORTHEAST CORNER OF SAID HOLDEN PLACE DIVISION NO. 1; THENCE ALONG THE SOUTHERLY LINE OF PARK PLACE DIVISION NO. 4, INSTRUMENT NO. 1592553, SOUTH 89°43'00" EAST 135.45 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, SOUTH 89°01'49" EAST 163.53 FEET TO THE SOUTHEAST CORNER OF SAID PARK PLACE DIVISION NO. 4; THENCE ALONG THE WESTERLY LINE OF PARK PLACE DIVISION NO. 2, INSTRUMENT NO. 1248536, SOUTH 00°30'16" WEST 675.53 FEET; THENCE ALONG THE NORTHERLY LINE OF PARK PLACE DIVISION NO. 5, INSTRUMENT NO. 1601475, NORTH 89°16'56" WEST 392.91 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5.216 ACRES, MORE OR LESS.

EXHIBIT "B"

SPECIAL CONDITIONS PARK PLACE DIVISION NO. 6

S.C. 1.00 Arterial Street and Bridge Fees. The Bridge and Arterial Streets fee for this Subdivision is Two Thousand Six Hundred Dollars (\$2,600.00) (13 lots zoned residential at \$200 per lot); payable as follows:

| <u>Due Date</u> | <u>Payment Amount</u> |
|----------------------------------|-----------------------|
| Upon execution of this AGREEMENT | \$ 260.00 |
| August 1, 2021 | \$ 585.00 |
| November 1, 2021 | \$ 585.00 |
| February 1, 2022 | \$ 585.00 |
| May 1, 2022 | \$ 585.00 |
| TOTAL | \$ 2,600.00 |

S.C. 2.00 Surface Drainage Fee. The surface drainage fee for this Subdivision is Eight Hundred Ninety-one Dollars and Fifty-six Cents (\$891.56) (118,875 square feet net area at \$.0075 per square foot) payable as follows:

| <u>Due Date</u> | <u>Payment Amount</u> |
|----------------------------------|-----------------------|
| Upon execution of this AGREEMENT | \$ 89.16 |
| August 1, 2021 | \$ 200.60 |
| November 1, 2021 | \$ 200.60 |
| February 1, 2022 | \$ 200.60 |
| May 1, 2022 | \$ 200.60 |
| TOTAL | \$ 891.56 |

S.C. 3.00. 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 the CITY Engineer.

S.C. 4.00 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. 5.00 Subdivision Seal Coat. In order to preserve the long-term effectiveness of required roadway seal coat in the Subdivision, DEVELOPER shall pay all seal coat costs associated with Subdivision improvements rather than applying the seal coat. In lieu of DEVELOPER seal coat application, DEVELOPER shall pay Seven Thousand Eight Hundred Sixty Dollars and Sixteen Cents. (\$7,860.16) (3,248 square yards at \$2.42 per square yard). CITY shall use such payment to

apply the required seal coat at a later date, when Subdivision building permits are completed and at CITY's sole discretion on timing.

S.C. 6.00 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 to be constructed as shown on the Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system at DEVELOPER's sole expense. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPERS's heirs, successors, or assigns.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF PARK PLACE DIVISION 6. GENERALLY LOCATED NORTH OF W 65TH S, EAST OF S 15TH W, SOUTH OF W 49TH S, WEST OF S 5TH W.

WHEREAS, the applicant filed an application for a final plat on January 27, 2021; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on March 16, 2021; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on June 10, 2021 and

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

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 5.216 acres parcel located generally north of W 65th S, east of S 15th W, south of W 49th S, west of S 5th W.
3. The property is zoned R1.
4. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance for the R1 Zone.
5. The Idaho Falls Planning and Zoning Commission recommended approval of this Final Plat as presented.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat of Park Place Division 6 Subdivision.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2021

Rebecca L. Noah Casper, Mayor



Memorandum

File #: 21-145

City Council Meeting

FROM: Brad Cramer, Director
DATE: Thursday, June 3, 2021
DEPARTMENT: Community Development Services

Subject

Public Hearing-CDBG 2021-2025 Community Development Block Grant Five Year Consolidated Plan, 2021 CDBG Annual Action Plan, and 2021-2025 Analysis of Impediments to Fair Housing Choice

Council Action Desired

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

No action requested for this hearing.

Description, Background Information & Purpose

Pursuant to Housing and Urban Development (HUD) requirements, entitlement cities receiving CDBG funds must complete a Five-Year Consolidated Plan, an Analysis of Impediments to Fair Housing Choice, and an accompanying Annual Action Plan for the initial allocation year (2021). As part of the Citizen Participation Plan, pursuant to 24 CFR 91.105, the City must hold a public hearing for each of the three plan elements. Public Notice was published in the Post Register 6/6/21 and posted on the City CDBG webpage. In addition, regular notices were communicated throughout the process to housing providers and service agencies, past and current applicants of CDBG funding, and City Mayor, Council, and Directors.

Draft plans have been produced by Western Economic Services, Inc. and Lisa Farris. Both will present their respective portions of the projects at the public hearing on June 10th. Only the executive summaries are included with this memo as the documents are still at an “internal staff review” stage. Any questions or comments following the hearing should be directed to Lisa Farris.

Alignment with City & Department Planning Objectives



The CDBG Program supports many of the City's goals and priorities including Livable Communities, Economic Growth, Sustainability, and Well-Planned Growth and Development.

Interdepartmental Coordination

NA

Fiscal Impact

The plans are required for the City to receive its annual CDBG allocation from HUD, which averages approximately \$430,000 per year.

Legal Review

NA

PY2021 CDBG Applications Received

| <i>Program Year (PY) 2021 CDBG Applicant</i> | <i>Activity/Project Description</i> | <i>Amount Requested</i> |
|---|---|------------------------------------|
| Idaho Legal Aid/Idaho Falls | Legal Aid to victims of domestic violence. | \$15,000 |
| CLUB, Inc. Crisis Intervention | Supportive Case Management for homeless at scattered site locations. | \$5,000 |
| Behavioral Health Crisis Center of East Idaho | Support in providing medical/treatment for those suffering from substance abuse. Medical professional wages: \$27,000. Treatment costs: \$2,000.00. | \$29,000 |
| Eastern Idaho Community Action Partners (EICAP) | Legal aid - Grandparents Raising Grandchildren or other blood relatives. | \$6,000 |
| Idaho Falls Power | Utility bill assistance for LMI clients (census tracts 9707, 9711, 9712). | \$6000 |
| College of East Idaho (CEI) | Childcare vouchers to assist up to (8) LMI students with childcare for 21-22 academic year. | \$5000 |
| USDA Summer Food Service Program/New Day Lutheran | Assist with increased food costs for summer food program K-18 LMI youth in (3) census tracts. | \$5000 |
| Trinity United Methodist Church Homeless Day Shelter | Case management intake/assessment, supplies/facility cleaning, and door tender. | \$17,603 |
| Domestic Violence & Sexual Assault Center (DVSAG) | Meal, like snack, water for children arriving at the center and participating in a Forensic Interview or Medical Exam through DVSAC's Child Protective Services. Annual assistance for approximately 307 children of LMI families. | \$5140.00 |
| Promise Ridge Emergency Family Shelter/Idaho Falls | One full time on-site individual to ensure security of clients/shelter for (1) year. | \$13,500 |

PY2021 CDBG Applications Received

| | | |
|---|--|---------------------|
| Idaho Falls Downtown Development Corp. (IFDDC) | Façade Improvement Program and \$1000 for graffiti/vandalism repairs. | \$65,000 |
| City Public Works Dept. Curb/Gutter/Sidewalk | For properties in LMI neighborhoods within Highland Park Subdivision (Phase 3 of 5). | \$125,000 |
| Idaho Falls Sr. Citizen Community Center | Clean and sealcoat asphalt parking lot. | \$14,796 |
| Habitat for Humanity Idaho Falls (H4HIF) Location | New construction of a triplex. Provide (3) LMI homeownership opportunities at Elmore Ave. | \$100,000 |
| Community Food Basket Idaho Falls (CFBIF) | Permanent signage for warehouse. (2) snow blowers (warehouse/patron distribution center). | \$13,117.94 |
| Development Workshop, Inc. Idaho Falls | Exterior rehab to north side of building to correct sidewalk slope and front parking area and redirect water away from the building (est. \$78,387) . Rehab to interior/exterior for damage caused by water and leaks (est. \$135,040) . | \$213,427 |
| Conéctate Grassroots Liaison Idaho Falls | Provide single place for Public Service Announcements in Idaho Falls for Spanish and English-speaking communities. Assist underserved LMI in accessing reliable resources and referrals. Breakdown of request: \$12,000/Office Space; \$1000/video streaming software; \$3000/fuel/travel; \$4800/hotel/travel; \$1000/Liability ins; \$5000/marketing; \$8000/graphic design/video production/social media content; \$10,000 professional equip; \$12,000/annual event; \$3000/other events/networking groups; \$5000/website completion. | \$64,000 |
| Community Development Services Planning Department Administration/CDBG | 20% of 2021 allocation (\$438,662) for salary, benefits, supplies, training, travel. | \$87,732.4 |
| | <i>Total Amount of Applications + Admin =</i> | \$790,316.34 |

2021 CDBG Plan Year (PY) runs April 1, 2021 to March 31, 2022
2021 CDBG allocation is \$438,662

City of Idaho Falls

**2021-2025
Consolidated Plan**

Draft for Internal Review

June 2, 2021

CITY OF IDAHO FALLS

2021-2025 CONSOLIDATED PLAN

Prepared for:
City of Idaho Falls
Community Development Services
308 Constitution Way
Idaho Falls, ID 83402

Prepared by:
Western Economic Services, LLC
212 SE 18th Avenue
Portland, OR 97214
Phone: (503) 239-9091
Toll Free: (866) 937-9437
Fax: (503) 239-0236

Website: <http://www.westernes.com>

Draft for Internal Review
June 2, 2021

TABLE OF CONTENTS

| | |
|--|-----------|
| EXECUTIVE SUMMARY | 1 |
| ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b) | 1 |
| THE PROCESS | 4 |
| PR-05 Lead & Responsible Agencies 24 CFR 91.200(b) | 4 |
| PR-10 Consultation - 91.100, 91.200(b), 91.215(l) | 6 |
| PR-15 Citizen Participation | 13 |
| NEEDS ASSESSMENT | 14 |
| NA-05 Overview | 14 |
| NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c) | 15 |
| NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2) | 31 |
| NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2) | 34 |
| NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2) | 37 |
| NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2) | 38 |
| NA-35 Public Housing – 91.205(b) | 40 |
| NA-40 Homeless Needs Assessment – 91.205(c) | 43 |
| NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d) | 46 |
| NA-50 Non-Housing Community Development Needs – 91.215 (f) | 49 |
| HOUSING MARKET ANALYSIS | 51 |
| MA-05 Overview | 51 |
| MA-10 Number of Housing Units – 91.210(a)&(b)(2) | 51 |
| MA-15 Housing Market Analysis: Cost of Housing - 91.210(a) | 57 |
| MA-20 Housing Market Analysis: Condition of Housing – 91.210(a) | 65 |
| MA-25 Public and Assisted Housing – 91.210(b) | 73 |
| MA-30 Homeless Facilities and Services – 91.210(c) | 75 |
| MA-35 Special Needs Facilities and Services – 91.210(d) | 77 |
| MA-40 Barriers to Affordable Housing – 91.210(e) | 79 |
| MA-45 Non-Housing Community Development Assets – 91.215 (f) | 81 |
| MA-50 Needs and Market Analysis Discussion | 89 |
| MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2) | 93 |
| MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3) | 94 |
| STRATEGIC PLAN | 95 |
| SP-05 Overview | 95 |
| SP-10 Geographic Priorities – 91.215 (a)(1) | 96 |
| SP-25 Priority Needs - 91.215(a)(2) | 98 |
| SP-30 Influence of Market Conditions – 91.215 (b) | 102 |
| SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2) | 103 |
| SP-40 Institutional Delivery Structure – 91.215(k) | 106 |

| | |
|--|------------|
| SP-45 Goals Summary – 91.215(a)(4) | 110 |
| SP-50 Public Housing Accessibility and Involvement – 91.215(c) | 113 |
| SP-55 Barriers to affordable housing – 91.215(h) | 114 |
| SP-60 Homelessness Strategy – 91.215(d) | 117 |
| SP-65 Lead based paint Hazards – 91.215(i) | 119 |
| SP-70 Anti-Poverty Strategy – 91.215(j) | 120 |
| SP-80 Monitoring – 91.230 | 121 |
| DATA APPENDIX | 123 |

EXECUTIVE SUMMARY

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

Introduction

In 1994, the U.S. Department of Housing and Urban Development (HUD) issued new rules consolidating the planning, application, reporting and citizen participation processes to the Community Development Block Grants (CDBG) and HOME Investment Partnership (HOME). The new single-planning process was intended to more comprehensively fulfill three basic goals: to provide decent housing, to provide a suitable living environment and to expand economic opportunities. It was termed the Consolidated Plan for Housing and Community Development.

According to HUD, the Consolidated Plan is designed to be a collaborative process whereby a community establishes a unified vision for housing and community development actions. It offers entitlement communities the opportunity to shape these housing and community development programs into effective, coordinated neighborhood and community development strategies. It also allows for strategic planning and citizen participation to occur in a comprehensive context, thereby reducing duplication of effort.

As the lead agency for the Consolidated Plan, the City of Idaho Falls hereby follows HUD's guidelines for citizen and community involvement. Furthermore, it is responsible for overseeing citizen participation requirements that accompany the Consolidated Plan.

The City of Idaho Falls has prepared this Draft Consolidated Plan to meet the guidelines as set forth by HUD and is broken into five sections: The Process, Needs Assessment, Market Analysis, Strategic Plan, and Annual Action Plan.

Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The goals of the CDBG program is to provide decent housing, a suitable living environment for the area's low- and moderate-income residents, and economic opportunities for low-moderate income residents. The City strives to accomplish these goals by maximizing and effectively utilizing all available funding resources to conduct housing and community development activities. These goals are further explained as follows:

- Providing decent housing means helping homeless persons obtain appropriate housing and assisting those at risk of homelessness; preserving the affordable housing stock; increasing availability of permanent housing that is affordable to low- and moderate-income persons without discrimination; and increasing the supply of supportive housing.
- Providing a suitable living environment entails improving the safety and livability of neighborhoods; increasing access to quality facilities and services; and reducing the isolation of income groups within an area through integration of low-income housing opportunities.
- Expanding economic opportunities involves creating jobs that are accessible to low- and moderate-income persons; making down payment and closing cost assistance available for low- and moderate-income persons; promoting long term economic and social viability; and empowering low-income persons to achieve self-sufficiency.

Evaluation of past performance

The City evaluates its performance annually with its CAPER. The City's CAPER can be found here:

<https://www.idahofallsidaho.gov/299/Community-Development-Block-Grant>

Summary of citizen participation process and consultation process

The City utilized a variety of public input opportunities, including public input meetings, the Housing and Community Development Survey, and a public review meeting. These outreach efforts help shape the Plan and its findings.

Summary of public comments

A summary of comments will be included below. Full transcripts of the meetings are included in the Appendix.

Summary of comments or views not accepted and the reasons for not accepting them

To be determined.

Summary

The Needs Assessment and Market Analysis, which has been guided by the 2021 Housing and Community Development Survey and public input, identified nine priority needs. These are described below.

- Low-to-Moderate Income Housing
- Fair Housing Activities
- Services for Special Needs Populations
- Infrastructure improvements
- Public Facility improvements
- Homelessness
- Job Creation
- Downtown Revitalization
- Code Enforcement

These priority needs are addressed with the following goals:

Housing Development

Activities that provide affordable homeownership opportunities through single unit housing rehab and or acquisition for families or individuals in LMI neighborhoods.

Community Development

Activities for community development through projects such as: curb, gutter and sidewalk replacement in Census Tract LMI neighborhoods, Senior Center improvement projects, and projects that remove ADA barriers for public access.

Economic Development

Downtown Idaho Falls, Slum and Blight by Area with exterior improvements to businesses through façade, sign, awning, and code correction projects.

Public Service

Activities that directly support LMI individuals and families through public service activities.

Homelessness

Provide support for homeless providers that administer homeless prevention activities, shelters, and transitional housing in the community.

City of Idaho Falls

2021 Analysis of Impediments to Fair Housing Choice

Draft for Internal Review

June 1, 2021

2021 CITY OF IDAHO FALLS

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE:



Prepared for:
City of Idaho Falls
Community Development Services
308 Constitution Way
Idaho Falls, ID 83402

Prepared by:
Western Economic Services, LLC
212 SE 18th Avenue
Portland, OR 97214
Phone: (503) 239-9091
Toll Free: (866) 937-9437
Fax: (503) 239-0236

Website: <http://www.westernes.com>

Draft for Internal Review
June 1, 2021

Has Your Right to Fair Housing Been Violated?

If you feel you have experienced discrimination in the housing industry, please contact:

Idaho Human Rights Commission

317 W. Main St.
Second Floor
Boise, ID 83735-0660
inquiry@ihrc.idaho.gov
971-673-0761 (208) 334-2873
Toll Free: (888) 249-7025

Intermountain Fair Housing Council

4696 W. Overland Rd., Suite 140
Boise, Idaho 83705
208-383-0695
1-800-717-0695
contact@ifhcidaho.org

U.S. Department of Housing and Urban Development

Form 903 Online Complaint in English:
<https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action>

HUD Formulario 903 quejas en línea:
https://portalapps.hud.gov/AdaptivePages/HUD_Spanish/Espanol/complaint/complaint-details.htm

Table of Contents

| | |
|--|-----------|
| SECTION I. EXECUTIVE SUMMARY | 1 |
| SECTION II. COMMUNITY PARTICIPATION PROCESS | 7 |
| A. OVERVIEW | 7 |
| B. THE FAIR HOUSING SURVEY | 7 |
| C. THE FAIR HOUSING FORUM | 7 |
| D. THE FINAL PUBLIC REVIEW PROCESS | 7 |
| SECTION III. ASSESSMENT OF PAST GOALS AND ACTIONS | 9 |
| SECTION IV. FAIR HOUSING ANALYSIS | 11 |
| A. SOCIO-ECONOMIC OVERVIEW | 11 |
| B. SEGREGATION AND INTEGRATION | 29 |
| C. RACIALLY OR ETHNICALLY CONCENTRATED AREAS OF POVERTY | 30 |
| D. DISPARITIES IN ACCESS TO OPPORTUNITY | 31 |
| E. DISPROPORTIONATE HOUSING NEEDS | 42 |
| F. PUBLICLY SUPPORTED HOUSING ANALYSIS | 53 |
| G. DISABILITY AND ACCESS ANALYSIS | 57 |
| H. FAIR HOUSING ENFORCEMENT, OUTREACH CAPACITY, & RESOURCES | 65 |
| I. FAIR HOUSING SURVEY RESULTS | 71 |
| J. MUNICIPAL AND ZONING CODE REVIEW | 75 |
| SECTION V. FAIR HOUSING GOALS AND PRIORITIES | 77 |
| SECTION VI. APPENDICES | 81 |
| A. ADDITIONAL PLAN DATA | 81 |

Section I. Executive Summary

Overview

Title VIII of the 1968 Civil Rights Act, also known as the Fair Housing Act, protects people from discrimination based on race, color, national origin, religion, sex, familial status, and disability when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing related activities. The Act, and subsequent laws reaffirming its principles, seeks to overcome the legacy of segregation, unequal treatment, and historic lack of access to housing opportunity. There are several statutes, regulations, and executive orders that apply to fair housing, including the Fair Housing Act, the Housing Amendments Act, and the Americans with Disabilities Act.¹

Affirmatively furthering fair housing is defined in the Fair Housing Act as taking “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics”.² Specifically, affirmatively furthering fair housing requires that recipients of federal housing and urban development funds take meaningful actions to address housing disparities, including replacing segregated living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.³ Furthering fair housing can involve developing affordable housing, removing barriers to affordable housing development in high opportunity areas, investing in neighborhood revitalization, preserving and rehabilitating existing affordable housing units, improving housing access in areas of concentrated poverty, and improving community assets.

Assessing Fair Housing

Provisions to affirmatively further fair housing are long-standing components of the U.S. Department of Housing and Urban Development’s (HUD’s) housing and community development programs. These provisions come from Section 808(e)(5) of the Fair Housing Act, which requires that the Secretary of HUD administer federal housing and urban development programs in a manner that affirmatively furthers fair housing.⁴

In 1994, HUD published a rule consolidating plans for housing and community development programs into a single planning process. This action grouped the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs into the Consolidated Plan for Housing and Community Development, which then created a single application cycle. As a part of the consolidated planning process, and entitlement communities that receive such funds from HUD are required to submit to HUD certification that they are affirmatively furthering fair housing (AFFH).

In July of 2015, HUD released a new AFFH rule which provided a format, a review process, and content requirements for the newly named “Assessment of Fair Housing”, or AFH.⁵ The assessment would now

¹ https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_and_related_law

² § 5.152 Affirmatively Furthering Fair Housing

³ § 5.152 Affirmatively Furthering Fair Housing

⁴ 42 U.S.C. 3601 et seq.

⁵ 80 FR 42271. <https://www.federalregister.gov/documents/2015/07/16/2015-17032/affirmatively-furthering-fair-housing>

include an evaluation of equity, the distribution of community assets, and access to opportunity within the community, particularly as it relates to concentrations of poverty among minority racial and ethnic populations. Areas of opportunity are physical places within communities that provide things one needs to thrive, including quality employment, high performing schools, affordable housing, efficient public transportation, safe streets, essential services, adequate parks, and full-service grocery stores. Areas lacking opportunity, then, have the opposite of these attributes.

The AFH includes measures of segregation and integration, while also providing some historical context about how such concentrations became part of the community's legacy. Together, these considerations were intended to better inform public investment decisions that would lead to amelioration or elimination of segregation, enhance access to opportunity, promote equity, and hence, housing choice. Equitable development requires thinking about equity impacts at the front end, prior to the investment occurring. That thinking involves analysis of economic, demographic, and market data to evaluate current issues for citizens who may have previously been marginalized from the community planning process. All this would be completed by using an on-line Assessment Tool.

However, on January 5, 2018, HUD issued a notice that extended the deadline for submission of an AFH by local government consolidated plan program participants to their next AFH submission date that falls after October 31, 2020.⁶ Then, on May 18, 2018, HUD released three notices regarding the AFFH; one eliminated the January 5, 2018, guidance; a second withdrew the on-line Assessment Tool for local government program participants; and, the third noted that the AFFH certification remains in place. HUD went on to say that the AFFH databases and the AFFH Assessment Tool guide would remain available for the AI; and, encouraged jurisdictions to use them, if so desired.

Hence, the AI process involves a thorough examination of a variety of sources related to housing, the fair housing delivery system, housing transactions, locations of public housing authorities, areas having racial and ethnic concentrations of poverty and access to opportunity. The development of an AI also includes public input, public meetings to collect input from citizens and interested parties, distribution of draft reports for citizen review, and formal presentations of findings and impediments, along with actions to overcome the identified fair housing issues and impediments.

In accordance with the applicable statutes and regulations governing the Consolidated Plan, the City of Idaho Falls certifies that they will affirmatively further fair housing, by taking appropriate actions to overcome the effects of any impediments identified in the Analysis of Impediments to Fair Housing Choice and maintaining records that reflect the analysis and actions taken in this regard.

Socio-Economic Context

While the population in the City of Idaho Falls has grown by 8.2 percent between 2010 and 2019, the racial and ethnic makeup of the area is not changing significantly. Limited English Proficiency includes an estimated 3.7 percent of the population speaks Spanish at home, followed by 0.2 percent speaking Chinese. In 2019, 90.5 percent of households had a high school education or greater, including 27.4 percent with a high school diploma or equivalent, 35.1 percent with some college, 18.9 percent with a Bachelor's Degree, and 9.1 percent with a graduate or professional degree.

⁶ 83 FR 683 (January 5, 2018)

In 2019, unemployment in the City of Idaho Falls was at 2.4 percent, compared to 2.8 percent for the State of Idaho. This is representative of a labor force of 30,637 people and 29,916 people employed. Real Average Earning per job surpassed the state rate in recent years, and has continued to climb. Poverty has remained at 13.4 percent in 2019 and 2010 representing 8 101 persons living in poverty in 2019.

Single-family units account for an estimated 71.4percent of units in the City, while apartment units account for 12.5 percent. An estimated 26.0 percent of housing units were built in the 1970's, representing the largest age group in the housing stock. Some 16.2 percent of units have been built since 2000. The proportion of vacant units has not changed significantly since 2010. However, "other vacant" units, or those not available to the marketplace, have increased to represent 34.5 percent of vacant units. An estimated 65.3 percent of owner-occupied households currently have a mortgage, and 34.7 percent do not.

Overview of Findings

As a result of detailed demographic, economic, and housing analysis, along with a range of activities designed to foster public involvement and feedback, Idaho Falls has identified a series of fair housing issues/impediments, and other contributing factors that contribute to the creation or persistence of those issues.

Table I.1, on the following page, provides a list of the contributing factors that have been identified as causing these fair housing issues/impediments and prioritizes them according to the following criteria:

1. High: Factors that have a direct and substantial impact on fair housing choice
2. Medium: Factors that have a less direct impact on fair housing choice, or that Idaho Falls has limited authority to mandate change.
3. Low: Factors that have a slight or largely indirect impact on fair housing choice, or that Idaho Falls has limited capacity to address.

Table I.1
Contributing Factors
 City of Idaho Falls

| Contributing Factors | Priority | Justification |
|---|----------|---|
| Moderate to high levels of segregation | Low | Black and Native Hawaiian households had high levels of segregation. However, these racial groups represent a small percentage of the population, at less than one percent each of the overall population. |
| Access to labor market engagement | Low | Native American and Hispanic households have less access to labor market engagement as indicated by the Access to Opportunity index. However, the City has little control over impacting labor market engagement on a large scale. |
| Insufficient affordable housing in a range of unit sizes | High | Some 27.9 percent of households have cost burdens. This is more significant for renter households, of which 45.7 percent have cost burdens. This signifies a lack of housing options that are affordable to a large proportion of the population. |
| Racial and ethnic minority households with disproportionate rates of housing problems | High | The overall rate of housing problems in the City of Idaho Falls is 28.1 percent, according to CHAS data. Asian, American Indian, Pacific Islander, and Hispanic households experience housing problems at a disproportionate rate overall. |
| Discriminatory patterns in Lending | Med | Black and American Indian/ Native American applicant were denied at a rate of 16.2 and 14.3 percent, respectively, compared to 8.1 percent of white applicant. Hispanic applicants were denied at an average rate of 14.8 percent, compared to the 7.5 percent for non-Hispanic applicants. |
| Insufficient accessible affordable housing | High | The number of accessible affordable units may not meet the need of the growing elderly and disabled population, particularly as the population continues to age. Some 54.5 percent of persons aged 75 and older have at least one form of disability. |
| NIMBYism | High | Public input suggested one of the major barriers to the development of affordable housing options in the City was the Not In My Back Yard (NIMBY) mentality in the City. |
| Insufficient fair housing education | High | The fair housing survey and public input indicated a lack of knowledge about fair housing and a need for education. |
| Insufficient understanding of credit | High | The fair housing survey and public input indicated an insufficient understanding of credit needed to access mortgages. |

FAIR HOUSING ISSUES, CONTRIBUTING FACTORS, AND PROPOSED ACHIEVEMENTS

Table I.2 summarizes the fair housing issues/impediments and contributing factors, including metrics, milestones, and a timeframe for achievements.

| Table I.2 | | | |
|---|--|---|--|
| Fair Housing Goal | Fair Housing Issue(s) | Impediments to Fair Housing Choice/ Contributing Factors | Recommended Actions |
| Promote affordable homeownership and rental opportunities | Segregation R/ECAPs Disproportionate Housing Needs Publicly Supported Housing | Moderate to high levels of segregation Inequitable access to labor market engagement Insufficient affordable housing in a range of unit sizes Discriminatory patterns in Lending | Promote homeownership and affordable rental opportunities with the use of CDBG funds. Over the next five (5) years: 5 Homeowner Housing Rehabilitated 5 Homeowner Housing units added |
| Promote Community Development activities in areas with higher rates of poverty | Disparities in Access to Opportunity | Moderate to high levels of segregation Inequitable access to labor market engagement | Promote public services, public facilities, and infrastructure improvements with CDBG funds in low to moderate income neighborhoods or to benefit LMI households. Over the next five (5) years: Benefit 3,000 households with improved access to public services |
| Promote community and service provider knowledge of ADA laws | Disability and Access | Insufficient accessible affordable housing | Increase outreach and education for housing providers in the City, focusing on legal requirements concerning reasonable accommodation, in coordination with local disability advocate organizations and Intermountain Fair Housing Council (IFHC). Record activities annually. |
| Increase outreach and education for housing providers in the County and the public | Fair Housing Enforcement and Outreach | Discriminatory patterns in Lending Insufficient fair housing education Insufficient understanding of credit NIMYism | Continue to partner with IFHC to conduct fair housing outreach and education targeting rental tenants and landlords, providing an overview of fair housing laws and examples of discrimination that housing consumers may encounter in the rental and homeowner housing market. Include materials in both English and Spanish. Promote education through website and online materials, as well as printed materials at City offices and community centers/libraries. Record activities annually. |

