



NOTICE OF PUBLIC MEETING

Monday, October 25, 2021

City Council Chambers

680 Park Avenue

Idaho Falls, ID 83402

3:00 p.m.

The public is invited to observe City Council Work Sessions. However, to observe appropriate social distancing guidelines, as recommended by the Centers for Disease Control and Prevention (CDC), seating in the Council Chambers has been limited. Seats will be available on a first-come, first-serve basis. The public also may view this meeting via livestream on the City's website at <https://www.idahofallsidaho.gov/429/Live-Stream>. The agenda does not include an opportunity for public interaction.

This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

CITY COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor:

- Acceptance and/or Receipt of Minutes
- Action Desired:* To receive recommendations from the Planning and Zoning Commission
- Calendars, Announcements, Reports, and Updates (10)

Council:

- Liaison Reports and Councilmember Concerns (10)

Airport:

- Update: Air Service Development (20)

Community Development Services:

- Discussion: Local Improvement Districts (LID) (30)

Community Development Services,
Office of the City Attorney:

- Follow-up Discussion: Neighborhood Meetings (20)

Office of the City Attorney:

- Update regarding the formation of an Eastern Idaho Regional Wastewater Authority (EIRWWA) Taxing District (20)

DATED this 22nd day of October, 2021

A handwritten signature in blue ink that reads "Kathy Hampton". The signature is written over a horizontal line.

Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: October 20, 2021

RE: October 19, 2021, Planning Commission Action

Planning Commission took the following action during the October 19, 2021, meeting.

1. **RZON21-017: Comprehensive Plan Amendment. Adoption of the Imagine IF Comprehensive Plan.** On October 19, 2021, the Planning and Zoning Commission voted 5-1 to recommend approval of the Comprehensive Plan to the Mayor and City Council upon completion of spelling, grammar edits, and incorporation of public comments that can be addressed prior to the City Council Meeting.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

Idaho Falls Downtown Development Corp. September 14, 2021 board meeting was held at the Bank of Idaho board room 350 Memorial Drive, Suite 200 at 8:30am

Attendance: Lisa Farris, Brandi Newton, Jill Hansen, Emily Fitzpatrick, Chip Langerak, Greg Crockett, Jake Durtschi, Tasha Taylor, Kevin Josephson, Cindy Napier, Dana Briggs, Rain, guest of Kevin Josephson and Councilman Jim Francis

Staff: Catherine Smith and Mala Lyon

Minutes for July 13, 2021 were reviewed – we did not have a full quorum to approve in August - Brandi motioned they be approved; Jill seconded and board approved

Minutes for August 3, 2021 were reviewed were reviewed Brandi motioned they be approved; Tasha seconded and board approved

Financial Report – Brandi – We are in a good position thanks to the careful management Catherine has done and in applying for the PPP loans. We have not sold the old ‘Vroom Vroom’ yet so that money will come back in when it does. Brandi motioned the financials be approved; Greg seconded, and board approved.

Greg made the motion that Chip Langerak, the owner of the Villa Coffeehouse, be nominated to be a new board member. Kevin seconded and the board approved.

Catherine presented the 2021-2022 budget draft. Proposed that monthly parking permits be increased from \$35 to \$40 per month and the reserved parking spaces be raised from \$35 to \$50 per month which will bring in about \$9,000 more a year to help offset the cost of maintenance and snow removal. We have not increased the price for permits since April 2016 when it went from \$32 to \$35. Bonneville County has purchased the building that Melaleuca owned, where DePatco was, and included in that sell was the parking lot across the street that we have been managing that we call the B Street West Lot. They are moving the election office into that building. The County has agreed to allow the Arts Council to keep their 7 reserved parking spaces in exchange for us doing the maintenance and snow removal. The Arts Council will pay us for the 7 parking permits, and we will be allowed to have the meter stay and people will pay to park in the evenings. Melaleuca owns a second parking lot on the west side of Capital, and we are in negotiations to manage that lot and to have the first option to buy it if they decide to sell. We are estimating that we can install 36 parking spaces by re-striping it. Greg suggested that we lease 10 parking spaces back to the county as they are buying up buildings downtown and we do not get BID taxes from any building that they own. Brandi suggested that if people are willing to pay a year in advance for parking permits, they could get a discount. Greg motioned that the increases be approved; Brandi seconded; board approved.

Catherine will send out an email with updated numbers.

We are planning on doing some fall and winter beautification projects in the flowerpots. We are planning on holding all our events with OktoberFest being Sept 25th and FallBrew Nov 6th. We are anticipating that we will receive \$65,000 from the events with \$40,000 expenses. Parking software and connection expenses fluctuate with usage, so we have increased the budget from \$8,500 to \$16,500. Last month we had 2,200 people use the meters and there are fees for each transaction. Murals – hoping to do 2 murals at \$5,000 each next year. We will do them by commissioning an artist rather than a call-to-artists. Travel expenses for a PIPTA conference for Catherine and Juan to attend and a Main Street Conference for Catherine to attend and some other webinars. Hoping to push \$5,000

into the Idaho Falls Historic Downtown Foundation funds. Catherine will make the changes to the budget and email it out and request a vote.

“Labs of Downtown” project is still on hold while we work with the INL. They gave us \$5,000 for a mural project that didn’t happen and now there is some difficulties in getting approval to move forward. Brandi asked if it would just be easier to give the money back and reapply? Chip said public art cannot always happen on our timetable like we would like it to. We might want to plan for 3 projects – 2 murals and the labs and then we might only get 2 finished. Catherine will talk to Misty again. Brandi also reached out to Rae Moss with INL to see if she can help get approval for the project or give us advice on what to do next. Catherine was told to apply for \$5,000 more so we would have all the money needed to do this project and was turned down.

We have a new traffic cabinet that was installed at Memorial and Broadway. This is next to the other traffic cabinet that has the Fred Ochi art vinyl on it so we are adding more of his art to this new cabinet.

Events:

- OktoberFest Sept 25th at the Civitan Plaza and B Street – this is a new location that will give us more room to social distance
- Ladies Shopping Days – Oct 8 & 9 this will include a shopping passport full of coupons and 200 tote bags that we will give away
- FallBrew Nov 6th

The Block Face ordinance passed the City Council and will go into effect as soon as the new signs go up. This ordinance makes it so you can park for 2 hours on one block and then must move to a new block if you want to park longer during the same 24-hour period. It will take about 6 weeks to get the new signs. Brandi asked if the city would do a press release and take the lead in announcing this change? Councilman Francis said that we do need to get the info out there and get it right. Tasha said if the city makes the announcement, and we are just enforcing it should go better.

Catherine has talked to Chris Fredrickson about the ‘Welcome to Downtown’ arch and he is looking into what the steps are we will need to do and who we need to get approval from.

Catherine said a new sign has been installed on the Riverwalk/greenbelt that we can put posters in, but it needs to be adjusted as it is too tall. The new case is watertight, and it has our logo on it.

Lisa said Page Insurance is going to be using \$50,000 of the grant money and the new bookstore is getting a sign grant.

Greg announced that a new restaurant is going in in the same building as Lucy’s Pizza called Chops & Ribs. They hope to be open by February.

Greg asked if we know when the INL will be moving to their downtown offices? No one has heard.

Meeting was adjourned at 9:30am

Our next board meeting is scheduled to be held October 5, 2021.

Respectfully submitted by Jill Hansen, Secretary and Mala Lyon

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 11 OF THE IDAHO FALLS CITY CODE TO INCLUDE A NEIGHBORHOOD MEETING AS A REQUIRED PART OF AN APPLICATION FOR PRELIMINARY PLAT, PLANNED UNIT DEVELOPMENT, REZONING, OR CONDITIONAL USE PERMIT; CHANGING A PRELIMINARY PLAT HEARING TO A MEETING, CORRECTING SMALL ERRORS IN THE SUBDIVISION CODE AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, Idaho Falls strongly believes in citizen participation and collaboration in City planning and development; and

WHEREAS, the 2013 Idaho Falls Comprehensive Plan states the City should develop a program to involve neighbors early in the community development process; and

WHEREAS, neighborhood meetings at the conceptual stage of development are a powerful tool for developers and surrounding neighbors to come together to share visions, discuss concerns, and work toward a better end result; and

WHEREAS, neighborhood meetings also lead to more informed and productive public hearings because the hearing is no longer the discovery meeting for the residents; and

WHEREAS, the neighborhood meeting gives the developer an opportunity to share their development concept with the community and allows neighbors to ask questions and to discuss concerns related to the development proposal; and

WHEREAS, the goal of the neighborhood meeting is to facilitate an open dialog between the developer and the surrounding neighborhood during the early stages of the development process and to give the developer an opportunity to answer questions and to resolve concerns prior to the Planning Commission public meeting; and

WHEREAS, requiring a neighborhood meeting prior to Planning and Zoning approval of an application for a preliminary plat, planned unit development, rezoning, or conditional use permit should result in an efficient public hearing; and

WHEREAS, because the Neighborhood Meeting is now part of the preliminary plat application process, the hearing of the Planning and Zoning Commission will now be a meeting.

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

SECTION 1. Title 10, Chapter 1, Section 8 of the City of Idaho Falls Code is hereby amended to read as follows:

10-1-8: PRELIMINARY PLAT APPROVAL PROCESS:

...

(B) Submittal and City Staff Review Process:

...

(2) Application and Contents of Preliminary Plats. The application and plat shall accurately and fairly describe and depict all improvements, structures, boundary lines, lot configurations, area to be developed, existing and proposed land use and zoning, grades, land contour, recreational and public use area, utilities, water works, topography, streets, alleys, easements, and shall contain such other information as may be necessary to determine if the proposed subdivision complies with the requirements of this Chapter. Proof of compliance with the Neighborhood Meeting requirements of the Zoning Code shall be submitted as part of a complete application. The plat shall be drawn in accordance with generally accepted engineering standards and practices and shall be drawn in such a manner as will assure legibility, clarity, reproducibility, accuracy, uniformity, and neatness of the plat.

...

(6) Preliminary Plat Public Hearing.

a. After the review of City staff comments and recommendations have been addressed and resubmitted to the Community Development Services Department, a public hearing at a regularly scheduled meeting with the Planning and Zoning Commission shall be scheduled to consider the preliminary plat. Notice of the preliminary plat hearing shall be pursuant to requirements of the Idaho Local Land Use Planning Act. Within sixty (60) days following the date of the Commission meeting at which the plat and application were first submitted, the Commission shall complete its review and shall approve, conditionally approve, or disapprove of the preliminary plat and application, unless an extension of time is agreed to by the Commission and the developer.

(C) Planning and Zoning Commission Review.

(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.

...

(D) Appeal of Preliminary Plat. Any person aggrieved by the Planning and Zoning Commission decision on the preliminary plat may appeal the Planning and Zoning Commission's decision. Such appeal shall be submitted with the appeal fee to the Community Development Services Department within fourteen (14) days from the Planning and Zoning Commission's written decision and shall list the specific Code provisions or other reasons that the appellant believes comprise error. The appeal is on the record that was produced in the preliminary plat process. The appeal shall be scheduled for consideration at a Council meeting and shall occur within sixty (60) days following receipt of the appeal. Upon considering the preliminary plat appeal, the Council may uphold the appeal, deny the appeal, or remand the appeal to the Planning and Zoning Commission for further action, including direction to reopen the public hearing to receive further information.

...

SECTION 2. Title 10, Chapter 1, Section 13 of the City of Idaho Falls Code is hereby amended to read as follows:

...

(C) Petition for Public Hearing: In the event that a hearing has not been held or scheduled for any application or authorization required under this chapter, any affected person may petition the City in writing to hold a hearing prior to final action on an application or authorization. The City may use its discretion to approve the petition. However, if twenty (20) or more affected persons petition for a hearing, the City shall be required to hold the hearing.

~~Any affected person may at any time prior to final action on an application required or authorized under this chapter, if no hearing has been held on the application, petition the City in writing to hold a hearing, provided that if twenty (20) affected persons petition for a hearing, the hearing shall be held.~~

(~~C~~D) Appeals of Final ~~Decisions~~Decisions: Any person denied a permit or aggrieved by —a final —decision of the City, may, within sixty (60) days after all remedies have

been exhausted under this Code, seek judicial review pursuant to the judicial review procedures —set forth in Title 67, Chapter 65 Idaho Code.

SECTION 3. Title 11, Chapter 6, Section 2 of the City of Idaho Falls Code is hereby amended to read as follows:

...

11-6-2: DUTIES AND AUTHORITIES.

...

(E) Summary of Actions/Decisions. Table 11-6-1 Summary of Actions/Decisions that follows is a list of the actions/decisions the City shall take in the administration of this ~~code~~Code, the decision body responsible and the process and findings under which the action shall be granted.

...

SECTION 4. Title 11, Chapter 6, Section 3 of the City of Idaho Falls Code is hereby amended to read as follows:

...

11-6-3: APPLICATION PROCEDURES.

The purpose of this Section is to outline the application procedures for a permit or decision under provisions of this Code.

(A) Application Requirements.

...

(2) All requests for permits and decisions in accordance with this Code shall submit a complete application to the Zoning Administrator on forms approved and provided by the ~~city~~City.

...

(7) No application for a preliminary plat, Planned Unit Development, rezoning, or Conditional Use Permit shall be considered complete until all materials required for compliance with the Neighborhood Meeting in this Code are received by the City.

~~(E)~~ Action on the Application. After an application has been determined to be complete, an action or decision shall occur as follows:

(1) For an administrative decision identified as “ADM” on Table 11-6-1 Summary of Actions/Decisions, the Zoning Administrator shall act upon the application within thirty (30) days.

(2) For a permit request identified as “P” on Table 11-6-1 Summary of Actions/Decisions, the decision-making authority shall act upon the application within sixty (60) days.

(3) For an application requiring a public hearing identified as on Table 11-6-1 Summary of Actions/Decisions, the initial hearing shall be held no later than sixty (60) days after the date of the determination of completeness, unless waived by the applicant.

(~~DC~~) Public Hearing Procedures. All applications subject to a public hearing as identified on Table 11-6-1 Summary of Actions/Decisions, shall follow the public hearing requirements consistent with Idaho Code.

(~~ED~~) Appeal Procedures for Decisions of the Zoning Administrator.

...

(~~FE~~) Expiration of Action on Applications. All application approvals shall expire one (1) calendar year from the date of approval unless:

...

(~~GF~~) Resubmittal.

...

(~~HG~~) Certificate of Occupancy. No certificate of occupancy shall be issued for any approved application until the development has been inspected and determined to be in compliance with all terms and conditions of the permit, including but not limited to, proper installation of all required improvements.

(~~HH~~) Application Procedures for a Planned Unit Development (PUD).

...

(2) Prior to the filing of an application for a PUD permit and following a Neighborhood Meeting required by this Code, the applicant shall request, and the Zoning Administrator shall schedule, a pre-application conference with the Planning Division staff and other City staff, as deemed necessary.

...

SECTION 5. Title 11, Chapter 6, Section 4 of the City of Idaho Falls Code is hereby amended to read as follows:

11-6-4: DECISION–MAKING PROCEDURES.

...

(E) Types of Hearings.

...

(2) Two Meeting ~~Quasi~~Quasi-Judicial Hearings.

(a) General. Two Meeting Quasi-Judicial Hearings shall be required when the permit or regulatory change sought requires a sequence of two (2) or more public hearings before final action may be taken on the request. The initial public hearing shall be conducted by the Planning and Zoning Commission whose task is to prepare a recommendation for submittal to the Council. Following receipt of the recommendation from the advisory board, a second public hearing must be scheduled before the Council before a decision on the request may be rendered. Like those hearings classified as Single Meeting Quasi-Judicial Hearings the rights of individuals are at stake and the protection of those rights is a prime purpose of the required procedure. Like a Single Meeting Quasi-Judicial Hearings procedure, the resulting decision from a Two Meeting Quasi-Judicial Hearing procedure is final unless appealed to a subsequent decision-making tribunal. Unlike the Single Meeting Quasi-Judicial Hearings procedure, care must be taken in the steps between the initial and second hearing to protect the interests of all parties involved. Two Meeting Quasi-Judicial Hearings are used in request for changes in zoning district boundaries, changes to the Comprehensive Plan when sought in conjunction with a request for a change in zoning district boundaries, Planned Unit Developments.

...

SECTION 6. Title 11, Chapter 6, Section 8 of the City of Idaho Falls Code is hereby added to read as follows:

11-6-8: THE NEIGHBORHOOD MEETING

A. Purpose. The purpose of the Neighborhood Meeting is to allow the developer to present the proposal to neighbors and other members of the public prior to the formal public Meeting or hearing so that the parties can discuss and consider neighborhood impacts, compatibility, public safety, mitigation of impacts, design and construction elements, traffic, and the like. It gives the developer the opportunity to explain how the proposed development is consistent with the principles in the Comprehensive and complies with this Code. A further purpose is to allow developers to have related applications considered concurrently by the hearing bodies.

B. When Required.

(1) A Neighborhood Meeting shall be required for each of the land use matters below. Where the applicant desires to file more than one (1) application involving the same project and/or property and desires all related applications to be considered within the same hearing, only one (1) Neighborhood Meeting shall be necessary, as long as all relevant applications are discussed in such Neighborhood Meeting.

(2) A Neighborhood Meeting shall be required as a prerequisite to filing of an application with the City for the following land use matters:

- (a) Preliminary Plat;
- (b) Planned Unit Development;
- (c) Rezoning;
- (d) Conditional Use Permit; or
- (e) Any combination of the foregoing.

C. Notice of Meeting.

(1) Notice of the Neighborhood Meeting shall be given to all property owners of record within three hundred feet (300') of the subject property. Such notice shall be provided at least fourteen (14) days before the first Neighborhood Meeting regarding the subject property. Notice of the Neighborhood Meeting shall be made by mail to the current or last known address of the property owners of record. Property owners of record shall be determined by review of records in the possession of Bonneville County. Alternatively, the City may provide a list of property owners to the applicant upon receipt by the City of the proper request form and the appropriate fee.

(2) Notice shall include a vicinity map, the general nature of the proposal, the size of the land, the number of lots/dwelling units, the date, time and location of the meeting, and the name, address, telephone number and email address of a contact person. The Neighborhood Meeting shall be set at a date, time, and place reasonably calculated to facilitate the attendance of the property owners who are required to receive notice. Evening meetings during the work week are encouraged.

D. Format.

(1) General. The applicant or applicant's representative shall conduct the Neighborhood Meeting according to orderly procedures. The person conducting should provide the participants in the Neighborhood Meeting a fair chance to be heard. The person conducting will have the authority to recognize participants in the Meeting and to maintain order in the conduct of the Neighborhood Meeting. Formal rules of evidence will not apply during the Neighborhood Meeting, but the person conducting may limit the duration of comments or presentation where necessary to give the broadest number of participants the opportunity to express their views.

(2) Order. The Neighborhood Meeting shall generally be conducted in the following order; however, the Meeting should not be so formal that it precludes or unduly limits participation by those in attendance nor should it be so unruly that information gathering and exchange cannot occur:

- (a) Opening of the Meeting and a call to order;

(b) Introduction of the proposal/project by the applicant and/or the applicant's representatives;

(c) Public comments in support of the application;

(d) Public comments in opposition of the application;

(e) Questions and/or other public testimony;

(f) A response of the applicant (if desired by applicant);

(g) Any related business; and

(h) Close of the Neighborhood Meeting.

(3) Other. Conduct by all participating in the Neighborhood Meeting should be respectful, should avoid personal attack, and should be directed toward gathering and exchanging information regarding the proposal(s).

E. Scope. Each Neighborhood Meeting shall be conducted so that those in attendance can discuss the project/proposal which is the subject of the application(s) to be filed. Where more than one (1) application is to be considered in the same public hearing, the Meeting shall include discussion of all related matters. For example, where there is to be a submittal for a rezoning along with a preliminary plat, both shall be thoroughly discussed in the Neighborhood Meeting.

F. Submission of Neighborhood Meeting Materials to City.

(1) Time to submit materials. Neighborhood Meeting materials required to be submitted pursuant to this Code shall be submitted with the application(s) and relevant fee(s).

(2) Materials to be submitted. The following shall be submitted to the City with the original filing of the land use application(s) and shall constitute part of such land use application(s):

(a) Time, date and location of the Neighborhood Meeting;

(b) Names and addresses of property owners to whom notice was sent;

(c) Names and addresses of all attendees;

(d) Summary of comments, suggestions and discussion;

(e) Applicant's response to comments, suggestions and discussion, including any modifications made or intended to be made to the project proposal/application as a result of the Neighborhood Meeting comments; and

(f) Materials utilized or submitted (including plans, proposals, designs, power point presentations, maps, handouts, petitions, letters, studies, etc.) shall be submitted with the application for the related project(s). The summary of comments, suggestions and discussion should be extensive enough to allow the reader to understand what occurred.

(g) A verbatim transcript of the Neighborhood Meeting is not required nor is a video and/or audio tape (unless the applicant wishes to submit it).

G. Notice of Hearing. Following receipt by City staff of the required submittals with the application and fee(s), notice of a public hearing on the related application(s) shall be scheduled before the Planning and Zoning Commission. If required, notice of such public hearing shall take place not less than fifteen (15) days prior to the required public hearing before the Planning and Zoning Commission pursuant to this Code.

SECTION 6. Title 11, Chapter 7, Section 1 of the City of Idaho Falls Code is hereby amended as follows:

11-7-1 DEFINITIONS

...

Neighborhood Meeting: A meeting required to be held and conducted by an applicant for certain types of proposed land use changes in order to provide an opportunity for dialogue between the applicant and the public, especially those who live close to the property that is the subject of the application. The Meeting must be held in advance of any ~~formal Meeting or quasi-judicial hearing of the application pursuant to the Local Land Use Planning Act.~~

SECTION 8. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 9. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 10. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 11. Effective Date. This Ordinance shall be in full force and effect on January 1, 2022, after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2021.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

KATHY HAMPTON, CITY CLERK

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

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO
HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance
entitled, “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A
MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING
TITLE 11 OF THE IDAHO FALLS CITY CODE TO INCLUDE A
NEIGHBORHOOD MEETING AS A REQUIRED PART OF AN
APPLICATION FOR PRELIMINARY PLAT, PLANNED UNIT
DEVELOPMENT, REZONING, OR CONDITIONAL USE PERMIT;
CHANGING A PRELIMINARY PLAT HEARING TO A MEETING,
CORRECTING SMALL ERRORS IN THE SUBDIVISION CODE AND
PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY
SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)
CLERK

KATHY HAMPTON, CITY

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October 16, 2021

Rodger Christensen, Chairman of the Board
Eastern Idaho Regional Wastewater Authority
618 E. 1250 N.
Shelley, Idaho 83274

Mr. Christensen,

This letter is in response to your letter dated October 6, 2021, and delivered to the City on October 14, 2021, regarding the creation of the Eastern Idaho Regional Wastewater Authority and its proposed boundaries that include lands owned or annexed into the City of Idaho Falls. These properties are currently served by the City's wastewater utility.

The City objects to the proposed boundaries that include any lands that are owned by the City, specifically parcels RPA00018949947 and RPA00018092303.

In addition, I can find no law that authorizes the Eastern Idaho Regional Wastewater Authority to annex properties within the geographic and jurisdictional boundaries of the City of Idaho Falls without the consolation or approval of the Idaho Falls City Council. The City specifically requests that the proposed boundary map that includes areas already annexed into the City of Idaho Fall be corrected. These areas are already served by the City's wastewater utility.

The City further requests that the Authority provide the City notice of the date and time of the hearing on the petition the Authority intends to file with the District Court so that, pursuant to Idaho Code § 42-3207, the City can file petition objecting to being included in the boundaries of the Authority.

Respectfully,

Michael Kirkham
Assistant City Attorney

cc. Rebecca L. Noah Casper, Ph.D., City of Idaho Falls Mayor
Randall D. Fife, City Attorney
Andrea Gumm, The Langdon Group
Sean Coletti, City of Ammon Mayor
Jeff Kelley, City of Shelley Councilmember
Mark Bair, Bingham County Commissioner



Eastern Idaho Regional Wastewater Authority

IMPORTANT INFORMATION FOR PARCEL OWNERS

October 6, 2021

RE: EIRWWA District Formation – Consent for Inclusion of Property

Dear Parcel Owner:

You are receiving this important letter as an owner of property that encroaches at least 5 acres within the proposed boundary of a potential sewer district for the Eastern Idaho Regional Waste Water Authority (EIRWWA). This letter requests your action.

What is EIRWWA?

EIRWWA is an organization that conveys and treats wastewater collected from the cities of Ammon and Shelley and portions of Bonneville and Bingham counties. EIRWWA is proposing an election in May 2022 to ask users if they are supportive of forming a sewer district. Enclosed are an FAQ sheet and map providing more detailed information about this initiative.

Why does this affect you?

For parcels that encroach over 5 acres within the sewer district boundary to be included in the district when it is formed, Idaho Code requires the consent of the parcel owners. **We are sending this letter and information to request your consent, and we need you to take action by October 20, 2021.**

Is there cost associated with consenting to be included in the EIRWWA district?

No. EIRWWA's policy is that customers connecting to its system for wastewater service must be part of a sewer district. To join the future EIRWWA district now will not require any further cost or additional effort other than your consent. To join the EIRWWA district at a later date or create your own district in the future will require significant cost and effort on your part. If you consent to be included in the district now, you do not need to pay the connection and user fees now; that will be required as part of the process to actually connect to EIRWWA's wastewater system in the future.

What do you need to do?

Due to schedule constraints with the district formation process, time is of the essence to receive your consent. **On or before October 20, 2021**, please do the following:

1. Complete and sign the enclosed form titled "Consent for Inclusion of Property" for each parcel that you own. The Parcel Identification Number (PIN) has already been filled in for each parcel that County records indicate you own. You just need to fill in your Print Name, Authorized Signature, Mailing Address, Telephone Number, and Email address for each parcel.



Eastern Idaho Regional Wastewater Authority

2. Mail the completed form using the pre-addressed and stamped envelope enclosed with this letter.

Also enclosed with this letter is a form titled "Petition for Creation of Sewer District." If you are supportive of the creation of the sewer district, EIRWWA requests that you take this form to either the City of Ammon City Hall or the City of Shelley City Hall and complete and sign the form there. Note that signing this form will need to be done in the presence of an EIRWWA representative (e.g., City Clerk) for verification. This can be done at the City Halls.

Thank you for your time. If you have any questions about EIRWWA or this process, or if you believe you received this letter in error, please contact:

Andrea Gumm, The Langdon Group
Email: agumm@langdongroupinc.com
Phone: (208) 870-8751

Or if you would like to speak to an EIRWWA board members about this issue, below is their contact information:

EIRWWA Board Member	Phone Number	Email Address
Roger Christensen, Chairman Bonneville County Commissioner	(208) 529-1350	rchristensen@co.bonneville.id.us
Sean Coletti City of Ammon Mayor	(208) 520-9856	scoletti@cityofammon.us
Jeff Kelley City of Shelley Councilmember	(208) 357-3390	jeff@kelleyapp.com
Mark Bair Bingham County Commissioner	(208) 782-3010	mbair@co.bingham.id.us

Sincerely,

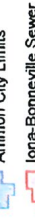
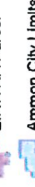
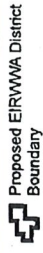
Roger Christensen
Chairman of the Board, EIRWWA

Cc: FAQ and map for EIRWWA Sewer District Formation
Consent for Inclusion of Property form + Postage Paid Envelope
Petition for Creation of Sewer District form

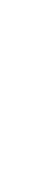
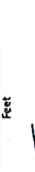
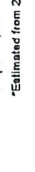
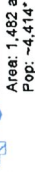
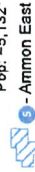
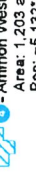
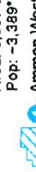
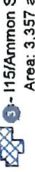
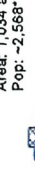
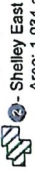
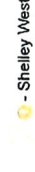


Eastern Idaho Regional Wastewater Association

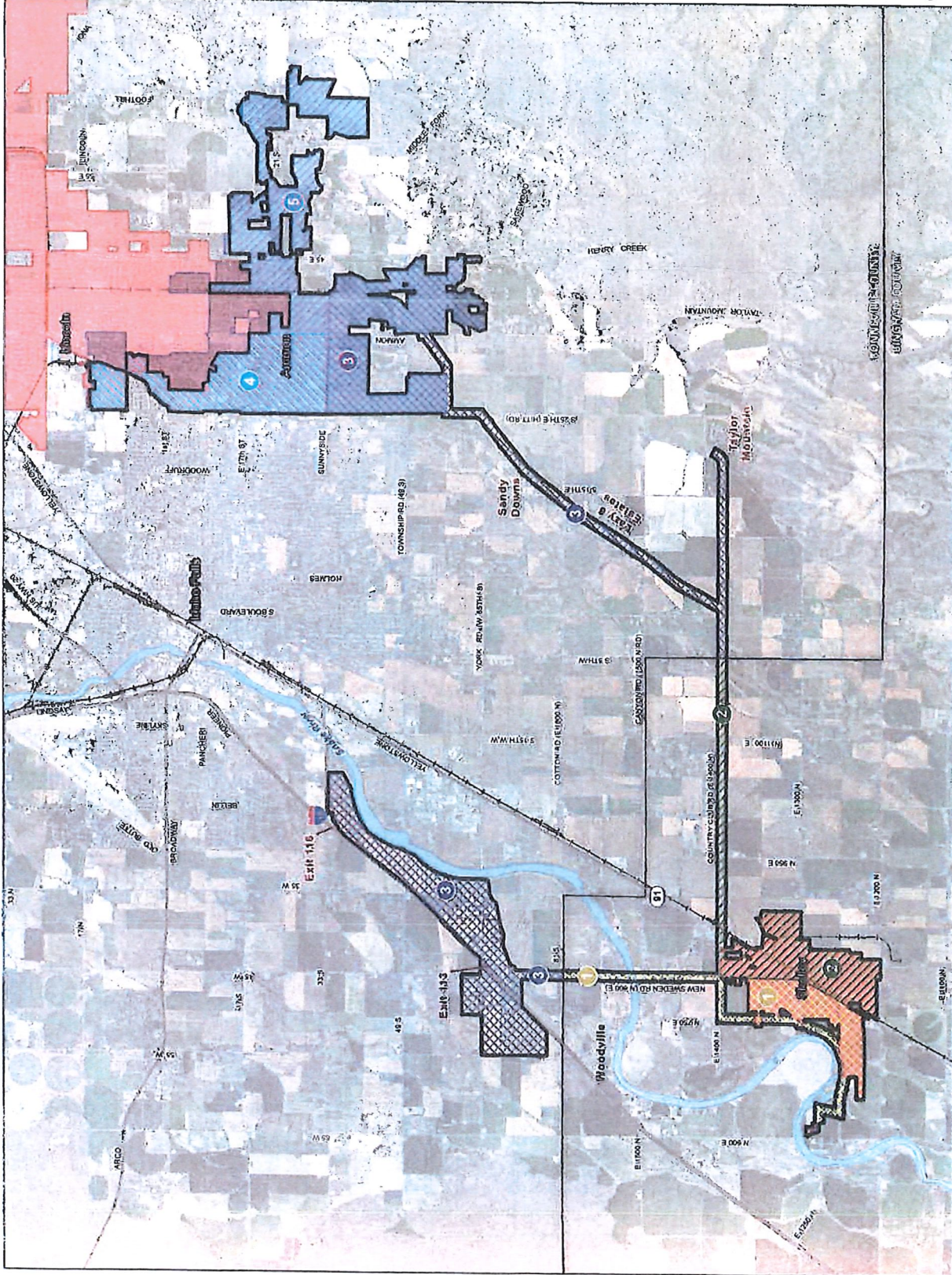
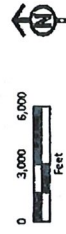
Proposed District Boundary and Subdistricts



Subdistricts:



*Estimated from 2010 Census data





Eastern Idaho Regional Wastewater Association

Proposed District Boundary and Subdistricts

- Proposed EIRWWA District Boundary
- Shelley City Limits
- EIRWWA Parcel
- Ammon City Limits
- Iona-Bonneville Sewer District
- Bonneville-Bingham County Line

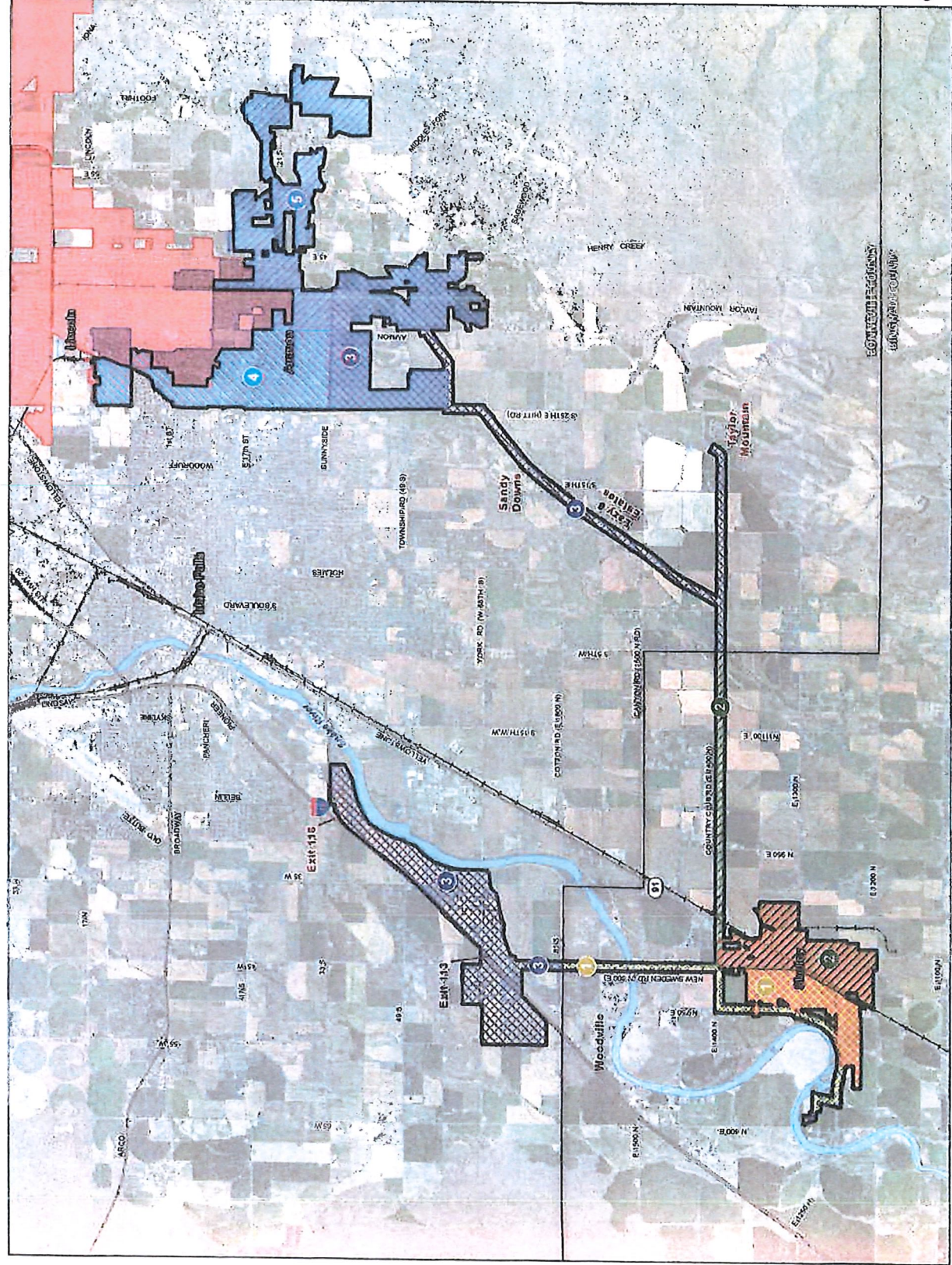
Subdistricts:

- Shelley West
Area: 881 ac
Pop: ~3,193*
- Shelley East
Area: 1,034 ac
Pop: ~2,568*
- 115/Ammon South
Area: 3,357 ac
Pop: ~3,369*
- Ammon West
Area: 1,203 ac
Pop: ~5,132*
- Ammon East
Area: 1,482 ac
Pop: ~4,414*

*Estimated from 2010 Census data



THE JUB GROUP
CITY OF AMMON, IDAHO



**PETITION FOR CREATION OF SEWER DISTRICT
FOR
EASTERN IDAHO REGIONAL SEWER DISTRICT**

Pursuant to provisions of Idaho Code, Section 42-3203 the undersigned request that an Idaho court authorize the creation of a sewer district as proposed by the Eastern Idaho Regional Waste Water Authority ("EIRWWA"), an entity created by the Cities of Ammon and Shelley, and the Counties of Bonneville and Bingham. The proposed Sewer District shall be known as the Eastern Idaho Regional Sewer District ("EIRSD") and its boundaries shall initially include the property shown on the attached map. Development costs for improvements to be constructed or installed within the district are not proposed in conjunction with the creation of the district.

The undersigned acknowledges and certifies that he or she is an owner (personally or by entity) of property located within the boundary of the proposed EIRSD, and pays a general property tax on that property. The undersigned also acknowledges that a final vote to authorize the creation of EIRSD shall only be taken if 10% or more of such property owners sign this petition and a district court enters an Order authorizing the creation of the proposed sewer district.

No.	Printed Name	Signature	Address	Telephone Number	E-mail
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

VERIFICATION OF SIGNATURES

The undersigned hereby verifies that he or she identified and personally observed the above persons affix their signatures and verify its content.

Signature of Petitioner Collector _____

(Printed Name and Phone Number) _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2021.

(SEAL)

NOTARY PUBLIC
Residing at: _____
My Commission Expires: _____



Proposed District Boundary and Subdistricts

Proposed EIRWWA District Boundary



Shelley City Limits



EIRWWA Parcel



Ammon City Limits



Iona-Bonneville Sewer District



Bonneville-Bingham County Line



Subdistricts:



1 - Shelley West

Area: 881 ac

Pop: ~3,193*



2 - Shelley East

Area: 1,034 ac

Pop: ~2,568*



3 - I15/Ammon South

Area: 3,357 ac

Pop: ~3,389*



4 - Ammon West

Area: 1,203 ac

Pop: ~5,132*

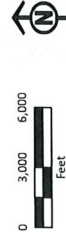


5 - Ammon East

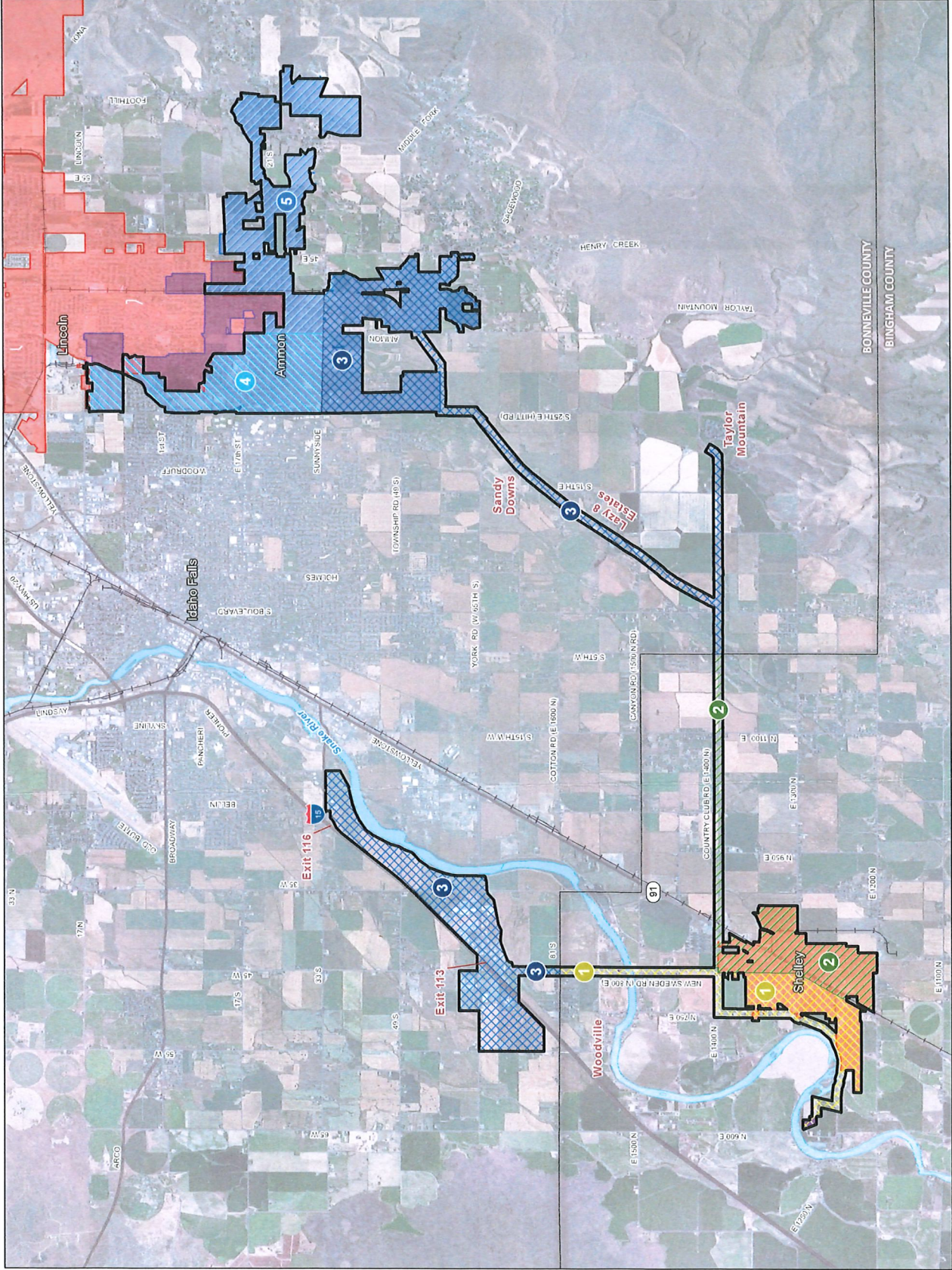
Area: 1,482 ac

Pop: ~4,414*

*Estimated from 2010 Census data



OTHER JUB COMPANIES





^ What is EIRWWA?

EIRWWA (Eastern Idaho Regional Wastewater Association) is an organization that conveys and treats wastewater collected from the cities of Ammon and Shelley and portions of Bonneville and Bingham counties. EIRWWA formed in 2004 and constructed a new regional wastewater treatment plant west of Shelley, which includes several underground sewer lines that convey wastewater to the treatment plant. Wastewater is treated at the plant before discharging to the Snake River.

^ What is a Joint Powers Authority?

Idaho Code allows governmental entities to jointly provide services by forming a JPA agreement. EIRWWA originally formed as a JPA consisting of four entities: the City of Ammon, the City of Shelley, Bonneville County, and Bingham County. A representative from each of these entities sits on a Board and equally co-manages the organization. The Board generally meets monthly. A JPA cannot incur debts exceeding its revenues.

^ Why consider a transition from a JPA to a Sewer District?

Functioning as a Sewer District may allow EIRWWA to centralize and improve the efficiency of operating and managing its system. It may provide better access to funding for upgrades needed to address future capacity and permitting concerns. It may also promote more consistent application of policies and more fair and equal representation of system users.

^ What are the next steps in the Sewer District formation process?

EIRWWA is proposing an election in 2022 to ask users if they are supportive of forming a Sewer District. This survey is being conducted to understand the public's questions and concerns associated with this proposal, as well as to identify the best methods to inform and educate the public about the election.



Eastern Idaho Regional Wastewater Authority

October 20, 2021

Mr. Michael Kirkham
City Attorney
City of Idaho Falls
P.O. Box 50220
Idaho Falls, ID 83405-0220

RE: EIRWWA District Formation – Letter Received dated October 16, 2021

Dear Mr. Kirkham:

This letter is in response to your letter dated October 16, 2021 regarding the proposed boundaries of a sewer district that may be created by the Eastern Idaho Regional Waste Water Authority (EIRWWA) pending voter approval.

Your letter noted that two parcels of land owned by the City of Idaho Falls are included within the proposed boundary and identified those parcels as RPA00018949947 and RPA000118092303. Using Bonneville County's Parcel Viewer website, we are not able to locate any parcels in the county with those identification numbers. However, the parcel viewer does identify the following two parcels owned by the City that fall within the district boundary as currently proposed:

- RPA00018040047 (~244 acres located at 5200 S 25th E)
- RPA00018092403 (~144 acres located at E 65th S)

The proposed district boundary was generally developed by including all parcels that are in Ammon and Shelley City limits and parcels in Bonneville and Bingham Counties that encroach within 300 feet of EIRWWA's sewer interceptors. The letter you received stated "For parcels that encroach over 5 acres within the sewer district boundary to be included in the district when it is formed, Idaho Code requires the consent of the parcel owners". However, we understand that you are requesting that the proposed boundary be revised to not include any lands that are owned by the City of Idaho Falls. EIRWWA will revise the proposed boundary to exclude the two parcels listed above which were identified in the parcel viewer. If we have misunderstood your request or if there are additional parcels the City wishes to be excluded, let us know.



Eastern Idaho Regional Wastewater Authority

Sincerely,

Roger Christensen
Chairman of the Board, EIRWWA