



# City Council Meeting

## Agenda

680 Park Avenue  
Idaho Falls, ID 83402

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Thursday, May 26, 2022

7:30 PM

City Council Chambers

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**While Coronavirus (COVID-19) is still a public health risk, the City will follow Eastern Idaho Public Health (EIPH) recommendations. EIPH currently recommends observance of The Centers for Disease Control and Prevention (CDC) guidelines.**

### **Welcome to the Idaho Falls City Council Meeting.**

Regularly scheduled Council meetings are open to any member of the general public either in person or via live stream on the City website and are archived on the City website ([idahofalls.gov](http://idahofalls.gov)). Please be aware that the meeting agenda may differ at times because amendments to the agenda may be made by the Council during the meeting.

The Council encourages public input. While general public comment is not required by Idaho law, the Council welcomes general public comment as part of the City Council meeting. General public comment will be allowed for up to 20 minutes on the agenda. The public is always welcome to contact their Council representatives via e-mail or telephone, as listed on the City website.

The Council is committed to an atmosphere that promotes equal opportunity and is free from discrimination or harassment. All those who wish to address City Council during the public comment period are encouraged to adhere to the following guidelines.

### **Public Comment Participation Guidelines.**

Speakers are encouraged to:

1. State their name and address.
2. Focus comments on matters within the purview of the City Council.
3. Limit their comments to three (3) minutes or less.
4. Refrain from repeating information already presented in order to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the whole group.
5. Practice civility and courtesy. The Council has the right and the responsibility to maintain order and decorum during the meeting. Time may be altered for those speakers whose comments are profane or disruptive in nature.
6. Refrain from comments on issues involving matters currently pending before the City's Planning and Zoning Commission or other matters that require legal due process including public hearings, City enforcement actions, and pending City personnel disciplinary matters.

Comments that pertain to activities or performance of individual City employees should be shared directly with the City's Human Resources Director (208-612-8248), the City's Legal Department (208-612-8178) or with the Office of the Mayor (208-612-8235).

Speakers should note that City Council members typically do not engage in dialogue or questions with speakers during the public comment period.



**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. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to VirtualAttend@idahofalls.gov no later than twenty-four (24) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony. Please note that the remote option will not be available for all meetings.

If communication aids, services, or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or ADA Coordinator Lisa Farris at 208-612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

**City Council Agenda:**

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) IFP 22-15 Electric Wire Purchase for Idaho Falls Power **21-514**

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase electrical wire inventory for electric service. Adhering to IFP construction timelines, Irby Utilities, Royal Switchgear and Anixter Power Solutions were the lowest responsive, responsible bidders. Based on construction projections and unit bid prices, the base value is \$168,656.10 with a 5% tolerance of \$8432.81 for a total cost of \$177,088.91.

**Attachments:** Bid tabulation IFP 22-15.xlsx

- 2) Idaho Falls Power Board Meeting Minutes - May 2022 **21-524**

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

**Attachments:** 2022 0511 IFP Board Meeting minutes f.pdf



**B. Public Works****1) Bid Award - Sewer Line Rehabilitation 2022 21-502**

On Tuesday, May 17, 2022, bids were received and opened for the Sewer Line Rehabilitation 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform sewer pipe lining on various lines throughout the city.

**Attachments:** SWR-2022-05 Bid Tab.pdf

**2) Bid Award - Thermoplastic 2022 21-503**

On Wednesday, May 18, 2022, bids were received and opened for the Thermoplastic 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to place thermoplastic pavement markings at various locations throughout the city.

**Attachments:** TRF-2022-02 Bid Tab.pdf

**C. Municipal Services****1) Upgrade City Servers 21-507**

This purchase will upgrade and refresh the city's Cisco servers that are approaching their useful life and recommended for an upgrade. The servers support various city information technology resources including, but not limited to network operations, utility billing, file storage, fire dispatching/station alerting, email services and GIS.

**Attachments:** MS\_Quote for City Servers.pdf

**2) Minutes from Council Meetings 21-521**

May 9, 2022 City Council Work Session; and May 12, 2022 City Council Meeting

**Attachments:** 20220509 Work Session - Unapproved.pdf  
20220512 Council Meeting - 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. Municipal Services****1) Purchase Generators for Fire Stations 4 and 5 21-511**

The purchase and installation of the generators will power Fire Stations 4 and 5 independently during incidences that affect critical response and operational independence. Bids for the two generators were originally received on February 8, 2022, with Wheeler Electric being the sole bidder. The award was placed on hold until it was determined whether American Rescue Plan Act (ARPA) funds could be



used for the purchase. Wheeler Electric provided updated quotes along with delivery and installation lead times on May 12, 2022.

**Recommended Action:**

Accept and approve the quotes received from Wheeler Electric for a total of \$252,720.00 for the purchase and installation of two generators for Fire Stations 4 and 5 (or take other action deemed appropriate).

**Attachments:** MS\_Fire Station 4 Generator.pdf  
MS\_Fire Station 5 Generator.pdf

**2) Resolution to Appoint City Impact Fee Administrator 21-513**

The City's impact fee ordinance, Idaho Falls City Code §10-8-4, authorizes the Mayor to appoint an Impact Fee Administrator. The Mayor is recommending the appointment of Municipal Services Director, Pamela Alexander to serve as the City's Impact Fee Administrator.

**Recommended Action:**

To approve the resolution to appoint the Municipal Services Director Pamela Alexander as the City's Impact Fee Administrator and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

**Attachments:** Resolution - Impact Fee Administrator.pdf

**B. Public Works**

**1) Memorandum of Understanding and Resolution for Leading Idaho Local Bridge Program Applications 21-504**

Senate Bill 1359, an appropriations bill, was signed by the Governor on March 16, 2022, funding the Strategic Initiatives Program with up to \$200 Million intended for local bridge maintenance. Two bridges within Idaho Falls are eligible for grant funding and include the bridge crossing the Idaho Canal at E 65th N and the bridge over the Butte Arm Canal at S Emerson Avenue. Approval of the MOU and Resolution will allow the city to submit applications for these bridge replacements.

**Recommended Action:**

Approve the Memorandum of Understanding (MOU) and Resolution for Leading Idaho Local Bridge Program Applications and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

**Attachments:** LILB-Memorandum-of-Understanding-FY22.pdf

**2) Ordinance Amending Title 10, Chapter 2, Bridge and Street Regulations and Rescinding Title 10, Chapter 5, Surface Drainage Fees 21-505**

Attached for your consideration is a proposed Ordinance revising Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5 Surface Drainage Fees in its entirety. The proposed changes are requested due to the recent approval and implementation of development impact fees.

**Recommended Action:**

Approve the Ordinance amending Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5, Surface Drainage Fees under a suspension of the rules requiring three complete



and separate readings and request that it be ready by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

**Attachments:** Ordinance - Title 10 Ch 2 and 5 - 5.20.22.pdf

**C. Community Development Services**

**1) Ordinance to change the name of Merlin Court to Sparrow Hill Court. 21-512**

Attached is an ordinance changing the street name of Merlin Court to Sparrow Hill Court. This change is requested by the developer. This name change would be an advantage to the developer as the project they are working on is called Sparrow Hill and the leasing office for the facility will be located at the end of the cul-de-sac that is currently Merlin Court. There are no buildings on Merlin Court, so no current addresses are affected by the change.

***Recommended Action:***

To approve the Ordinance changing the name of Merlin Court to Sparrow Hill Court under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

**Attachments:** Ordinance

**2) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Caribou Crossing PUD. 21-495**

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Caribou Crossing PUD. On February 15, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the PUD as presented with the condition to provide a pedestrian connection from Easy Street to Kelsey Avenue through the 8-foot masonry wall. The applicant has made this adjustment on the attached site plan. Staff concurs with Planning and Zoning's recommendation.

***Recommended Action:***

1. Approve the Planned Unit Development for Caribou Crossing PUD as presented (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Caribou Crossing PUD and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

**Attachments:** Zoning Map .jpg  
Aerial.jpg  
Caribou Crossing PUD.pdf  
Caribou Front Elevation CONCEPT.pdf  
Staff Report Caribou Crossing PUD.doc  
PC Minutes.docx  
Reasoned Statement.docx



- 3) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. 21-509

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Airport Overlay Limited Development Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R2. Staff concurs with this recommendation.

**Recommended Action:**

1. Approve the Ordinance annexing 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

**Attachments:** Zoning Map.jpg  
Aerial.jpg  
Comp Plan Map.jpg  
Staff Report.docx  
Land Use Table.pdf  
Airport LU.jpg  
Airport Overlay Use Table.pdf  
PC Minutes.docx  
Ordinance  
Exhibit A and Exhibit Map.pdf  
Reasoned Statement Annexation.docx

- 4) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. 21-510

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and recommended approval of R2 by a unanimous vote. Staff concurs with this recommendation.



**Recommended Action:**

1. Assign a Comprehensive Plan Designation of "General Urban" and approve the Ordinance establishing the initial zoning for R2, Mixed Residential with Limited Development Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

**Attachments:**    Zoning Map.jpg  
                         Aerial.jpg  
                         Comp Plan Map.jpg  
                         Ordinance  
                         Exhibit A and Exhibit Map.pdf  
                         Reasoned Statement Zoning.docx

- 5) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East. 21-500

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3, Multiple Dwelling Residential and R2, Mixed Residential and the Limited Development Approach Surface Airport Overlay Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Limited Development Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The zoning discrepancy between applicant and Planning and Zoning Commission is explained in the memo for the next hearing.

**Recommended Action:**

1. Approve the Ordinance annexing 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).



**Attachments:**    Zoning Map.jpg  
                         Aerial.jpg  
                         Comp Plan Map.jpg  
                         Staff Report.doc  
                         Land Use Table Residential.pdf  
                         Airport LU.jpg  
                         Airport HL.jpg  
                         Utility Map.PNG  
                         PC Minutes.docx  
                         Ordinance  
                         ANNEX Exhibit Map and Legal.pdf  
                         Reasoned Statement Annexation Annx22-004.docx

- 6)                    Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3, Multiple Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East. **21-501**

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The applicant, who originally requested the entire property be zoned R3, is requested the eastern portion of the property be zoned R2, rather than R1. Staff concurs with this request as it R2 is a common transition between lower density and higher density development.

***Recommended Action:***

1. Assign a Comprehensive Plan Designation of “Mixed Use Centers and Corridors, General Urban and Suburban” and approve the Ordinance establishing the initial zoning for R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).



**Attachments:**    Zoning Map.jpg  
                         Aerial.jpg  
                         Comp Plan Map.jpg  
                         Updated initial zoning map.pdf  
                         Ordinance  
                         Exhibit A  
                         Exhibit B  
                         Reasoned Statement.docx

**D.     City Attorney**

- 1)**       Restated Joint Agreement, Technology Park Project with Bonneville County, City, and Regional Development Alliance (RDA) **21-517**

An Economic Development Act grant was awarded in 1994 for purposes of retraining the community's work force. The award was the result of a Joint Agreement (JA) between the County, City, and the Idaho Innovation Center, Inc. EDA grant monies were expended to acquire land, install public improvements, construct a facility, and administer a training program and a revolving loan fund. RDA (successor to IIC) received permission to redirect remaining funds for uses consistent with the original grant purposes. The parties agree that the College of Eastern Idaho will continue the grant programs effectively. The Restated JA resets the relationships of the parties to ensure continued program success. Each party has or will ratify the Restated JA as required by their respective laws or requirements.

***Recommended Action:***

Approve the Restated Joint Agreement, Technology Park Project Between Bonneville County, City of Idaho Falls, and Regional Development Alliance, Inc., and authorize the Mayor and City Clerk to sign and execute all necessary associated documents (or take other action deemed appropriate).

**Attachments:**    Tech Park Agreement 5.3.22.pdf  
                         Memorandum of Understanding - Bonneville County and CEI.docx  
                         Quitclaim Deed from County to CEI.docx  
                         Agreement to Turnover Funds (final-amended).pdf

- 2)**       Resolution - Amendment of Resolution 2021-11 Condemnation of Property for Expansion, Improvement, and Protection of the Idaho Falls Regional Airport. **21-520**

On April 22, 2021, the City adopted Resolution No. 2021-11 to initiate legal proceedings to acquire property adjacent to the Idaho Falls Regional Airport ("Airport") for the expansion, improvement, or protection of the Airport. Resolution No. 2021-11 mistakenly made reference to Idaho Code § 50-320(A), which authorizes Idaho's cities to acquire property for cemeteries, instead of Idaho Code § 50-321, which authorizes Idaho's cities to acquire property for airport purposes.

The purpose of this amendment is to correct an obvious scrivener's error to Resolution No 2021-11, to clarify the City's legal authority, and does not substantively change any decision or action taken to date by Council.



**Recommended Action:**

Approval of the resolution and authorization for Mayor and City Clerk to sign the document (or take other action deemed appropriate).

**Attachments:** City of Idaho Falls \_ Johnson - Motion for Leave to File Amended Verified Complaint.pdf

**6. Executive Session**

The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated, but imminently likely to be litigated. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session the Council will reconvene into Regular Council Meeting.

**7. Regular Agenda.****A. City Attorney**

- 1) Settlement Agreement for A-Core of Idaho, Inc. v. Thompson Paving, Inc. **21-508**

In 2016, the City awarded the Eastside Greenbelt Pathway Project to Thompson Paving, Inc., as the City's general contractor. Thompson Paving, Inc. hired A-Core of Idaho, Inc. as a curb and gutter concrete work subcontractor for the project. After the project was completed, in 2017, A-Core of Idaho, Inc. sued Thompson Paving, Inc. Thereafter, in late 2019, Thompson Paving, Inc. sued the City. The City then counter-claimed against Thompson Paving, Inc.

The settlement agreement presented to Council here would require all parties to dismiss all claims arising and related to the Eastside Greenbelt Pathway Project in exchange of a total payment of \$45,000 to A-Core of Idaho, Inc. The City is funding \$40,000 of the settlement.

**Recommended Action:**

To approve the negotiated settlement agreement as presented and authorize the Mayor to execute the necessary documents (or take other action deemed appropriate).

**8. Announcements.****9. Adjournment.**



File #: 21-514

City Council Meeting

**FROM:** Bear Prairie, General Manager  
**DATE:** Thursday, May 19, 2022  
**DEPARTMENT:** Idaho Falls Power

## Subject

IFP 22-15 Electric Wire Purchase for Idaho Falls Power

## Council Action Desired

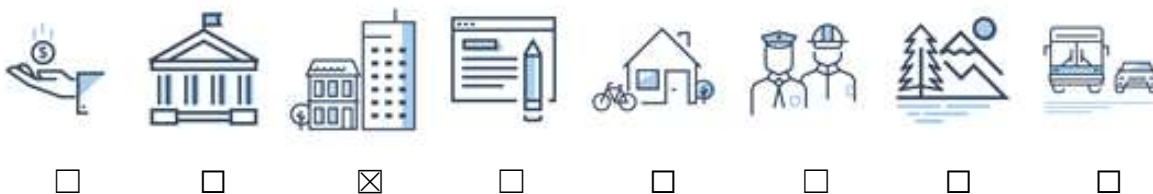
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc)

Approve the bid awards to Irby Utilities, Royal Switchgear and Anixter Power Solutions for the unit prices shown as bid, for a not -to -exceed \$177,088.91 (or take other action deemed appropriate).

## Description, Background Information & Purpose

Idaho Falls Power (IFP) solicited bids from qualified vendors to purchase electrical wire inventory for electric service. Adhering to IFP construction timelines, Irby Utilities, Royal Switchgear and Anixter Power Solutions were the lowest responsive, responsible bidders. Based on construction projections and unit bid prices, the base value is \$168,656.10 with a 5% tolerance of \$8432.81 for a total cost of \$177,088.91.

## Alignment with City & Department Planning Objectives



This action supports our readiness for managed, well-planned growth and development ensuring that community infrastructure meets and future needs. This action also supports the growth element of the IFP Strategic Plan.

## Interdepartmental Coordination

Legal Services and Idaho Falls Power.

## Fiscal Impact

Funds for this purchase are budgeted for in the 2021/22 Idaho Falls Power budget.



**Legal Review**

Legal Services concur the action desired is within State Statute.



Idaho Falls Power									
Bid Tabulation									
Project:	CT/VT Combo			Number:	IFP - 22-15				
Submitted:	Krista Thornton Warehouse Operations Asst			Date:	5/9/2022				
				Irby Utilities			Royal Switchgear		
	Description	Quantity	Unit	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time
1	CT/VT Combo	3	each	\$ 29,000.00	\$ 87,000.00	24 Weeks	No Bid		
2	VT 161KV	1	each	\$ 11,500.00	\$ 11,500.00	16 Weeks	No Bid		
3	VT 46KV	1	each	\$ 6,800.00	\$ 6,800.00	36 Weeks	No Bid		
4	Switch 230KV	3	each	No Bid			#A - TR304 \$19800.00	\$ 59,400.00	18-20 Weeks
							#B - TR308 \$20,700.00	\$ 62,100.00	18-20 Weeks
				Total	\$ 105,300.00			\$ 59,400.00	
	Project:								
Recommended award					\$ 87,000.00	\$ 59,400.00			

Recommended Award

Stuart C. Irby	\$	87,000.00
Anixter	\$	22,256.10
Royal Switchgear	\$	59,400.00
Sub Total	\$	168,656.10



Anixter Power Solutions		
Unit Cost	Total Amount	Delivery Time
No Bid		
\$ 14,515.00	\$ 14,515.00	18-20 Weeks
\$ 7,741.10	\$ 7,741.10	18-20 Weeks
No Bid		
	\$ 22,256.10	
\$ 22,256.10		



# Memorandum

File #: 21-524

City Council Meeting

**FROM:** Bear Prairie, General Manager  
**DATE:** Tuesday, May 24, 2022  
**DEPARTMENT:** Idaho Falls Power

## Subject

Idaho Falls Power Board Meeting Minutes - May 2022

## Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing

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

Approve Idaho Falls Power Board meeting minutes from May 11, 2022 (or take other action deemed appropriate).

## Description, Background Information & Purpose

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

## Alignment with City & Department Planning Objectives



The action is in accordance with Idaho Code § 74-205(1) and supports our readiness for good governance by demonstrating sound fiscal management and enabling trust and transparency.

## Interdepartmental Coordination

n/a

## Fiscal Impact

n/a

## Legal Review

n/a



## May 11, 2022 Unapproved

The Idaho Falls Power Board of the City of Idaho Falls met Wednesday, May 11, 2022, at the Idaho Falls Power Large Conference Room, 140 S. Capital, Idaho Falls, Idaho at 7:45 a.m.

### Call to Order, Roll Call, and Announcements:

There were present:

Mayor Rebecca L. Noah Casper (left at 12:01 p.m.), Board Member Michelle Ziel-Dingman (arrived at 7:51 a.m.), Board Member Thomas Hally, Board Member Jim Francis, Board Member Jim Freeman, Board Member John Radford and Board Member Lisa Burtenshaw.

Also present:

Bear Prairie, Idaho Falls Power (IFP) General Manager

Stephen Boorman, IFP Assistant General Manager

Michael Kirkham, Assistant City Attorney

Mark Hagedorn, City Controller

Lorna Planesi, City Accountant

Wid Ritchie, IFP Energy Services Manager

Linda Lundquist, Executive Assistant

Mayor Casper called the meeting to order at 7:47 a.m.

### Calendar Announcements, Events and Updates

Mayor Casper gave a brief overview of her tour of the U. S. Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP) plant in Carlsbad, New Mexico. Board Member Radford gave a report from the American Public Power Association's (APPA) Policy Makers Council, emphasizing the consensus for a bill including tax credits that could pass by the end of the year. General Manager (GM) Prairie added that hydro relicensing reform is a big focus item this election season for IFP if Republicans take control with hydro reform potentially moving forward as a Republican initiative. Mayor Casper pointed out some upcoming Board training opportunities. GM Prairie mentioned he is working on resolutions to collapse Fund 15 into the electric light fund and remove IFP from maintenance equipment replacement fund (MERF). He pointed out the Wall Street Journal article about the electricity shortage on grid reliability and how North American Electric Reliability Corporation (NERC) is concerned about cyber-attacks on the electric grid. Board Member Radford commented that it is interesting how society is more reliant on technology to secure the grid and GM Prairie pointed out that people are realizing that renewable energies like wind and solar are intermittent. Board Member Burtenshaw added that brown outs have become a normalized conversation in California and now it's common for businesses and homeowners to own home generators due to such poor reliability. Board Member Radford stated that people may be ready for a bridge resource like the peaking plant we are pursuing. Assistant General Manager (AGM) Boorman stated that PacifiCorp proposed to increase rates by 25% because of the expense of new fire mitigation in Northern California.

### Q2 Financial Report

Controller Mark Hagedorn reviewed power's statement of net position and noted that the utility accounts appear a little flat and have about a 21-day turn-around. Board Member Radford asked if the new policy has helped with collections and GM Prairie said it has because customers know they will be disconnected for nonpayment in the spring when the temperatures rise. This has resulted in lower delinquency rates. Board Member Radford asked if prepayment is still not possible due to Cayenta software limitation. GM Prairie responded that yes it is and said that he continues to be concerned about the stability and ability to check billing records currently and we have a very simple rate construct currently. Mr. Hagedorn agreed



that prepayment is a preferred payment option for customers that are routinely delinquent or don't have credit history. He continued to say that the interfund receivables is for the airport and fiber loans and noted that the airport expects to pay their loan back by the fall once their funding arrives and pointed out the interest to date is close to \$80,000. GM Prairie noted that the \$500,000 loan pledge to parks hasn't been charged yet. Mr. Hagedorn said the pension liability last year swung to an asset this year and is slightly over 100% funded. GM Prairie thought the cash and pooled cash appeared low and Mr. Hagedorn said he'd review it. GM Prairie noted that the inventory for fiber has increased to stay ahead of inflation and supply chain issues. Mr. Hagedorn noted that the utility's assets increased significantly due to construction-in-progress for the Paine substation and noted it will post later this year. He explained how power's payables are down due to the timing of when Utah Associated Municipal Power Systems' (UAMPS) power bills are received and noted there will be two bond payments due, one including interest. GM Prairie explained that it might be worth paying the union's retirement insurance as a onetime payout instead of dealing with the monthly accounting. Mr. Hagedorn reported that revenue is up and Board Member Freeman asked if the market-based adjustments consider other employment benefits and GM Prairie said that the Milliman study does have a benefits section and that he compares that to where the utility is and noted that the study reflects more vacation, gym benefits, etc. but feels the expenses are consistent. He said that expenses for the operations technology division has increased due to increased wages, Geographic Information Systems (GIS) systems and operational technology. Board Member Radford asked if IFP pays for the city's traffic engineer and GM Prairie said that position is paid out of the payment in lieu of taxes (PILOT) calculation that funds the traffic budget. No IFP rate payer funds go to paying for traffic system, including the traffic engineer.. Mr. Hagedorn stated that the interest payments for the bond and work orders will be moved into work in progress (WIP).

Mr. Hagedorn reviewed fiber's net position and pointed out a negative accounts receivable and noted he is working through an error and will correct it. He continued to point out that fiber inventory is increasing and Board Member Radford asked if the expansion is considered under work-in-progress and Mr. Hagedorn said yes and once finalized the work order closes and gets moved up into assets. GM Prairie asked how the utility is doing in closing out work orders and Mr. Hagedorn said that once the job order is closed by the warehouse, then finance closes the work order within 30-days. Board Member Hally asked how many fiber customers there are currently and GM Prairie indicated about 3,500 customers and Ms. Planesi said there are five or six fiber huts in work in progress. Mr. Hagedorn noted that accounts payables are down due to the timing of when payments are made. Board Member Burtenshaw asked what the fiber loan interest is tied to and GM Prairie said the rate that IFP would have received would the monies been invested by the City Treasurers. Mr. Hagedorn added that the bond is like an adjustable-rate mortgage (ARM). He concluded that the fiber to home expansion is increasing as expected.

GM Prairie reviewed the power supply costs and explained how the utility's amount of power purchased has increased with Bonneville Power Administration (BPA), like a surplus and purchased less energy from UAMPS over a bad water year. He added that the total power supply was up by \$1 million. Board Member Burtenshaw asked why the average cost per megawatt hour (MWh) is lower in the second quarter. GM Prairie explained that prices are based in the Southwest where the bulk of sales are coming in the middle of the day with wind and solar and noted that when the sun sets, more energy is used for cooling and heating which catches us short in the peak periods of the day. He explained how the year-over-year net costs offset each other because the utility sold more energy even though energy was more expensive in peak periods and pointed out that summer continues to be an issue. Board Member Hally said these are all reasons the city needs a peaking plant and GM Prairie agreed. He continued to say that quarter two is on track with revenues being stronger than projected. He noted there is still load growth and pointed out that with the meat packing plant coming online in the fall for 2-5 MWh, the surplus will decrease. GM Prairie reported



that retail sales and total system loads every month were higher than the power supply forecast due to colder temperatures in January, February and March. He said the utility is ahead of schedule in the Rocky Mountain Power (RMP) buyouts and noted that new growth is showing up in the peak periods. He said that while new load growth is good, it pushes the peaks up higher creating a reliance on the energy markets. He said he has been meeting with the Idaho National Laboratory (INL) over their projected load growth and forewarned them that expected lead times for transformers can be up to two years. GM Prairie reported that internal generation is down due to a bad water year and noted that Palisades has not released any water yet. He talked about load curves and explained how it is trending toward higher power prices. He talked about the region's trading hubs and noted a sharp increase in natural gas prices, likely cranked up because of the war in Ukraine. He noted his concern that while the U. S. manages gas storage on five-year averages, less is being stored and more consumed and exported based upon that five-year rolling average. There was a discussion about oil and gas production and exportation. GM Prairie talked about water flow forecasts and noted the Columbia is at 95%, while the Snake River is about 71% due to two consecutive bad drought years. Board Member Burtenshaw asked how the snowpack report compared and GM Prairie said it is about 90% and because it's not running off yet, puts us back down to 70% and explained the difference between snow pack percentage compared to volume of water.

#### **Electric Vehicle (EV) Discussion and Update**

AGM Boorman explained the battery charging strategies and associated costs and Board Member Freeman asked if there was a concern about loads and home charging during peak periods. AGM Boorman explained the levels of chargers and costs and noted that older home garages might not have sufficient service panels and wiring to accommodate charging so he expects to see some home service upgrades. Mayor Casper asked if the utility would be able to help customers plan for home charging and AGM Boorman said yes the utility provides free consultations and Board Member Radford observed that the airport would require many acres to accommodate charging. There was a solar charging discussion and how various levels of charging can impact the electric grid. AGM Boorman explained how other utilities have had success with time/use incentive rate structures and may be inevitable when EVs all come online. GM Prairie added that many coops are adapting similar rate structures. There was a discussion on early adoption of public service vehicles and noted that Idaho Power tested electric bucket trucks and discovered that they do not work as well in the winter and are more suited to more arid climates. AGM Boorman said that Greater IF Transit (GIFT) and the airport are considering charging stations, with IFP supporting and there was a discussion on how to capture the revenue.

#### **FY21 Reliability Review**

Energy Services Manager Wid Ritchie explained the outage reporting flowchart and differences between reporting software systems. He said that mitigation efforts like squirrel guards and tree trimming has helped curtail outages. He reported there are about 3000 of 30,000 meters yet to be changed out and explained the information on the reliability indices chart indicates that the meters are reporting accurately. He pointed out that the integrated software systems are not accurate and expressed his concerns that the customer information system (CIS) Cayenta accounting system is showing 510 less customers than what the outage management system (OMS) Futura is reporting. GM Prairie added that Futura will no longer integrate with CIS (Cayenta) after 2026. He continued to point out that the supervisory control and data acquisition (SCADA) is at the end of its life and that the utility is currently looking for a new vendor. Mr. Ritchie explained that National Information Solutions Cooperative (NISC) will integrate with AMI, OMS and CIS. GM Prairie added that NISC can automate and do a better job of tracking information than all the human interaction over several different platforms and pointed out that another system (Cognos) has to be utilized to pull needed reports from Cayenta. GM Prairie added that NISC does not over promise and under deliver and said they've never lost a customer. He stated that that the utility was very interested in NISC and would



## May 11, 2022 Unapproved

solve a lot of problems that are not being done with Cayenta, but there was push back from some other departments like water and sanitation, but he felt they would be able to get addressed if people were more willing to move into another software project. Mr. Ritchie added that NISC is a more robust company with 580 customers compared to Cayenta's 40 and would like to see the city look forward and move to a different utility billing software. He shared a meter tampering report with the Board.

### Hydro Insurance Renewal Discussion/Review

GM Prairie gave a brief overview of the hydro insurance renewal policy. He said that the insurance market has stabilized and only increased 8-10% for most but noted since there have been no claims that this policy is the same rate as last year, just based on higher priced assets. He noted the policy was under budget and would be an agenda item at the next Council meeting.

BPA Post 2028 Contract Discussion was tabled to a future meeting due to lack of time.

### Boardman to Hemingway & Transfer Service Discussion

GM Prairie explained that Boardman to Hemingway is a proposed 290-mile, 500 kilovolt (kV) transmission line, which is part of the Energy Gateway West and estimated to be up to \$1.2 billion project. In partnership to build the line are Idaho Power, PacifiCorp and BPA. He said that Idaho Falls Power is the only utility in the country with two transmission agreements that he has ever heard of; UAMPS (grandfathered legacy transmission agreement) and BPA. He explained that he is trying to obtain transmission rights to Goshen and remain in the PacifiCorp balancing authority and noted that discussions to date have been solution oriented. GM Prairie gave an update on the general timelines of the Idaho Power and PacifiCorp project.

### Utility Reports

*Fiber* – GM Prairie reported that the utility has 3,500 fiber customers and noted that 14,000 homes have access to the network. He noted that the utility is doing well on the take rates and pointed out that the utility has built a lot of network at a very quick pace. He mentioned some staff changes at the front desk.

*Federal and State Regulation* – GM Prairie gave an update on the Lower Snake River Dams debate and a community event that was held in Lewiston. He pointed out that Washington and Oregon weren't satisfied with the outcome of the federal environmental impact statement (EIS) studies already conducted by BPA and the Army Corps and intend to conduct their own studies. He reminded the board that he puts articles from both sides of this complex issue into the board packets and encourages the board to read them and think about the complexity of the issue as a whole to prevent being in an echo chamber from any sort of perspective.

### Organizational Reports

*UAMPS Carbon Free Power Project (CFPP)* – GM Prairie said that Grant County is exploring nuclear in Grant County and have also expressed non-binding interest to 150 MW shares in the CFPP. He said Clark County tentatively expressed interest to 50-60 MW but have since informed UAMPS they no longer have interest in the project at this time but might in the future as things change. Board Member Freeman mentioned that NuScale had a public offering this week. GM Prairie pointed out the project has only sold 8-12 MW in the last 18-months, mostly to current participants taking on more shares. Board Member Radford asked when the next offramp period is expected and GM Prairie said it was originally set for November of this year and stated that UAMPS will have to bond in an inflationary market at higher interest rates than originally expected and modeled in the long-term cost of energy model. He pointed out that only 130 MW shares are subscribed and noted that UAMPS and its members in the project don't have the borrowing power to bond for 463 MWs in his view.



**May 11, 2022 Unapproved**

*Pacific Northwest Utilities Conference Committee (PNUCC)* – GM Prairie stated that utilities are concerned with winter peak deficits and insufficient energy resources. He advised the Board to read the report about Idaho Power building a big battery on a couple of different sites.

There being no further business, the meeting adjourned at 12:03 p.m.

s/ Linda Lundquist

Linda Lundquist, BOARD SECRETARY

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, MAYOR



# Memorandum

**File #:** 21-502

**City Council Meeting**

**FROM:** Chris H Fredericksen, Public Works Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Public Works

## Subject

Bid Award - Sewer Line Rehabilitation 2022

## Council Action Desired

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

Approve the plans and specifications, award to the lowest responsive, responsible bidder, Insituform Technologies, LLC, in an amount of \$598,823.25 and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

On Tuesday, May 17, 2022, bids were received and opened for the Sewer Line Rehabilitation 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform sewer pipe lining on various lines throughout the city.

## Alignment with City & Department Planning Objectives



This project supports the community-oriented result of reliable public infrastructure by investing in the improvement of our sewer system.

## Interdepartmental Coordination

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

## Fiscal Impact



Cost allocation for this project will come from the Wastewater Fund and sufficient funding and budget authority exist for completion of the proposed improvements.

**Legal Review**

The Legal Department has reviewed the bid process and concurs that the Council action desired is within Idaho State Statute.

0-00-00-0-SWR-2022-05  
2022-041



# City of Idaho Falls

## Engineering Department Bid Tabulation

Project:

Number:

Submitted:

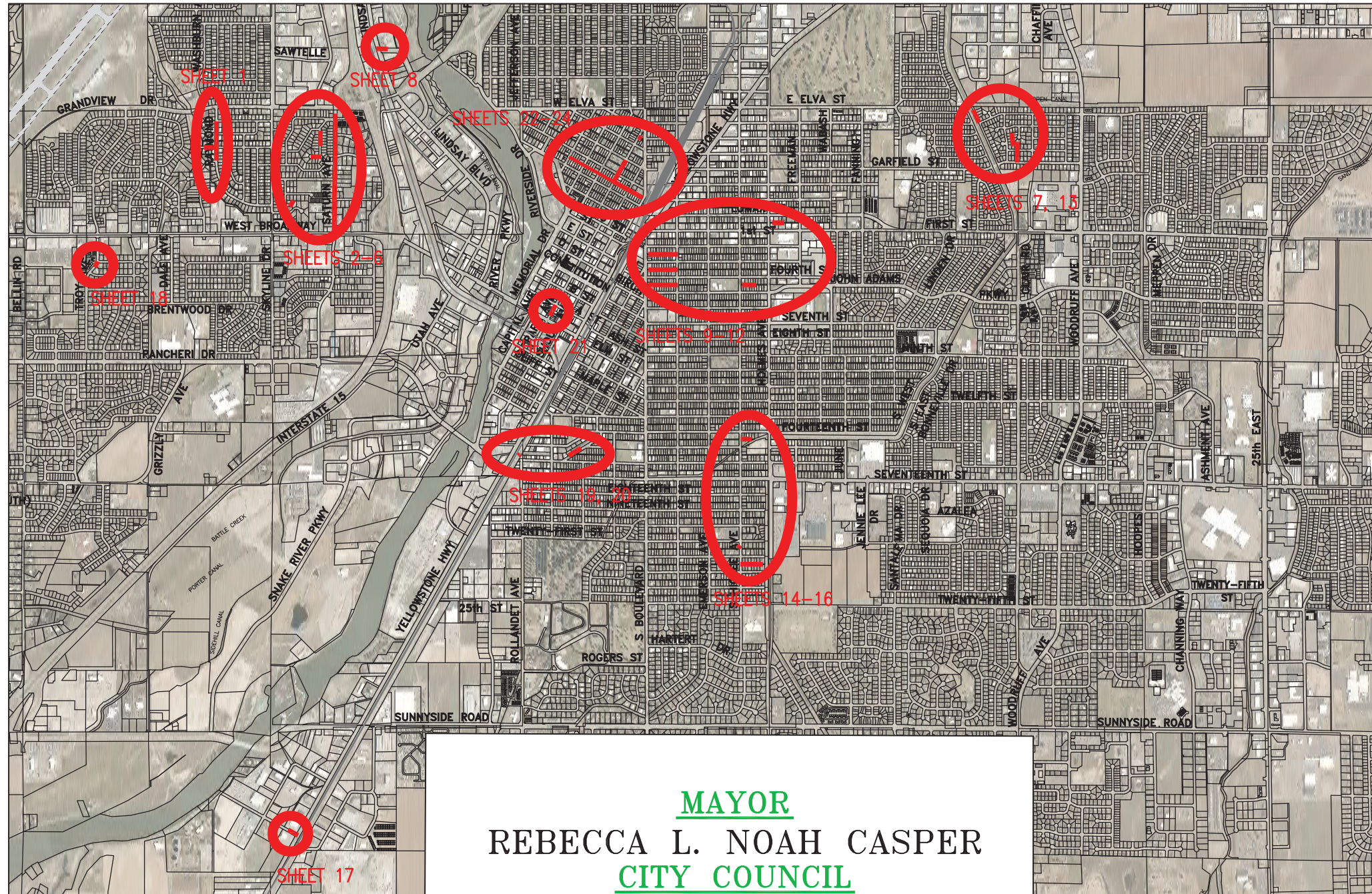
Date:

Item Number	Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		Insituform Technologies, LLC		Iron Horse LLC		National Power Rodding	
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
		<b>DIVISION 500 - SEWER</b>										
5.01	509.4.1.B.1.a	CIPP Liner, 8"	11,625	LF	\$55.00	\$639,375.00	\$46.25	\$537,656.25	\$46.00	\$534,750.00	\$74.22	\$862,807.50
5.02	509.4.1.B.1.b	CIPP Liner, 10"	219	LF	\$75.00	\$16,425.00	\$78.00	\$17,082.00	\$47.00	\$10,293.00	\$85.00	\$18,615.00
5.03	509.4.1.C.1	Cut Off Protruding Services	19	EA	\$650.00	\$12,350.00	\$595.00	\$11,305.00	\$500.00	\$9,500.00	\$500.00	\$9,500.00
5.04	509.4.1.D.1	Reconnect Service Line	260	EA	\$200.00	\$52,000.00	\$103.00	\$26,780.00	\$250.00	\$65,000.00	\$175.00	\$45,500.00
5.05	509.4.1.E.1	Bypass Sewage Pumping	1	LS	\$65,000.00	\$65,000.00	\$6,000.00	\$6,000.00	\$10,000.00	\$10,000.00	\$175,000.00	\$175,000.00
		<b>TOTAL</b>				<b>\$785,150.00</b>		<b>\$598,823.25</b>		\$629,543.00		\$1,111,422.50



# SEWER LINE REHABILITATION 2022

## PROJECT # 0-00-00-0-SWR-2022-05



MAYOR  
REBECCA L. NOAH CASPER  
CITY COUNCIL

MICHELLE ZIEL-DINGMAN  
LISA BURTENSHAW  
THOMAS HALLY

JIM FRANCIS  
JOHN B. RADFORD  
JIM FREEMAN

ENGINEERING DIVISION

PUBLIC WORKS DIRECTOR  
CHRIS H FREDERICKSEN, P.E.

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

2022

<small>Digitally signed by Kent J. Fugal; A01410C00000177F92E041; DN: cn=Kent J. Fugal, o=Idaho Falls Public Works, ou=Idaho Falls Public Works, email=kfugal@idaho-falls.gov, c=US; Date: 2022.04.29 16:47:29-0600</small>			
AS BUILT:			
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY		ENGINEERING DIVISION	
SEWER LINE REHABILITATION 2022 TITLE PAGE			
CHK BY: KJF	DSG BY: CEP	DWN BY: CEP	
FILE NO. SWR-2022-05 TITLE PAGE		DATE PLOTTED: 04/29/22	COVER SHEET
DWG NO. 0-00-00-0-SWR-2022-05			



# Memorandum

File #: 21-503

City Council Meeting

**FROM:** Chris H Fredericksen, Public Works Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Public Works

## Subject

Bid Award - Thermoplastic 2022

## Council Action Desired

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

Approve the plans and specifications, award to the lowest responsive, responsible bidder, Falls Striping, LLC, in an amount of \$81,867.65 and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

On Wednesday, May 18, 2022, bids were received and opened for the Thermoplastic 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to place thermoplastic pavement markings at various locations throughout the city.

## Alignment with City & Department Planning Objectives



- ☐
☐
☐
☐
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☒

This project supports the community-oriented result of reliable public infrastructure by investing in the placement of thermoplastic pavement markings on our road network.

## Interdepartmental Coordination

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

## Fiscal Impact

Cost allocation for this project will come from the Street Fund and sufficient funding and budget authority exist for completion of the proposed improvements.



**Legal Review**

The Legal Department has reviewed the bid process and concurs that the Council action desired is within Idaho State Statute.



City of Idaho Falls

Engineering Department  
Bid Tabulation

Project:  
Submitted:

Number:  
Date:

Item Number

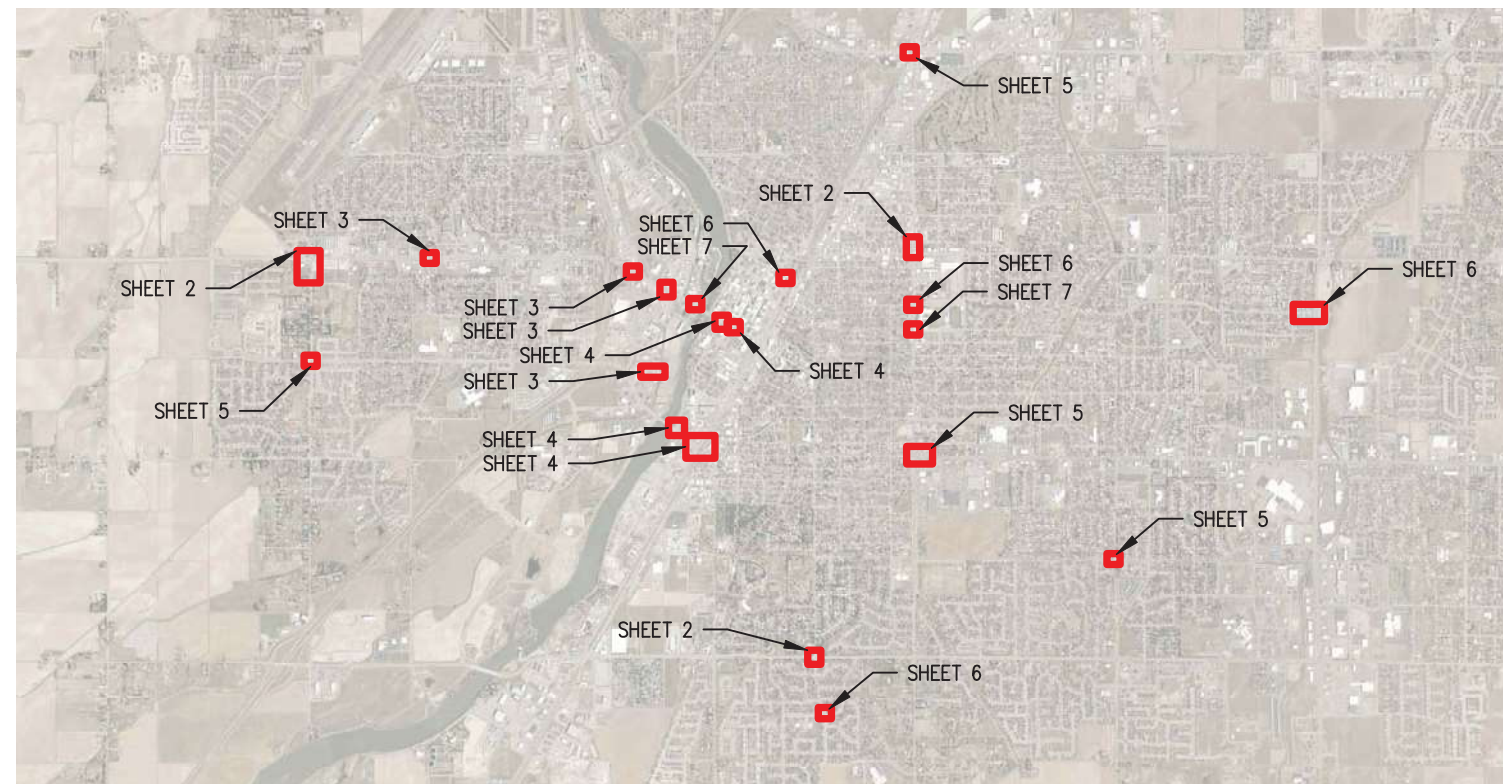
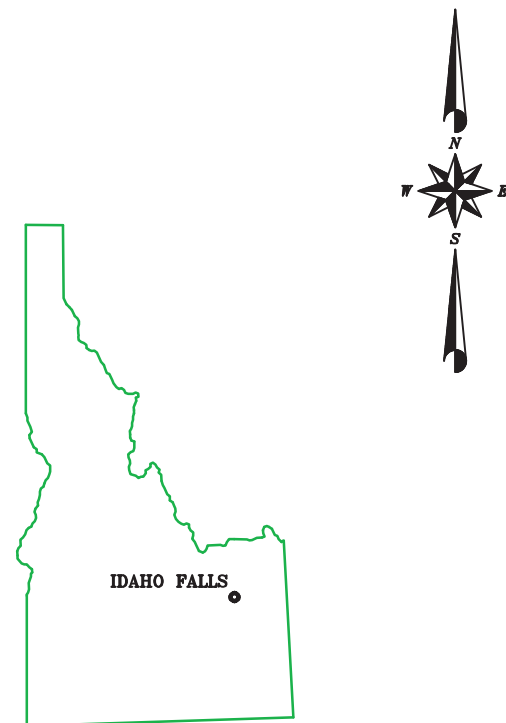
Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		Falls Striping, LLC	
				Unit Price	Total Amount	Unit Price	Total Amount
DIVISION 1100 - TRAFFIC SIGNALS & STREET LIGHTING							
1104.4.1.B.1	Thermoplastic Pavement Markings	10,429	SF	\$8.00	\$83,432.00	\$7.85	\$81,867.65
TOTAL						\$81,867.65	



# THERMOPLASTIC CITYWIDE 2022

## PROJECT # 0-00-00-0-TRF-2022-02

### PROJECT LOCATION



### MAYOR

REBECCA L. NOAH CASPER

### CITY COUNCIL

MICHELLE ZIEL-DINGMAN  
LISA BURTENSHAW  
THOMAS HALLY

JIM FRANCIS  
JOHN B. RADFORD  
JIM FREEMAN

### ENGINEERING DIVISION

**PUBLIC WORKS DIRECTOR**  
CHRIS H FREDERICKSEN, P.E.

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

2022

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by Kent J. Fugal  
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AS BUILT:

SCALE SHOWN IS FOR  
SHEET 11 x 17 ONLY

ENGINEERING  
DIVISION



THERMOPLASTIC CITYWIDE 2022

CHK BY: CEP	DSG BY: WEM	DWN BY: WEM
FILE NO. 0-00-00-0-TRF-2022-02	DATE PLOTTED: 5/11/2022	SHEET NO. 1 OF 7
DWG NO. MAIN-TRF-2022-02.dwg		



# Memorandum

File #: 21-507

City Council Meeting

**FROM:** Pam Alexander, Municipal Services Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Municipal Services

## Subject

Upgrade City Servers

## Council Action Desired

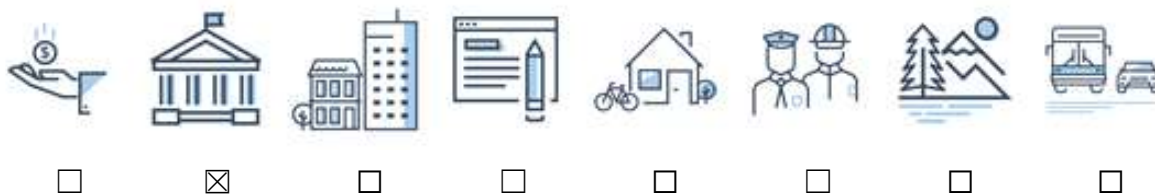
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc.)

Accept and approve the quote received from CompuNet for a total of \$200,489.44 to replace Cisco United Computer System servers (or take other action deemed appropriate). The city is accessing the National Association of State Procurement Officials (NASPO) contract with CompuNet for this purchase.

## Description, Background Information & Purpose

This purchase will upgrade and refresh the city's Cisco servers that are approaching their useful life and recommended for an upgrade. The servers support various city information technology resources including, but not limited to network operations, utility billing, file storage, fire dispatching/station alerting, email services and GIS.

## Alignment with City & Department Planning Objectives



The purchase of the servers supports the good governance community-oriented result by upgrading city technology resources on a routine basis.

## Interdepartmental Coordination

This purchase is in support of the city-wide technology plan.

## Fiscal Impact

Funds for the server upgrade are within the 2021/22 Information Technology Services budget.



**Legal Review**

The City Attorney concurs that the desired Council action is within State Statute.



## Cisco UCS Refresh- City Hall/ City of Idaho Falls

### Contract Information

ID, NASPO, AR3227 #PADD20210672

### Quote Information:

**Quote #:** DR189817

Version: 1

Quote Date: 05/17/2022

Expiration Date: 06/12/2022

### Prepared for:

**City of Idaho Falls**

Derek Wood

(208) 612-8118

dwood@idahofallsidaho.gov

### Bill To:

**City of Idaho Falls**

Accounts Payable

308 Constitution Way PO Box

50220

Idaho Falls, ID 83405

accountspayable@idahofallsidaho.gov

### Ship To:

**City of Idaho Falls**

Derek Wood

308 Constitution Way PO Box

50220

Idaho Falls, ID 83405

### Hardware

Part Number	Product Description	Qty	List Price	Unit Price	Ext. Price
UCS-SP-FI6454-2X	UCS SP Select 6454 FI, SFP Cables/FC Optics -2Pk	1	\$0.00	\$0.00	\$0.00
UCS-SP-FI6454	(Not sold standalone) UCS 6454 FI	2	\$36,561.90	\$16,087.24	\$32,174.48
CON-SNTP-SPFI6454	SNTC-24X7X4 (Not sold standalone) UCS 6454 FI/ 12 mos	2	\$2,391.00	\$2,104.08	\$4,208.16
N10-MGT018	UCS Manager v4.2 and Intersight Managed Mode v4.2	2	\$0.00	\$0.00	\$0.00
UCS-PSU-6332-AC	UCS 6332/ 6454 Power Supply/100-240VAC	4	\$0.00	\$0.00	\$0.00
CAB-C13-C14-2M	Power Cord Jumper, C13-C14 Connectors, 2 Meter Length	4	\$0.00	\$0.00	\$0.00
DS-SFP-FC32G-SW	32 Gbps Fibre Channel SW SFP+, LC	4	\$0.00	\$0.00	\$0.00
SFP-H10GB-CU3M	10GBASE-CU SFP+ Cable 3 Meter	8	\$0.00	\$0.00	\$0.00
UCS-ACC-6332	UCS 6332/ 6454 Chassis Accessory Kit	2	\$0.00	\$0.00	\$0.00
UCS-FAN-6332	UCS 6332/ 6454 Fan Module	8	\$0.00	\$0.00	\$0.00
UCS-SP-5108-AC4	UCS SP Select 5108 AC2 Chassis w/2408 IO, 4x SFP cable 3m	1	\$28,932.18	\$12,730.16	\$12,730.16
CON-SNTP-P5108AC4	SNTC-24X7X4 UCS SP Select 5108 AC2 Chassis w/2408 IO, 4x SFP/ 12 mos	1	\$308.00	\$271.04	\$271.04
N20-FW016	UCS 5108 Blade Chassis FW Package 4.0	1	\$0.00	\$0.00	\$0.00



## Hardware

Part Number	Product Description	Qty	List Price	Unit Price	Ext. Price
CAB-C19-CBN	Cabinet Jumper Power Cord, 250 VAC 16A, C20-C19 Connectors	4	\$0.00	\$0.00	\$0.00
UCSB-PSU-2500ACDV	2500W Platinum AC Hot Plug Power Supply - DV	4	\$0.00	\$0.00	\$0.00
UCS-IOM-2408	UCS 2408 I/O Module (8 External 25Gb Ports, 32 Internal 10Gb)	2	\$0.00	\$0.00	\$0.00
N20-CAK	Accessory kit for UCS 5108 Blade Server Chassis	1	\$0.00	\$0.00	\$0.00
N20-CBLKB1	Blade slot blanking panel for UCS 5108/single slot	8	\$0.00	\$0.00	\$0.00
N20-FAN5	Fan module for UCS 5108	8	\$0.00	\$0.00	\$0.00
UCSB-5108-PKG-HW	UCS 5108 Packaging for chassis with half width blades.	1	\$0.00	\$0.00	\$0.00
N01-UAC1	Single phase AC power module for UCS 5108	1	\$0.00	\$0.00	\$0.00
SFP-H25G-CU3M	25GBASE-CU SFP28 Cable 3 Meter	4	\$0.00	\$0.00	\$0.00
UCS-M6-MLB	UCS M6 RACK, BLADE MLB	1	\$0.00	\$0.00	\$0.00
UCSB-B200-M6-U	UCS B200 M6 Blade w/o CPU, mem, HDD, mezz (UPG)	4	\$6,030.45	\$2,653.40	\$10,613.60
CON-SNTP-UCSB2M6U	SNTP-24X7X4 UCS B200 M6 Blade w/12 mos	4	\$618.00	\$543.84	\$2,175.36
UCS-M2-240GB	240GB SATA M.2	8	\$801.49	\$352.66	\$2,821.28
UCS-M2-HWRAID	Cisco Boot optimized M.2 Raid controller	4	\$352.50	\$155.10	\$620.40
UCSB-MLOM-40G-04	Cisco UCS VIC 1440 modular LOM for Blade Servers	4	\$1,658.80	\$729.87	\$2,919.48
UCSX-TPM-002C	TPM 2.0, TCG, FIPS140-2, CC EAL4+ Certified, for M6 servers	4	\$88.72	\$39.04	\$156.16
N20-FW018	UCS 5108 Blade Chassis FW Package 4.2	4	\$0.00	\$0.00	\$0.00
UCSB-FBLK-M6	Cisco B200 M6 Front Drive Blank Sleds	8	\$0.00	\$0.00	\$0.00
UCS-DIMM-BLK	UCS DIMM Blanks	64	\$0.00	\$0.00	\$0.00
UCSB-HS-M6-F	CPU Heat Sink for UCS B-Series M6 CPU socket (Front)	4	\$0.00	\$0.00	\$0.00



## Hardware

Part Number	Product Description	Qty	List Price	Unit Price	Ext. Price
UCSB-HS-M6-R	CPU Heat Sink for UCS B-Series M6 CPU socket (Rear)	4	\$0.00	\$0.00	\$0.00
UCSB-MSTOR-M6	Cisco FlexStorage Mini Storage (for M.2)	4	\$0.00	\$0.00	\$0.00
UCS-CPU-I5320	Intel 5320 2.2GHz/185W 26C/39MB DDR4 2933MHz	8	\$7,624.87	\$3,354.94	\$26,839.52
UCS-MR-X32G2RW	32GB RDIMM DRx4 3200 (8Gb)	64	\$3,343.03	\$1,470.93	\$94,139.52
UCS-SID-INFR-OI	Other Infrastructure	4	\$0.00	\$0.00	\$0.00
UCS-SID-WKL-MSFT	Microsoft	4	\$0.00	\$0.00	\$0.00
DC-MGT-OPTOUT	Intersight Opt Out	1	\$0.00	\$0.00	\$0.00
OPTOUT-USE-UCSM	Customer using alternate systems mgt. tool: UCSM	1	\$0.00	\$0.00	\$0.00
SFP-10G-AOC10M=	10GBASE Active Optical SFP+ Cable, 10M	4	\$347.57	\$205.07	\$820.28
Curren lead time is 140 days as of 5/13/2022					
Subtotal:					<b>\$190,489.44</b>

## Pro Services

Manufacturer Part Number	Product Description	Quantity	Price	Ext. Price
CNet Pro Services -DC	CNet Pro      CompuNet Professional Services-Data Center Services-DC    Service- Estimate only until SoW is finalized.	1	\$10,000.00	\$10,000.00
Subtotal:				<b>\$10,000.00</b>

## Shipping

Description	Qty
Shipping      Ground Shipping To Be Determined, Billed As Actual	1

## Quote Summary

Description	Amount
Hardware	\$190,489.44
Pro Services	\$10,000.00
Total:	<b>\$200,489.44</b>



**Taxes will be calculated and applied at time of invoicing.** Shipping, handling and other fees may apply. We reserve the right to cancel any order arising from pricing or other errors. If Customer is purchasing a subscription-based product, Customer agrees to pay all charges for the complete term of the subscription. By signing below or issuing a Purchase Order, Customer agrees to CompuNet's standard terms and conditions, which can be reviewed [here](#), provided, that if Customer and CompuNet are parties to a currently effective Master Product Purchase and Services Agreement (MSA), the terms and conditions of such MSA shall control and shall supersede these standard terms and conditions. Your electronic signature, per the Electronic Signature Act, is considered equivalent to your signed and faxed signature, and allows you to accept and place your order. This Quote becomes binding and noncancelable upon Customer's return to CompuNet of acceptance. A copy of this acceptance and the attached proposal document will be sent to your email address to complete your order acceptance. You are NOT required to electronically sign your order, you may fax or email your signed proposal to your Account Executive.

### City of Idaho Falls

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

PO Number: \_\_\_\_\_



# Memorandum

File #: 21-521

City Council Meeting

**FROM:** Kathy Hampton, City Clerk  
**DATE:** Friday, May 20, 2022  
**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 9, 2022 City Council Work Session; and May 12, 2022 City Council Meeting

## Alignment with City & Department Planning Objectives



- ☐
☒
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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 9, 2022 Council Work Session - Unapproved**

The City Council of the City of Idaho Falls met in Council Work Session, Monday, May 9, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

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

There were present:

Mayor Rebecca L. Noah Casper  
Councilor John Radford  
Councilor Thomas Hally  
Councilor Jim Freeman  
Councilor Jim Francis  
Councilor Lisa Burtenshaw

Absent:

Council President Michelle Ziel-Dingman

Also present:

Pamela Alexander, Municipal Services Director  
Mark Hagedorn, Controller  
Josh Roos, Treasurer  
Chris Fredericksen, Public Works Director  
Bryce Johnson, Police Chief  
Duane Nelson, Fire Chief  
Christa Trinchera, Law Enforcement Chaplaincy of Idaho Executive Director  
Kent Fugal, City Engineer  
Chris Canfield, Assistant Public Works Director  
David Richards, Water Superintendent  
Colter Hollingshead, Keller Associates  
Jared Richens, Keller Associates  
Brad Cramer, Community Development Services Director  
Michael Kirkham, Assistant City Attorney  
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:03 p.m. with the following items:

### **Calendars, Announcements, Reports, and Updates:**

May 10, Arbor Day Celebration  
May 18, BMPO (Bonneville Metropolitan Planning Organization) Bike/Ped Ride of Silence; Water Tower Community Meeting; ITD (Idaho Transportation Department) Board Tour/Open House  
May 31, Splash Pad Ribbon Cutting  
June 3, GIFT (Greater Idaho Falls Transit) Ribbon Cutting (tentative)

Mayor Casper stated water calls have been made on junior groundwater rights, the Public Works Department will provide a brief if/when this becomes an issue for the city. She also stated a gentleman is working with Afghan resettlement, she will provide more information when it becomes available.

### **Liaison Reports and Councilmember Concerns:**



## May 9, 2022 Council Work Session - Unapproved

Councilor Hally provided an update of the generation capabilities of Lake Powell, noting 5M individuals could be without electricity if the water levels continue to drop. Councilor Freeman indicated Lake Powell will be holding water instead of releasing to Lake Mead to prevent power generation curtailment.

Councilor Radford stated the Jr. Zoo Crew session will be held June 8 – July 15, 2022, and the dehumidification system at the Aquatic Center has been installed with the opening of the Aquatic Center anticipated for the first week in June. He reminded the council to read the Idaho Falls Power (IFP) Board Meeting packet in preparation for the May 11, 2022, IFP Board Meeting.

Councilor Burtenshaw had no items to report.

Councilor Francis had no items to report.

Councilor Freeman stated Fill the Boot fundraising event for the Muscular Dystrophy Association (MDA) recently occurred, the final amount is unknown at this time.

### Acceptance and/or Receipt of Minutes:

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that council receive the recommendations from the Planning and Zoning (P&Z) Commission meetings of April 19, 2022, and May 3, 2022, pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Hally, Francis, Radford, Burtenshaw, Freeman. Nay – none.

### Municipal Services/Quarterly Financial Presentation:

Mr. Roos reviewed the Market Review, noting this affects the financial aspects of the city. He indicated, per the presentation at the April 8, 2022, Budget Workshop, inflation was at 7.9, however, since that time inflation has increased to 8.5%, which is the largest increase since 1981. He indicated the updated report will be out on May 11, 2022, which is believed to stabilize and begin to decrease, although prices (fuel, used vehicles, etc.) will remain high. Mr. Roos reviewed the unemployment rate, which has remained at 3.6%, which is similar to the pre-COVID (Coronavirus) rate, noting the unemployment rate in Idaho is 2.7%. He stated the annual wage growth is on pace for an increase of 5.5% for this year, which is higher than the typical 3%. He also stated there are 6M unemployed individuals versus 11.5M job openings.

Mr. Roos reviewed the Federal Open Market Committee, stating the feds raised the interest rate by 0.50% on May 4, 2022, which is the largest move since 2000. He also stated the feds will meet again in June with another anticipated increase.

Mr. Roos reviewed the Treasury Rate, stating the 10-year Treasury Rate hit 3.2% to date, which is the highest since 2011. He indicated this is not good for borrowing money but this is good for making money/investments.

Mr. Roos reviewed the Treasurer's Report, stating the General Fund is currently \$26M, noting \$5M is designated for ARPA (American Rescue Plan Act), \$2M for MERF (Municipal Equipment Replacement Fund), and \$1.7M for designated cash. He also stated the Golf revenue will start to increase due to the timing of the season, EMS (Emergency Medical Services) is slowly decreasing, the Police \$.5M deficit is due to the bond payment for the IFPC (Idaho Falls Police Complex), and the airport is waiting on grants. He noted the total of all funds (\$146M) is the same as the previous year.

Mr. Roos reviewed March 2022 Investments including the maturity timeframe. He stated, per the policy, no more than 25% of investments should be past the 2-year mark. He also reviewed types of investments stating the majority of investments are in the bond market (39%), noting as rates increase the price of bonds will decrease.

Mr. Roos reviewed the Cash Flow Report stating the city is consistent city-wide from the previous year, and the General Fund cash flow is slightly higher due to the ARPA funds. Brief discussion followed regarding the appropriate General Fund amount. Mr. Hagedorn believes 25% is ideal, although, the minimum amount should be 17%. Councilor Radford noted AIC (the Association of Idaho Cities) recommends 18%. Additional discussion followed regarding allocation of savings, expenditures, payments for the IFPC, and self-insurance.



**May 9, 2022 Council Work Session - Unapproved**

Mr. Hagedorn reviewed the following:

Second Quarter Ending March 31, 2022 - City-wide Revenue –

2021/2022 Budget = \$234,444,041

Actual (March 31) = \$100,297,109

Percentage Received = 43%

Mr. Hagedorn stated Taxes and Fees will be better in July due to property taxes; Intergovernmental Revenue coincides with the construction season; Permits and Fees increase is mainly due to building permits; Interest Revenue is interest collected this year (investments must show a market value); Miscellaneous Revenue includes anticipated grants (this number is typically higher than received); and Other Financing Sources includes transfers and MERF calculations.

Second Quarter Ending March 31, 2022 - City-wide Expenditures –

2021/2022 Budget = \$294,891,737

Actual (March 31) = \$77,569,718

Percentage Expended = 26%

Mr. Hagedorn stated Salaries and Wages is expected due to payroll; and overall expenditures are expected to escalate in the next quarter.

Fiscal Year Ending March 31, 2022 - General Fund Revenue –

2021/2022 Budget = \$53,588,052

Actual (March 31) = \$30,176,366

Percentage Received = 56%

Mr. Hagedorn stated Taxes and Fees also includes the Governor's property tax relief program; and Charges for Services are always low the first half of the year.

Fiscal Year Ending March 31, 2022 - General Fund Expenditures –

2021/2022 Budget = \$55,545,828

Actual (March 31) = \$22,709,168

Percentage Expended = 41%

Mr. Hagedorn stated this is where we should be at; and Salaries and Wages are higher due to overtime, which is normal. Brief discussion followed regarding overtime. Mr. Hagedorn indicated overtime is due to multiple reasons.

**Municipal Services/Discussion: City-owned Property:**

Director Alexander reviewed the property at 600 S. Boulevard stating the city purchased the land and building in 1963 for \$22,000; the city purchased the parking lot in 1974 for \$7,000; appraisal in September 2021 valued the property 'as is' for \$84,000; a structural analysis occurred in February 2022, noting structural corrections were needed and poor architectural condition for any commercial business use; and since acquired, the city has spent approximately \$92,000 in repairs and upgrades including ADA (the Americans with Disabilities Act of 1990) compliance upgrades in the amount of \$53,000 in 2013.

Director Alexander displayed several pictures of the property. She explained the structural corrections which include roof reinforcement, ceiling removal/reinforcement, attic insulation, window repair, concrete basement foundation walls repair, and other cosmetic repair inside the building. She believes there could also be water damage and due to the multiple levels, it would be difficult to become fully ADA compliant. She also believes these repair items would be cost prohibited or unfeasible due to the age of the property, noting there could also be asbestos in the building. Director Alexander indicated the repairs could amount to hundreds of thousands of dollars.



### May 9, 2022 Council Work Session - Unapproved

She also indicated, pending council's decision, the ADA ramp could be used at another city facility. Director Fredericksen stated discussions have previously occurred regarding this intersection, noting the potential demolition of the building and expanded right-of-way would improve the intersection, including a potential roundabout. He is unsure if the remaining .18 acres, outside of the building and the parking lot, could be a buildable lot. Councilor Radford believes this could be a pocket park. Director Alexander noted there was a traffic concern along Boulevard. Brief discussion followed regarding the current bicycle routes, other similar city properties, and roundabouts. Director Fredericksen stated, pending demolition of the building, any improvements to the intersection would be included in the next years' budget.

Director Alexander recapped the summary of issues, stating the council could approve to demolish the structure to provide right-of-way to improve the intersection, or auction the city-owned property for a minimum bid of \$84,000 and deposit the proceeds to the city's building maintenance budget. Discussion followed regarding selling as-is, leasing as-is, and selling the parking lot. Per Mayor Casper, Director Fredericksen believes any accidents at this location are fairly minor. Councilor Hally stated he is in favor of demolition and improving the intersection. Councilor Freeman noted this intersection is a common path of travel for the Fire Department. Councilor Francis believes there will be more traffic on Boulevard; he is not in favor of keeping the building. Councilor Radford believes the property may need to be reappraised. Councilor Burtenshaw stated she is in favor of demolition, using this location for street improvements, and selling the parking lot. Per a text message received by Mayor Casper, Council President Dingman is in favor of demolishing the building and putting in a roundabout. Following additional discussion, there was consensus from the council to demolish the building and reappraise the land and parking lot.

#### Police Department/Briefing: First Responder Chaplaincy of Idaho Activities in Support of City of Idaho Falls' First Responders:

Chief Johnson commended the Law Enforcement Chaplaincy of Idaho, stating they have also expanded into the Fire Chaplaincy of Idaho. He stated the Idaho Falls Police Department (IFPD) identified a need for a Chaplaincy program approximately 3 years ago, noting there had been previous Chaplaincy programs with various degrees of success. He also stated through the Department of Justice (DOJ) and their training, the DOJ believes officers need to recognize there is a higher power (sense of duty, core values, service, integrity, deity, etc.). Chief Johnson stated first responders respond to multiple calls, which can be difficult. He believes the Law Enforcement Chaplaincy of Idaho exceeds every expectation. Ms. Trinchera stated the Chaplains are grateful to be serving more than just law enforcement now. She explained there are currently 28 active community Chaplains, 8 of these Chaplains have received advanced training and are exclusively serving first responders; there are currently 2 military Chaplains, 1 active and 1 retired; there is 1 K9 Chaplain who is specially training in grief and comfort care (this K9 Chaplain played a very active role in the Rigby School shooting response team and continues to serve on that campus); and the Chaplains attended 4 SWAT (Special Weapons And Tactics) trainings in 2021. Ms. Trinchera stated in 2021 there were 67 calls with the IFPD, the majority of these calls were unattended death, followed by follow-up care. She explained that Non-call Outs include domestic violence victim placement (which is becoming difficult). She stated in 2022 there have been 11 calls with the IFPD, the majority of these calls were also unattended death, although, there is an increase in suicide calls. She also stated there have been 11 structure fire calls with the Idaho Falls Fire Department (IFFD) with services provided for housing, trauma, and practical assistance. Ms. Trinchera shared a specific call regarding a hospice experience. She expressed her appreciation for being able to serve the community. Per Councilor Freeman, Ms. Trinchera stated the Law Enforcement Chaplaincy of Idaho has been funded by grants and private donations. Chief Johnson noted the IFPD provides no funding. Per Councilor Francis, Ms. Trinchera provided a recap of the training, noting the individuals pay for the 5-week training and the fee covers the uniform. Per Councilor Radford, Ms. Trinchera stated they are constitutional Chaplains, noting a background check must be passed. She also stated the majority of individuals are retired first responders, who are familiar with the scene. Per



## May 9, 2022 Council Work Session - Unapproved

Mayor Casper, Ms. Trinchera stated awareness, funding, and volunteers are all needed. Chief Johnson expressed his appreciation to the Chaplaincy program. Chief Nelson believes the IFFD is lucky to follow in the footsteps of the IFPD noting the IFFD is excited to see the Chaplains in the fire stations. He also believes this is a big step forward. He expressed his appreciation for the support.

### Public Works/Presentation: Holmes Avenue Road Safety Audit:

Director Fredericksen stated the Road Safety Audit (RSA) will give an outside view of safety improvements and will help in the advancement of local highway safety improvement projects. Mr. Fugal explained there is a consultant-led, multi-discipline team that evaluates safety in the corridor and recommends improvements with the purpose to improve safety. He noted some portions of Holmes Avenue within this study includes Bonneville County and ITD jurisdiction. Mr. Fugal reviewed the following improvements with general comments/discussion throughout:

65<sup>th</sup> South intersection (county) – add vehicle-actuated flashing stop signs; and consider future traffic signal or roundabout.

65<sup>th</sup> South to 49<sup>th</sup> South (part city, part county) – relocate entrance monument sign at Belmont Estates entrance; and extend full width improvements to 49<sup>th</sup> South intersection.

49<sup>th</sup> South intersection (county) – evaluate for future signal of roundabout, including needed turn lanes and illumination; the county was recently awarded a federal aid safety project for this intersection; city staff will work with the county to see that project meets long-term city and county needs. Mr. Fugal believes a signal light will be placed at this intersection in the next few years. He also recognized the challenges at this location.

49<sup>th</sup> South to Sunnyside Road (part city, part county) – pipe canal on west side of Holmes Avenue; improve pedestrian facilities and illumination at Castlerock Lane.

Sunnyside Road Intersection (city) – add right-turn lanes on all approaches.

17<sup>th</sup> Street Intersection (city) – staff is currently scoping a consultant contract to assist with long-term improvement layout; immediate need is eastbound right-turn lane, involves canal bridge extension.

17<sup>th</sup> Street to Northgate Mile (city) – improvements to 6<sup>th</sup> Street pedestrian crossing includes bulb-out on east side, Rectangular Rapid Flash Beacon (RRFB), and construction this summer; improve capacity of Holmes Avenue to reduce congestion-related safety challenges. Mr. Fugal stated capacity improvement options include a one-way couplet, Holmes Avenue northbound and Higbee southbound, this would be a dramatic change to Higbee; convert Holmes Avenue back to a 4-lane roadway without center turn lane, this would require left-turn restrictions throughout the corridor; widen the roadway to accommodate full 5-lane section with wide sidewalks and turn lanes, this would require new right-of-way (this is an expensive proposition). Per Councilor Francis, Mr. Fugal stated a couplet would only need 2 lanes and would not need separate turn lanes. He believes the current width of Higbee would be sufficient, realizing there would be neighborhood impacts, including on-street parking.

Director Fredericksen emphasized these are only alternatives for future improvements. He believes Holmes Avenue is a need and any improvements would be a multi-year project, noting Public Works will seek grant funding where possible to address the safety improvements. He also believes impact fees may be another source of funding that would help in some situations. He indicated proposals will be forthcoming in a Capital Improvement Plan. General discussion followed regarding speed limits on arterial roads and in neighborhoods, and the increased traffic coming in from US20. Mr. Fugal stated the overall traffic inflow affects all areas of the city.

### Public Works/Presentation/Discussion: Water Meter and Advanced Metering Infrastructure (AMI) Vendor Selection:

Director Fredericksen stated the number of commercial meters continue to grow, which must be read by hand. He recognizes the need for outside help for state-of-the-practice water meters, hoping these meters could coincide with IFP meters. He noted the consulting group was commissioned to assist with the water meter study. Mr. Richards stated most municipalities over time have changed the ways that meters are read, noting the city does not



## May 9, 2022 Council Work Session - Unapproved

currently have a lot of meters installed, although, this number is growing. He indicated it takes an employee approximately 7 working days each month to drive around and read meters. He then turned the presentation to Mr. Hollingshead and Mr. Richens.

Mr. Richens stated Keller Associates was selected in February 2021 for professional services; the city has been implementing a metered billing system for commercial and industrial users over the previous few years; approximately 640 meters are installed with nearly 2,000 non-commercial accounts to still convert; and the city prefers to stay with one meter manufacturer moving forward to minimize communication issues and maximize benefits. He explained an AMI network consists of 'smart' meters that provide consistent communication between the meter and the city; communication can be via cellular network or a dedicated radio network; the cellular connection uses existing cellular infrastructure while the radio option would require installation and maintenance of radio towers and collectors; the major benefits of an AMI network included robust analytics, reduced city labor, leak detection, tamper monitoring, and customer portals. Mr. Richens stated before transitioning to AMI, the Water Division independently worked with Keller Associates to evaluate common offerings from 6 of the most widely recognized meter/AMI manufacturers in the industry. He explained the project means and methods stating the same information was requested from each vendor, the city was not identified in the information request, and the Water Division assigned an Importance Factor to each evaluation category. He stated Keller Associates compiled all data in a final package and submitted this to the Water Division for scoring. Mr. Hollingshead stated the individual scores were composited and used in a final scoring matrix. He briefly reviewed the preliminary results and composite scores, stating the Water Division, along with other city staff, then received presentations from the top 3 scoring vendors, with Badger Meter, Inc. identified as the preferred vendor. Mr. Hollingshead provided an overview of Badger Meter, Inc., stating they consistently ranked high during the initial scoring, the Water Division is familiar with these meters, these meters are used worldwide, and multiple nearby installations are available for support, if needed. He stated next steps include the recommendation to move forward with Badger Meter, Inc. to develop the city's metering and AMI system, noting the city can also develop a public procurement bid set and solicit bids from metering suppliers, although, this may be difficult due to the AMI communication differences of radio versus cellular. Mr. Richards noted cellular was an overall lower cost than radio. Director Fredericksen believes Badger Meter, Inc. has the best customer interface, and their cellular could be used for other existing meters. He expressed his concern for radio towers and transmission. Mr. Richards explained the cellular system versus the radio system stating the cellular is plug and play/easier to implement. Per Councilor Radford, Mr. Richens stated Badger Meter, Inc. has been using cellular meters for quite some time. Also per Councilor Radford, Mr. Hollingshead explained the cellular backbone/compatibility. Per Councilor Burtenshaw, Mr. Richards stated the customer portal and the cell phone interface is phenomenal. Director Fredericksen stated next steps would include approval for a sole source purchase. Mayor Casper questioned using the same meter company as IFP. Director Fredericksen stated Elster meters are designed for electric metering, noting that Badger Meter, Inc. was catered to water metering. Per Councilor Radford, Mr. Richards stated these meters would initially be for the commercial meters. Following brief comments, there was consensus from the council to proceed with the sole source purchase.

### Multi-departmental/American Rescue Plan Act (ARPA) Committee Recommendations:

Mayor Casper provided a summary of the ARPA stating \$10,570,717 in funding was available to the city; funds were dispersed in 2 separate allocations; requirements for funds obligated by December 31, 2024, with funds expended by December 21, 2026; and the required reporting was managed by Mr. Roos. She explained the city process which included 3 committees in June 2021 to research ARPA funding possibilities (Public Health Expenditures, Lost Public Sector Revenues, Water/Sewer/Broadband Infrastructure); a combined/hybrid committee was formed in February 2022 to consider the recommendations and findings from the 3 committees; the committee developed a process for evaluating proposals in accordance with ARPA criteria; the committee members individually reviewed and scored proposals; scores were ranked and discussed; and a final list of recommendations was compiled. She noted



### **May 9, 2022 Council Work Session - Unapproved**

Councilors Burtenshaw, Francis, and Council President Dingman were part of the committee. Mayor Casper reviewed the scoring criteria including the project information, the grant eligibility, and finances. She stated there were 34 requests totaling \$27,608,351.00, noting 2 projects were absorbed into other requests; 18 projects were funded with 1 absorbed for a total of 19 funded projects; and 14 projects were unfunded with 1 absorbed for a total of 15 unfunded projects. The projects were identified with general discussion throughout. Director Alexander identified the projects recommended for Lost Public Sector Revenue including property acquisition for new Fire Station, ADA restroom for all access playground at Tautphaus Park, replace 2 ambulances, purchase new transport ambulance, dispatch software for Fire and EMS (and could be used by IFFD), public outreach and engagement tool, purchase and install back-up generators for Fire Station 4 and Fire Station 5, Idaho Falls Civic Center for the Performing Arts ADA restrooms and lobby expansion, security upgrades for parks restrooms, City Hall elevator, safety and facility updates to Funland at the Zoo, security access points, and IFPD patrol cars (11-12 vehicles). Director Fredericksen identified the projects recommended for Water/Sewer/Broadband Infrastructure including city parks surface water irrigation conversion, 17<sup>th</sup> Street and Holmes Avenue intersection improvement (eastbound right-turn lane), and Pancheri Bridge. Director Cramer identified the permit software system purchase and implementation (this project falls within Lost Public Sector Revenue and Public Health Expenditure projects), and the ARPA administration/The Ferguson Group. Projects recommended for ARPA funding amount to \$10,552,851. Director Alexander identified the projects not recommended for Lost Public Sector Revenue including restock of EMS supplies, power stair chairs, ALS/BLS kits for IFFD vehicles, Rec Center ADA accessibility and security upgrades, Ice Arena ADA accessibility and security upgrades, security software and hardware for all fire stations, Aquatic Center exterior improvements, and city-wide cybersecurity upgrades. Director Fredericksen identified the projects not recommended for Water/Sewer/Broadband Infrastructure including water meter purchase and installation, and fiber to the premise. Mayor Casper identified additional projects not recommended including community emergency support fund, city housing project development, and hiring bonuses, recruitment bonuses, premium pay, essential worker pay. Director Cramer identified the project not recommended for a Bear Cat. Projects not recommended for ARPA funding amount to \$8,525,500. Mayor Casper is hopeful some of the smaller projects not recommended can be paid by savings or incorporated into future budgets. She stated the projects recommended could begin now. She also stated future discussion may include managing project cost overruns, reallocation of any unspent funds, and the expectation to seeking other funding. Councilor Burtenshaw stated she supports the allocation. Councilor Francis agreed. Councilor Radford believes the ongoing cost of the IFPD vehicles, purchased or leased, is outside of the parameters. Councilor Francis indicated this will also make an immediate impact to the MERF. Councilor Burtenshaw stated these are replacement vehicles, recognizing the MERF contribution on a 10-year rotation would need to be \$300,000-\$350,00 higher than the current contribution. Mayor Casper stated MERF has been underfunded, this would allow a purchase to happen without drawing the MERF down. She realizes vehicles are a large part of the IFPD operations and must be properly factored in. Councilor Radford questioned the number of vehicles versus the number of staff. Following additional brief comments, there was consensus to place the projects recommended on the May 12, 2022, City Council Meeting agenda.

It was then moved by Councilor Freeman, seconded by Councilor Francis, that council move into Executive Session (at 6:42 p.m.). The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code. The Executive Session will be held in the City Annex Conference Room. At the conclusion of the Executive Session, the Council will not reconvene. The motion carried by the following vote: Aye – Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay – none.

The City Council of the City of Idaho Falls met in Executive Session, Monday, May 9, 2022 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:45 p.m.



**May 9, 2022 Council Work Session - Unapproved**

There were present:

Mayor Rebecca L. Noah Casper

Councilor John Radford

Councilor Lisa Burtenshaw

Councilor Jim Freeman

Councilor Jim Francis

Councilor Thomas Hally

Also present:

Ryan Tew, Human Resources Director

Pamela Alexander, Municipal Services Director

Duane Nelson, Fire Chief

Michael Kirkham, Assistant City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code. There being no further business, the meeting adjourned at 7:20 p.m.

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Kathy Hampton, City Clerk

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Rebecca L. Noah Casper, Mayor





# City Council Meeting

## Minutes - Draft

680 Park Avenue  
Idaho Falls, ID 83402

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**Thursday, May 12, 2022**

**7:30 PM**

**City Council Chambers**

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**1. Call to Order.**

**Present:** Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Michael Kirkham, Assistant City Attorney

Kathy Hampton, City Clerk

**2. Pledge of Allegiance.**

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

**3. Public Comment.**

No one appeared.

**4. Consent Agenda.**

**A. Public Works**

**1) Bid Award - Storm Drain Improvements 2022**

On Tuesday, May 3, 2022, bids were received and opened for the Storm Drain Improvements 2022 project. A tabulation of the bid results is attached. The purpose of the proposed bid award is to enter into a contract with the lowest bidder to perform storm drainage improvements within various city streets.

**B. Idaho Falls Power**

**1) IFP Hydropower Generation Insurance Policy Renewal**

This policy provides insurance for the city's hydropower generation facilities. The attached policy EUTN18655354, was the best commercially available policy presented to IFP's general plant insurance broker, Boston-Alliant Insurance Services, Inc.

**2) Idaho Falls Power Board Meeting Minutes - March and April 2022**

The Idaho Open Meeting Law requires that the governing body of a public agency must provide for the taking of written minutes of all its meetings.

**C. Municipal Services**



- 1) Treasurer's Report for March 2022  
A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending March 2022, total cash, and investments total \$146.5M. Total receipts received and reconciled to the general ledger were reported at \$15.5M, which includes revenues of \$13.3M and interdepartmental transfers of \$2.2M. Total distributions reconciled to the general ledger were reported at \$22.5M, which includes salary and benefits of \$5.5M, operating costs of \$14.8M and interdepartmental transfers of \$2.2M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at \$134.9M.
- 2) Minutes from Council Meetings  
April 28, 2022 City Council Meeting
- 3) License Applications, all carrying the required approvals

***Recommended Action:***

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

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

- 1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Victory Ranch.  
Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Victory Ranch. 7. The Planning and Zoning Commission recommend approval of the plat on February 16, 2021. Since it had been more than a year from the original Commission meeting staff took the plat back to the Commission on May 3, 2022, and the Commission reconfirmed their recommendation to approve the plat. Staff concurs with this recommendation.  
  
Councilor Burtenshaw stated the developer is paying a portion of the traffic impact for the St. Clair and 49th South intersection, which will address lane improvements.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Development Agreement for the Final Plat for Victory Ranch and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to accept the Final Plat for Victory Ranch and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.  
  
It was moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Victory Ranch and give authorization



for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

**2) Public Hearing-Community Development Block Grant (CDBG) FY-2022-2023 Annual Action Plan**

Pursuant to Housing and Urban Development (HUD) requirements, entitlement cities receiving CDBG funds must complete an Annual Action Plan for the initial allocation year (2022). As part of the Citizen Participation Plan, pursuant to 24 CFR 91.105, the City must hold a public hearing. Public Notice was published in the Post Register 3/13/22 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 the Mayor, City Council, and Directors. At this time, HUD has not provided Idaho Falls' allocation of funds. However, due to anticipated deadlines, the public hearing needs to proceed along with the 30-day public comment period. Following public comment and once an allocation has been determined, applications will be discussed at a work session followed by approval of a resolution at a regular Council meeting. Questions should be directed to Lisa Farris, Grants Administrator.

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

Grants Administrator Lisa Farris appeared. Ms. Farris presented the following:

Slide 1 - Draft PY (Program Year) 2022 CDBG Annual Action Plan/2nd year of PY2021-2025 Five-Year Consolidated Plan/Plan History

- 2004 -  
City applied/approved by HUD as an Entitlement City  
City applies directly to HUD for annual CDBG funds
- Five-Year Consolidated Plans -  
2004-2009/10: Initial Five-Year Plan  
2011-2015: Second Five-Year Plan  
2016-2020: Third Five-Year Plan  
2021-2025: Forth Five-Year Plan

Ms. Farris stated the city is in the second year of the PY2021-2025 Five-Year Consolidated Plan.

Slide 2 - HUD/CDBG Funds

Draft PY2022 Annual Action Plan of Council approved activities/project submitted directly to HUD for approval. PY2022 CDBG allocation TBD, plan year runs from April 1, through March 31. The city received \$7,115,396 total HUD/CDBG funds between 2004 and 2021 (this amount does not include 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act funds (COVID-19), 2020 CDBG CV1/CV3 total allocation = \$507,657)

2022 Application Status - 13 applications, totaling \$624,468

Slide 3 - Providing Opportunities

- Assists city in funding projects/programs not funded with General Funds
- Assists local service providers with filling a gap in service
- Assists city/local service providers in leveraging additional funds

Ms. Farris stated this is the city's 19th year participating in the program.

Slide 4 - CDBG Program and HUD Criteria - All Projects/Activities



- Must meet one of three National Objectives (HUD)
  - Benefit Low/Moderate Income clients (LMI)
  - Prevent/Eliminate conditions of Slum and Blight
  - Meet an Urgent Need
- Must be a HUD Eligible Activity
- Additional Criteria
  - Projects must meet goals of city 2021-2025 CDBG 5-Year Consolidated Plan
  - Projects must be approved for the PY2022 CDBG Annual Action Plan

Slide 5 - CDBG Program and HUD Criteria Projects/Activities must fit into one of four HUD Priorities

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

Slide 6 - Census Tracts (CT) Map

Ms. Farris stated there are three census tracts that funds are allocated to.

Slides 7-13 - Before and after photos of Community Development Priority/Public Infrastructure, Canyon Avenue curb/gutter/sidewalk improvements; Housing Development Priority, Habitat 4 Humanity Idaho Falls Area (HFHIF) triplex unit on Elmore, Pie Hole Pizza façade project on Park Avenue, and single-unit ADA (Americans with Disabilities Act of 1990) rehab, 575 I Street

Slide 14 - Public Service Activities that benefit nonprofit service provider agencies and organizations

- CLUB, Inc. - Homeless individuals assisted with case management, services, and resources
- Idaho Legal Aid - Assisting victims of domestic violence with legal aid
- Idaho Legal Aid (Grandparents Raising Grandchildren (GRG)) - Legal aid assistance for grandparents and other blood relatives who are raising their grandchildren or minor relatives
- College of East Idaho (CEI) childcare assistance - Childcare vouchers to assist LMI students with childcare
- Summer Food Program for local School District in LMI neighborhoods - Assist with cost of food and delivery

Slides 15-16 - PY2022 CDBG Applicants, Activity/Project Description, Amount Requested

- Idaho Legal Aid - Idaho Falls, Legal assistance for victims of domestic violence, \$15,000
- Behavioral Health Crisis Center (BHCC) of Eastern Idaho, Medical professional/treatment for individuals suffering from substance abuse, \$29,000
- Eastern Idaho Community Action Partnership (EICAP) GRG, Legal assistance for grandparents/blood relatives who are raising their grandchildren/minor relatives, \$6,000
- CEI, Childcare vouchers to assist eight LMI students, \$10,000
- USDA Summer Food Service Program New Day Lutheran, Assist with increased food costs and coordinator for summer food program K-18 youth in three CTs, \$5,000
- Trinity United Methodist Church Homeless Day Shelter, Case management intake/assessment, supplies/facility cleaning, and door tender, \$44,736
- The Salvation Army, Case management for Cover of Hope (COH) Program to assess poverty, homelessness, sustainable housing, unemployment, and education, \$20,000



- Idaho Falls Soup Kitchen, Food items not available through the Food Bank to feed LMI families at The Haven/Promise Ridge, \$15,000
- Idaho Falls Downtown Development Corporation (IFDDC), Façade Improvement Program for downtown, \$50,000
- City of Idaho Falls Public Works Department Phase 4 of 5, LMI neighborhood - Highland Park Subdivision curb/gutter/sidewalk improvements in CT 9712, \$250,000
- Idaho Falls Senior Citizen Community Center, Equipment purchase of security cameras, \$17,000
- H4HIF, Construction of three units in the triplex at Elmore Avenue CT 9712, LMI homeownership opportunities, \$75,000
- Administration of CDBG Program, 20% max based on 2021 allocation, \$87,732

Total amount of applications - \$624,468

Slides 17-18 - PY2022 schedule for CDBG Annual Action Plan

- March 13, 2021 - Invitation to apply
- March/April - Applications reviewed
- May 12, 2022 - Public Hearing
- May 12-June 12, 2022 - 30-day public comment starts and ends
- June 27, 2022 - Council Work Session, consider all comments received
- June 30, 2022 - Council Meeting and resolution to adopt draft plan
- Before August 16, 2022 - Draft plan submitted to HUD
- September 2022 - Approval from HUD
- October 2022 - Funding committed to approved applicants/projects

Ms. Farris stated projects are not retroactive, the Program Year runs April 1, 2022, to March 31, 2023.

Per Mayor Casper, Ms. Farris confirmed public comments can still be received and all comments will be discussed at the June 27, 2022, City Council Work Session.

Mayor Casper requested public comment from the applicant list in order as presented on Slides 15-16.

Leland Faux, Idaho Legal Aid, appeared. Mr. Faux stated he recently sold his legal office and joined Idaho Legal Aid. He also stated during the pandemic he began receiving numerous calls regarding housing matters and seeing that individuals had no hope of defending themselves. Mr. Faux stated the grant money from CDBG goes to fund victims of domestic abuse, who may not know what to do or of their options. He indicated it's disheartening to see the number of people of domestic violence, which he believes happens daily. He commended the attorneys at Idaho Legal Aid. Mr. Faux stated the previous CDBG funding helped approximately 100 people find short-term and long-term solutions which allows them to have some order in their lives. He also stated these people don't have any other options for funding or resources. He believes this money goes a long way for the services received and he can't think of a better way to spend the funds than helping those people in need.

April Crandall, Operations Manager and contractor with BHCC, appeared. Ms. Crandall stated BHCC is requesting \$29,000 to provide social detox intervention services and support for individuals who struggle with homeless, substance abuse, and mental health issues. She also stated the intervention assists with withdrawal and initiating sobriety with referral and handoff to recovery services. Ms. Crandall stated 65% of individuals admitted to BHCC in 2021 struggled with substance abuse addiction, and individuals admitted to BHCC do not establish sobriety, cannot be referred to homeless shelters, or



begin work in recovery or substance abuse treatments including medicated-assisted treatment. She also stated the BHCC detox center includes administration of oral solution and vitamin packs as deemed medically appropriate. Ms. Crandall stated without these vitamin packs and oral solutions, individuals are at risk for tremors, seizures, hallucinations, and agitation. These items also assist with numbness and tingling, restore energy, decrease fatigue, and assist with the likelihood that they will be able to establish sobriety and leave BHCC. Ms. Crandall stated medically unassisted and unmonitored withdrawal increases the chance for hospital care and life-threatening electrolyte imbalance, risk of seizure, and organ damage. She also stated once sobriety is safely established, the individual can begin creating their recovery pathway. Ms. Crandall indicated CDBG funding would provide \$2,000 for the vitamin packs and oral solution, and \$27,000 for partial wages for medical professionals for program administration. She also indicated many funding sources do not provide adequate funding to employee medical professionals. She expressed her appreciation for the opportunity to apply for grant funds which have been very beneficial, and she has seen the growth and the assistance at BHCC. Per Councilor Francis, Ms. Crandall confirmed part of funding would allow follow-up services for appointments, etc.

EICAP/GPG, no one appeared.

CEI, no one appeared.

USDA Summer Food Service Program New Day Lutheran, no one appeared.

Trinity United Methodist Church Homeless Day Shelter, no one appeared.

Captain Misty Birks and Captain John Birks, pastors and administrators for The Salvation Army, appeared. Captain Misty Birks expressed her appreciation for the opportunity to request funds. She stated the Pathway of Hope is a program for social services which is all emergency assistance, although, there is currently no staff to help with case management to ensure there's no recurring emergency. She also stated the goal is to provide opportunities for families to get out of poverty and not find themselves in the same situation repeatedly, and this funding would help fund a position as the Birks don't currently have dedicated time to meet with clients on a regular basis to set and meet goals and find resources in the community to meet their needs and to be self-sustaining.

Idaho Falls Soup Kitchen, no one appeared.

IFDDC, no one appeared.

Chris Fredericksen, Public Works Director, appeared. Director Fredericksen stated this project is a continuation of Phase 4 of Phase 5 for Highland Park. He also stated dramatic differences have been made in this area over the previous years based on the availability of these funds, noting those subdivisions were not paved, there were gravel streets with no sidewalks. With the use of these funds, Director Fredericksen stated those streets are now paved which dramatically increased the walkability. He believes this has made a tremendous benefit, and the request is to continue funding to complete more improvements for walkability in those subdivisions.

Idaho Falls Senior Citizen Community Center, no one appeared.

H4HIF, no one appeared.

Mayor Casper requested additional public comment. No one appeared. Mayor Casper closed the public hearing and expressed her gratitude to all those who presented. Per Councilor Francis, Mr. Kirkham confirmed all information can be received as this is a legislative hearing.



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No action was requested.

**B. Municipal Services**

**1) American Rescue Plan Act (ARPA) Committee Recommendations**

The American Rescue Plan Act provides funding to support response to and recovery from the COVID-19 public health emergency and ensures governments have the resources essential to making investments that support long-term growth in the areas of public health, public sector revenue and water, sewer, and broadband infrastructure.

Municipal Services Director Pamela Alexander appeared. She stated this request caps off many months of evaluation and review of projects that qualified for the ARPA funds. She indicated the city was allocated \$10.5M, which is available for five years, these funds must be allocated by December 31, 2024, and expended by December 31, 2026. Director Alexander stated discussion occurred at the May 9, 2022, Council Work Session. She indicated there were a total of 34 requests reviewed and 18 requests were recommended by staff. She reviewed the recommended list, including property acquisition for new Fire Station, ADA restroom for all access playground at Tautphaus Park, replace two ambulances, purchase new transport ambulance, APCO dispatch software for Fire and EMS, city parks surface water irrigation conversion, 17th Street and Holmes Avenue intersection improvement (eastbound right-turn lane), Pancheri Bridge (beam seat, deck rehabilitation and girder replacement project), public outreach and engagement tool, purchase and install back-up generators for Fire Station 4 and Fire Station 5, Idaho Falls Civic Center for the Performing Arts ADA restrooms and lobby expansion, security upgrades for parks restrooms, City Hall elevator, permit software system purchase and implementation, safety and facility updates to Funland at the Zoo, ARPA administration/The Ferguson Group, security access points, and Idaho Falls Police Department (IFPD) patrol cars. Director Alexander expressed her appreciation to the evaluation panel, including Mayor Casper, Councilors Francis and Burtenshaw, Council President Dingman, Director Fredericksen, Ms. Farris, Community Development Services Director Brad Cramer, and Treasurer Josh Roos. Council President Dingman questioned the MERF (Municipal Equipment Replacement Fund) and how the fund balance would impact MERF in the future, recognizing the IFPD is hoping to get to a 7-year rotation of vehicles. Police Chief Bryce Johnson believes the ARPA funding would not go into MERF, this would be for immediate purchase of vehicles and would get vehicles to an 8-9-year rotation, noting the IFPD is striving for a 7-year rotation, which is a national recommended standard. He also believes the current MERF balance is over \$1M, noting the current lease payments are more than the annual contributions to MERF. He indicated there is a plan in place to increase the MERF allocations over the next couple of years. Per Councilor Radford, Chief Johnson believes approximately \$400,000 is currently allocated to MERF, noting the recent decrease was due to COVID cuts; and the MERF balance was lower (\$300,000 range) when Chief Johnson was hired due to a 12-13-year replacement schedule. Chief Johnson stated there are currently a number of newer cars as well as older cars, noting the IFPD has lost cars due to maintenance issues. Councilor Radford questioned if ARPA could be used for salaries, although not as an ongoing basis. Director Alexander stated a provision allows for public safety-type of salaries and benefits as well as any premium pay. Councilor Radford stated he is in favor of using a portion of the ARPA funding for vehicles (\$250,000 range) and use a portion of the ARPA funding (\$500,000 range) for recruiting/hiring bonuses, realizing there is a recruiting crisis. Chief Johnson believes \$500,000 is too much for recruiting bonus. He would propose using salary savings from vacant positions toward signing bonuses which would not tap into General Fund monies. Per Councilor Radford, Chief Johnson stated the \$750,000 would be used as a catch up for the preferred number of vehicles. He indicated the lease program draws less from MERF, he realizes the MERF needs to be increased, and the IFPD will use other



funding revenues/sources for MERF in this year. He believes the annual MERF allocation will be \$700,000, which is doable over time. Councilor Hally questioned if bonuses would affect the retirement benefit and the liability for the city. Director Alexander stated a one-time bonus only affects the one year, although, progressing bonuses would affect on-going increases. Councilor Burtenshaw believes the MERF contribution would need to be \$700,000 in year one, which would be significant. She indicated this \$750,000 would be for budget year 2023, so there would be no need to purchase vehicles for 2023, which would get to the 10-year rotation. Mayor Casper explained the MERF, stating this is a savings account for equipment replacement. Per Councilor Francis, Chief Johnson confirmed the vast majority are replacement vehicles, although, there may be some add-to-fleet, noting MERF will not cover add-to-fleet. He believes the add-to-fleet are approximately \$60,000-\$70,000. Also Per Councilor Francis, Chief Johnson confirmed not all the funding would need to be spent in the first year and there may be a possibility to purchase 3-4 vehicles in the next few months with a local dealership, noting there is no guarantee of purchase due to the supply chain. Council President Dingman stated this similar conversation occurred within the ARPA Committee to distribute the funds over a period time and allow more time to appropriately plan for MERF. Chief Johnson explained the purchase and the MERF contribution. He emphasized there are some vehicles that are needed now, and it would be helpful if there were some flexibility. Mr. Kirkham's recommendation was to focus on the ARPA funds. Mayor Casper stated additional MERF conversations could occur. Councilor Burtenshaw recommended to remove the \$750,000 for the police vehicles to allow additional discussion. Councilor Francis agreed.

It was moved by Councilor Radford to remove the line that refers to the police vehicles and table that for further discussion at the June 6 City Council Work Session. The motion died for lack of a second. It was then moved by Council President Dingman, seconded by Councilor Radford, to accept and approve the American Rescue Plan Act committee recommendations withholding the Idaho Falls Police Department patrol cars in the amount of \$750,000 for a total approved amount of \$9,802,851 and move to table the discussion related to the Idaho Falls Police Department patrol cars in the amount of \$750,000 for the June 6 (City Council) Work Session. Brief comments followed regarding the absence of two councilmembers at the June 6 City Council Work Session, the immediate purchase of police vehicles, and the three un-operational vehicles. Roll call as follows: Aye – Councilors Burtenshaw, Radford, Dingman. Nay – Councilors Hally, Freeman, Francis. Seeing a tie vote, Mayor Casper voted Nay. Motion failed. It was then moved by Councilor Freeman, seconded by Councilor Hally, to accept and approve the American Rescue Plan Act committee recommendations with a change of funding the police vehicles at \$300,000 rather than \$750,000 and table that for discussion in June to fund it completely. Mayor Casper clarified the motion to fund the American Rescue Plan Act recommendations in the amount of \$10,102,851 and reserving \$450,000 for discussion at the first meeting in June. The motion carried with the following vote: Aye – Councilors Francis, Freeman, Dingman, Radford, Hally, Burtenshaw. Nay – none.

## **C. City Attorney**

- 1) Public Hearing for the adoption of new fees, including Development Impact Fees, to the May 2022 Fee Schedule  
The Office of the City Attorney respectfully requests that the Mayor and Council conduct a public hearing for the addition of certain fees, including setting the amount for Development Impact Fees, to the City's fee schedule and afterward approve the corresponding resolution. The Public Hearing has been scheduled for Thursday, May 12, 2022 at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho. The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the fee schedule was published on Sunday, May 1, 2022 and Wednesday, May 11, 2022.



Mayor Casper explained fees are typically adopted during the budget process, although, it's not uncommon to have fee hearings throughout the year. She opened the public hearing and ordered all items be entered into the record.

Mr. Kirkham stated for consideration are additions to the fee schedule which include Impact Fees and the Microtransit user fees. Mayor Casper requested presentations from the appropriate departments.

Director Fredericksen appeared. He stated the city is anticipating beginning microtransit services in June, 2022. He clarified the vendor is trying to acquire the equipment which also must include ADA accommodations for each vehicle. He stated the proposed fee is not to exceed \$5 per ride. He also stated reduced fares are being looked at, although, the full fee payment is anticipated to be \$3 per ride.

Director Fredericksen also explained the transportation impact fees, stating discussion has occurred from the development community, builders, and city staff who all recognize that the community is growing. He believes in the philosophy that the city takes pride in providing utility service for low rates and have low cost of development to encourage the variety of housing, restaurants, and businesses. However, Director Fredericksen believes the transportation perspective affects everyone every day. He indicated he has received numerous phone calls complaining about traffic in the city, realizing that's relative to where an individual is from. He also realizes, due to growth, it takes longer to do things than five years ago, which are impacts to the transportation system. Director Fredericksen stated, due to the growing cost of building infrastructure, the city needs to get the most out of the existing infrastructure. He indicated a traffic engineer has been hired, and traffic maintenance systems have been installed, but there are infrastructure needs that need to be built to continue to provide the level of service that patrons are used to, and there is no funding mechanism to do this. Director Fredericksen stated impact fees are an avenue that can provide for the growth that the community continues to see. He also stated the impact fees rely on two steps - determining the developmental cost of the capital improvements needed and allocating those costs equitably to various types of development. Director Fredericksen stated over a 10-year period, growth projections estimate that arterial roadways will need to expand by 23.4 lane miles, assuming that the city pays 25% of those improvements with federal aid and apply another \$1.5M from other roadway funding sources, this is a need to build \$16M in revenue over that same 10-year period. He also stated without growth, these roadways don't need developed, noting the impact fees are meant to extend those costs to pay for that potential growth. Based on the study and implementing the transportation impact fees, Director Fredericksen indicated there would be no anticipated reduction in the level of service, this is to maintain the current level of service. However, if a lesser transportation fee is implementation, Director Fredericksen stated the city would have to reduce the level of service in the transportation network or find alternate needs for funding. He recognized the work from the Impact Fee Advisory Committee and believes the two key issues are what the fees should be dollar-wise, and when to implement. He also stated staff recommends implementation date of June 1. Per Councilor Freeman, Director Fredericksen explained the current transportation/road and bridge fees, stating these fees are established based on the number of parking stalls anticipated for the development, although, the intent of the fee was that developers build 21½ feet of the roadway, which is one-half of a residential roadway, and one-third of a major roadway for arterial development. However, if there are two developers on each side of an arterial roadway, the city would still have one-third of the roadway to build, and the arterial road and bridge fee was a means to gather those funds for the city to build the center of that roadway. Director Fredericksen stated, with the implementation of impact fees, the current ordinance would be modified, and these fees would no



longer be collected. Also per Councilor Freeman, Director Fredericksen confirmed a portion of the current road and bridge fee is included as part of the proposed transportation impact fees. Councilor Burtenshaw questioned the reimbursement feature for construction of an arterial road as well as using impact fees from the inner lots of the neighborhood to help contribute to that road. Director Fredericksen stated development along an arterial roadway is very expensive and even though the subdivisions would pay to some extent, it's not a proportional share. He confirmed the ordinance would allow a credit or reimbursement at the developer's prerogative.

Parks and Recreation (P&R) Director PJ Holm appeared. He emphasized there is no P&R impact fee associated with commercial. He provided the fee amounts for residential. Director Holm stated the city has a beautiful park system and great indoor facilities although the city is seeing the need as there is more growth. He also stated he is told regularly that the city needs a second sheet of ice. He indicated this has been discussed with the user groups, noting the single sheet is enough for the community of Idaho Falls, however, he's seeing problems across the entire parks system as P&R is becoming the Parks and Recreation Department for the region. He believes this can be positive for bringing travelers into the community, however, there are new user groups and requests for needs and space, which the parks system does not have room for. He stated the fees would help develop new greenspace and fields as well as fund lights and infrastructure for the current space; and these fees would give P&R the opportunity to purchase property where the growth is happening. Director Holm identified the four categories that will be tracked and monitored within the parks impact fees - indoor space, civic park, community parks, and neighborhood parks. He believes all four categories are important and huge for quality of life in the community, and he recommended the council accept these fees at the full recommended amount for parks. Councilor Francis confirmed these categories are based on the current level of service. Director Holm stated specific acreage growth and indoor space needs to be seen in 5-10 years. He also stated, per the 5-year review of the fees, the fees can be utilized in larger portions as long as it's shown that P&R is working on all four categories.

Fire Chief Duane Nelson appeared. He concurred with Director Fredericksen regarding the level of service and maintaining that current level of service. He stated the Fire/EMS level of service means life safety and property conservation during a fire, which comes down to time. Chief Nelson stated these fees are based on the number of the units and the number of people who can respond to the calls with a planned approach of how fast staff can get to these incidents. He also stated as the city sees growth, specifically to the north and south, this extends the availability of personnel that are currently built into the service delivery station model and where they can get to, noting the national standard timeframe is a 5-minute response time. He indicated as the city grows, Fire/EMS can no longer meet those times. Chief Nelson stated these impact fees can be used for unplanned events and that new growth is needed to maintain the service delivery that is currently built out; and these fees could allow Fire/EMS to be built out to the north and south, pay for property, pay for structures, and pay for new ambulances to maintain the services across a broader region as it grows. He also stated the fees allow Fire/EMS to plan for a desperately needed training facility in this area, noting the current structure is from 1960, and these funds will meet the demands, the training needs, and additional hazards in the future. Per Councilor Francis, Chief Nelson confirmed these fees are for apparatus and facilities, operations will still be from the General Fund.

Mayor Casper explained, due to a lack of questions from the councilmembers, the first study (for impact fees) occurred more than two years ago, and the councilmembers have had months of opportunity to become familiar with this.



Chief Johnson appeared. He stated impact fees would affect two things within the IFPD - add-to-fleet vehicles for additional officers as the city grows, and a portion for the new Idaho Falls Police Complex (IFPC). He also stated the building has been architecturally designed to be a 30+ year building, therefore, a portion of this building is designed for future use and growth to allow additional space to accommodate additional personnel, which would be paid for by impact fees.

Community Development Services Assistant Planning Director Kerry Beutler appeared. He stated there are two important dates related to implementation date; the Impact Fee Ordinance went into effect April 3rd which established the ability for the impact fee, and any permit applications that were applied for prior to April 3rd and were eligible to receive a permit would be grandfathered. He explained the eligibility to receive a permit, noting if a subdivision plat was not recorded or zoned properly, or if a commercial site plan was not approved, the city would not be able to issue a permit. In order for those applications to be exempt, Mr. Beutler stated all things would need to be approved and in place, and the June 1 implementation of impact fees would not apply. Mr. Beutler stated all permits from April 4th to date were looked at with the focus on residential permits, as these are most common. He indicated if the current pace continues with the amount of staff hours and reviews that are being completed in order to issue permits, he believes staff could issue all residential permits with the exception of approximately 20; noting staff is making temporary adjustments to try and address all permits prior to a potential June 1 deadline. He emphasized staff is hoping to review all permits, although not all permits are ready for issuance due to other circumstances. He noted moving forward, per the ordinance, the fees would go into effect when the permit is issued. Per Mayor Casper, Mr. Beutler stated staff is very busy; they are seeing an increase in the number of permits; and there is an increase in the number of days for permits being applied and issued, noting the average turnaround of permits is approximately 50 days. He also stated the turnaround time is typically better when staff is not as busy, noting this is affected by field inspections, which may be delayed due to reviews, and paperwork review.

Mayor Casper requested public comment.

TJ Nottestad, Jex Lane and member of the Impact Fee Advisory Committee, appeared. Mr. Nottestad expressed his appreciation to Councilors Burtenshaw, Francis, and Radford for meeting with a group of developers and builders. He stated he can see the city's need for impact fees, although, as a builder it's a lot to ask to double the cost of a permit, and it's not that easy to just pass these fees on as there are a lot of projects, builders, and developers who have contracts signed and now interest rates are rising. He indicated there are serious issues that they're already dealing with within the building community. Mr. Nottestad stated he's firm that a grace period is needed, and June 1 is too quick. He also stated that impact fees are not meant to supplement a budget shortfall; everyone sees the growth and the issues that happen with growth. He believes growth goes through ebbs and flows, although, these fees will get harder for the city and the builder perspective. He indicated the local builders will stay to help the city grow and will get the voice out to the community while the out-of-town builders will ride the boom and then they'll be gone. Mr. Nottestad clarified the developer would get the reduction on the arterial fee, not the builder.

Victor Jacobson, Nathan Drive, appeared. Mr. Jacobson questioned, as a homeowner, what these impact fees would do to him and what will he pay extra in taxes. Mayor Casper stated fees and taxes are separate items, and new construction would pay the fee.



Eric Parker, city employee and resident on Buckboard Lane, appeared. Mr. Parker stated while he was a city employee in Rexburg, he was able to see the ability that impact fees have to help get ahead of growth. He indicated a road in Rexburg was mostly funded from impact fees which has allowed the infrastructure to be in place. He believes it's an important ability to help pay for growth with growth. Mr. Parker recognizes that the State legislators have limited the ability for the city to help growth pay for growth. He encouraged the council to take the full amount as soon as possible, realizing some adjustments will be difficult but this is an opportunity to pay for the growth that we're experiencing and not knowing if the interest rates may slow down. Mr. Parker emphasized he is not speaking from his city position; he expressed his appreciation from a citizen standpoint to adopt the full fee.

Eric Isom, representative from Snake River Landing (SRL) and Ball Ventures, appeared. Mr. Isom stated he appreciates the previous comments. He also stated he does not oppose impact fees, he's very sympathetic to EMS, police, parks, and streets, he believes impact fees are a common fee in other cities and are necessary, and he has no issues with the concept. Mr. Isom expressed his appreciation for the councils' willingness to listen, meet, and listen to thoughts. He shared three things that he believes are important - 1, the fees are set in a fair amount; 2, he wants to make sure they receive credit for paying for streets and not getting hit twice for fees, noting that Ball Ventures has spent millions of dollars developing the SRL project and streets; and 3, the fees are not dropped all at once. Mr. Isom explained their projects/purchasing a piece of property as a commercial development which includes a financial analysis and a commitment to move forward, noting the fee is a lot to bear in terms of being feasible. He described a retail project in SRL, noting these impact fees could be more than \$2M, which makes it tough. He stated he has seen construction costs in the last 6-12 months 30-40% higher than a year ago, interest rates are sharply rising, and when this fee is added, it makes a project tough for a city that has prided itself on being pro-economic development, referring to the Costco ordinance, and this would throw cold water on all that. Mr. Isom believes cities are either growing or they're dying. He stated he wants to see the city continue to grow and wants to be part of that growth. He reiterated the possible credit and possibly phase the implementation.

Clint Boyle, Snake River Parkway, appeared. Mr. Boyle stated he is representing clients with the focus on commercial versus residential impact fees. He also stated he has had the opportunity to work in many cities around the U.S. and this is no surprise, this is good fiduciary duty by the council as many cities have impact fees, and he is not protesting the fees. Mr. Boyle believes there are three points - 1, the credits, offsets, and already completed improvements on arterial streets or collaborative infrastructure previously with another impact fee for building permits; 2, implementation, noting budgets and negotiations takes months or years to implement, and this fee was not considered in those budgets, noting June 1 is quick; and 3, the amounts, with the possibility to phase-in over time. Mr. Boyle shared some examples of impact fees from other communities/neighboring states from an analysis, excluding the transportation side, stating the P&R are equivalent with most communities and are right in line; the EMS fees for a 5,000 square foot restaurant would be \$12,500 for Idaho Falls, noting Meridian is the next closest at \$5,000; a 300,000 square foot major retailer would be \$686,000 in Idaho Falls, noting Meridian is the next closest at \$264,000; and a 40,000 square foot office building would be \$27,800, noting Boise is the next closest at \$19,400. He proposed additional discussion on these fees or pause for a month for further evaluation by the council.

Johnny Arbuckle, representing Scratch Development, appeared. Mr. Arbuckle expressed his appreciation for the information that's been shared. He stated he agrees with the other comments and shares equal concerns. He indicated his project (378-unit apartment complex) was just approved as a



previous agenda item, although, there are other projects in the works, including retail office and residential. Mr. Arbuckle stated their project has already been budgeted, the loan has been secured, they have received approval from investors, a construction contract is locked, and these fees are not part of the budget. He indicated the preliminary plat was approved a year ago, although, it had to be resubmitted to the P&Z due to engineering challenges and redlines, delays and reviews, and measuring the traffic impacts, which has caused delays. He also indicated, per the approved development agreement, they are contributing a significant amount of money toward the reconstruction of 49th and 15th intersection. Mr. Arbuckle reiterated his significant concern. He stated from rough math, they were budgeting \$565,000 under the old fee structure, under the new fee structure is a \$775,000 increase to the project, which is a 140% increase. He expressed his concern for the quick implementation, as this is a new situation, noting they have already signed a development agreement that commits them to impacts that are not impact fees and they may not be able to pull their building permits prior to June 1. He also expressed his concern for these extra funds. He also shares the opinion of impact fees and the purpose of them, he reiterated his concern for the rapid implementation, noting he cannot change the rent; and they're absorbing construction cost increases, interest rate increases, and impact fees.

Per Councilor Francis, Director Fredericksen reappeared. He confirmed impact fees are only for arterial streets, and developers would only receive a credit for arterial streets.

Mayor Casper closed the public hearing.

Councilor Hally believed the impact fees were similar to other cities, although, he expressed his concern for the comparison from other cities. Mayor Casper indicated the city's fees are broken down by categories, noting other cities break their fees down by neighborhood as well. She also noted Ada County does not have transportation fees. Councilor Francis stated, following additional discussions, he has changed his position regarding the police fees, and he would be supportive of these fees. He questioned the council's thoughts about not taking the full amount. Councilor Burtenshaw stated she is still in favor of the 100% transportation. She recognizes the need for 100% for all fees, although, she is still in favor 75% of the other impact fees and working toward well-vetted Capital Improvement Plans (CIP) moving forward so it's clear where the dollars are spent. She would recommend June 1 implementation. Councilor Radford stated the council has looked at this very closely, he expressed his concern for the timing, he believes the impact fees are here, and he is very sympathetic with the projects at SRL. He also expressed his concern regarding the comparison of fees, especially with the commercial fees as he believes those fees have been off from the beginning. He is also supportive of Councilor Burtenshaw's comments, and he believes the council is sympathetic to try and make this more gradual. He reiterated his concern for the economic impact. Mayor Casper stated these fees were developed last fall and presented in December, noting the supply chain and construction cost issues due to the pandemic. She also stated State law only requires a refresh of fees once every five years, therefore, some cities may not have refreshed their fees during the pandemic. Councilor Francis believes Director Fredericksen researched the fees with a comparison. He also believes the immediate impact will be very difficult no matter when the fees are implemented, he is supportive of the 75% for the three categories based on the Impact Advisory Committee, noting a decision was recently made regarding police cars and the ARPA money, and transportation is related to growth. Councilor Freeman expressed his appreciation to the individuals from the building community and their support for these fees. He stated he would consider delaying the implementation. Mayor Casper noted the majority of the comments have come from the development side, not the residential side, and costs of growth will continue to be borne by the property taxpayer if only a percentage is taken, or a delay is implemented.



She stated the State legislators cut the ability to bring in General Fund dollars through taxation and the cities can't find solutions no matter which way they turn, and impact fees were a solution given by the legislation many years ago, although, they were only recently considered by the city. She also stated 65,000+ residents in Idaho Falls will continue to pay for growth that impact fees don't cover if not implemented. She reminded the council to remember the people who are not in the room. Per Council President Dingman, Mr. Kirkham believes approval of the proposed microtransit fees and impact fees could occur in two steps.

It was moved by Council President Dingman, seconded by Councilor Francis, to approve the fee resolution for Transit Fees, 1. Microtransit fee not to exceed \$5, and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay – none. It was then moved by Councilor Burtenshaw, seconded by Councilor Francis, to approve the fee resolution with the modification to the published fees of 75% of the P&R fee, 75% of the Police fee, 75% of the EMS fee, and 100% implementation of the transportation fee with effective date June 1. Councilor Burtenshaw stated the fees will be discussed again in the fall during the budget approval. Councilor Radford reiterated his concern with the commercial comparison as well as the reimbursement. Councilor Burtenshaw does not believe the city could go back and reimburse for those things already built as those were part of a development agreement. Council President Dingman stated State code refers to credits and refunds, she does not believe there are reimbursables. Councilor Radford reiterated his concerns as referenced by SRL. Mayor Casper stated these issues were vetted. She also stated this study was available in December with multiple discussions. She questioned the councils' due diligence, noting staff has dedicated numerous hours on this study with quality data and absolute numbers. She expressed her surprise with the unwillingness to make a commitment, reiterating this information has been available and addressed. Mr. Kirkham explained the established impact fees must be based off the CIP plan which has been approved and accepted by the council, and fees cannot exceed the supported study. He also explained if the adopted fee is less than the current CIP/study the council can reconsider those fees as mentioned by Councilor Burtenshaw. The motion carried with the following vote: Aye – Councilors Radford, Hally, Francis, Burtenshaw. Nay – Councilors Freeman and Dingman.

#### RESOLUTION NO. 2022-12

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

### **D. Fire Department**

#### **1) Bonneville County Fire Protection District #1 Service Agreement**

The two-year renewal of the joint service agreement allows the two agencies to work together to provide proficient and cost-effective methods of firefighting to both the City and County residents.

Chief Nelson appeared. He stated this agreement represents three decades of partnership in providing fire protection services to both city and county residents in the greater fire district. He also stated Ammon is excluded in this agreement as Ammon joined the Fire District a year ago. Chief Nelson stated the city has partnered with the district for a 2-year agreement in the amount of \$1,681,072 paid each of those two years. Per Councilor Freeman, Chief Nelson stated the value is the same amount as it was a year ago. He also stated the fire service in the district is staying static, and 12.5% of overall budgetary



General Fund dollars are for fire protection in the city. He explained the value was determined by looking at a number of factors over the course of years, including personnel costs. Chief Nelson stated the percentage of call volume has not changed over the past five years, and the average of about 15% of fire calls in the city versus the Fire District is maintained. He noted the remainder comes from the depreciation values from the county, which comes from the value of the use of capital assets, such as the fire station and fire engines used by the city. Councilor Freeman believes there is value in this partnership.

It was moved by Councilor Freeman, seconded by Council President Ziel-Dingman, to approve the two-year agreement between the city and Bonneville County Fire Protection District #1 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

## **E. Parks & Recreation**

### **1) Playground equipment at Mel Erickson Sunnyside Park.**

The Parks and Recreation Department issued an RFP for new playground equipment for Mel Erickson Sunnyside Park. Four proposals were received, with Burke being the most responsive to the criteria set forth in the RFP. Burke will build and install playground equipment at Mel Erickson Sunnyside Park for the amount of \$89,993. This sum was budgeted for.

Director Holm appeared. He stated this will be the largest playground in Idaho Falls. He indicated a panel of five reviewed the playground proposals and ultimately selected the proposal from Burke, which includes the playground equipment as well as installation, so it will not take weeks of staff time. He noted Burke also built Community Park playground, and they are number one for UV protection as well as longevity. Per Mayor Casper, Director Holm explained the requests of the RFP, noting the budget and completion date were key factors in selecting this proposal.

It was moved by Councilor Hally, seconded by Councilor Radford, to accept the proposal from Burke for purchase and installation of playground equipment at Mel Erickson Sunnyside Park for \$89,993. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

## **F. Public Works**

### **1) State Local Construction Agreement and Resolution with the Idaho Transportation Department (ITD) for the 17th Street, 1st Street and Lincoln Road X-Walks.**

Attached for your consideration is a State Local Agreement for construction with ITD to improve pedestrian safety along 17th Street, 1st Street and Lincoln Road. Proposed work includes the installation of thermoplastic stop bars and crosswalks will be installed on all cross-street approaches. ADA upgrades will also be made to several locations.

Director Fredericksen stated markings will be placed at 62 side streets as well as replacing 19 individual concrete ADA ramps. He also stated the total anticipated cost is \$342,830, with a 7.34% match totaling \$25,163.75, and the city intends to use in-kind match to meet the financial requirements.



It was moved by Councilor Burtenshaw, seconded by Councilor Hally, to approve the State Local Construction Agreement and Resolution with ITD for 17th Street, 1st Street, and Lincoln Road X-Walks and give authorization for Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

RESOLUTION NO. 2022-13

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR CONSTRUCTION OF 17TH ST, 1ST ST & LINCOLN RD X-WALKS, IDAHO FALLS.

**6. Announcements.**

Mayor Casper announced the Symphony Gala on May 14; a Peace Officer Memorial event on May 15; and a Water Tower Public Meeting, the Ride of Silence, and a Compass Academy Art Show on May 18.

**7. Adjournment.**

There being no further business, the meeting adjourned at 10:30 p.m.

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Kathy Hampton, City Clerk

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Rebecca L. Noah Casper, Mayor



# Memorandum

File #: 21-511

City Council Meeting

**FROM:** Pam Alexander, Municipal Services Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Municipal Services

## Subject

Purchase Generators for Fire Stations 4 and 5

## Council Action Desired

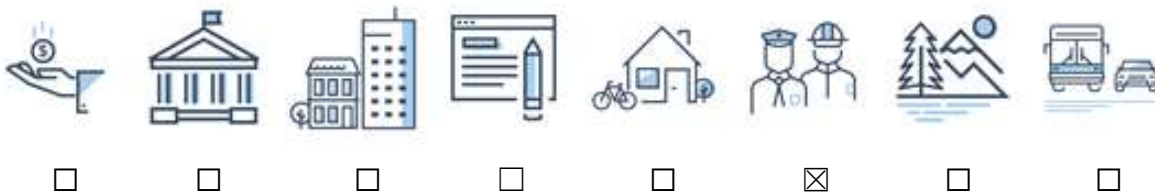
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc.)

Accept and approve the quotes received from Wheeler Electric for a total of \$252,720.00 for the purchase and installation of two generators for Fire Stations 4 and 5 (or take other action deemed appropriate).

## Description, Background Information & Purpose

The purchase and installation of the generators will power Fire Stations 4 and 5 independently during incidences that affect critical response and operational independence. Bids for the two generators were originally received on February 8, 2022, with Wheeler Electric being the sole bidder. The award was placed on hold until it was determined whether American Rescue Plan Act (ARPA) funds could be used for the purchase. Wheeler Electric provided updated quotes along with delivery and installation lead times on May 12, 2022.

## Alignment with City & Department Planning Objectives



The purchase and installation of the generators support the safe and secure community-oriented result by allowing the Fire Stations 4 and 5 to operate independently in the event of an emergency.

## Interdepartmental Coordination

The Fire department has reviewed the quotes and concurs with the award recommendation.

## Fiscal Impact

This purchase is an approved American Rescue Plan Act (ARPA) project in the amount of \$250,000. The additional



\$2,720.00 is available within the Fire department 2021/22 budget.

**Legal Review**

The City Attorney concurs that the desired Council action is within State Statute.





469 W. 16<sup>TH</sup> STREET  
IDAHO FALLS, ID 83402

**OFFICE:** 208-522-1906

**FAX:** 208-522-5927

IDAHO LICENSE # C-1950 ~ IDAHO DPW LICENSE # 12483-U-4

MAY 12, 2022

## CITY OF IDAHO FALLS

ATTN: PAUL RADFORD

PHONE: 208.612.8506

EMAIL: [PRADFORD@IDAHOFALLSIDAHO.GOV](mailto:PRADFORD@IDAHOFALLSIDAHO.GOV)

### FIRE STATION #4 GENERATOR

ELECTRICAL WORK COMPLETE -      \$ 148,200.00

❖ WE **ARE INCLUDING** THE FOLLOWING:

- PROVIDE AND INSTALL BASE FOR NEW GENERATOR.
- PROVIDE AND INSTALL POWER TO NEW GENERATOR.
- PROVIDE AND INSTALL NEW 150KW DIESEL GENERATOR.
- PROVIDE AND INSTALL NEW 400A AUTOMATIC TRANSFER SWITCH.
- PROVIDE ELECTRICAL PERMITS AS REQUIRED.
- PROVIDE ALL LABOR, MATERIAL, AND EQUIPMENT FOR A COMPLETE PROJECT.

➤ CURRENT LEAD TIMES (AFTER SUBMITTED APPROVAL):

- GENERATOR: 48 – 52 WEEKS
- ATS: 19 – 23 WEEKS

~ THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS PROPOSAL. ~

*Cody Wheeler* ~ [codyw@wheelerelectric.com](mailto:codyw@wheelerelectric.com)

**WHEELER ELECTRIC, INC.**  
**AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**





469 W. 16<sup>TH</sup> STREET  
IDAHO FALLS, ID 83402

**OFFICE:** 208-522-1906

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MAY 12, 2022

## CITY OF IDAHO FALLS

ATTN: PAUL RADFORD

PHONE: 208.612.8506

EMAIL: [PRADFORD@IDAHOFALLSIDAHO.GOV](mailto:PRADFORD@IDAHOFALLSIDAHO.GOV)

### FIRE STATION #5 GENERATOR

ELECTRICAL WORK COMPLETE -                      \$ 104,520.00

❖ WE **ARE INCLUDING** THE FOLLOWING:

- MOVE AIR CONDITIONER UNIT.
- PROVIDE AND INSTALL BASE FOR AIR CONDITIONER UNIT AND HOOK UP.
- PROVIDE AND INSTALL BASE FOR NEW GENERATOR.
- PROVIDE AND INSTALL POWER TO NEW GENERATOR.
- PROVIDE AND INSTALL NEW 100KW DIESEL GENERATOR.
- PROVIDE AND INSTALL NEW 400A AUTOMATIC TRANSFER SWITCH.
- PROVIDE ELECTRICAL PERMITS AS REQUIRED.
- PROVIDE ALL LABOR, MATERIAL, AND EQUIPMENT FOR A COMPLETE PROJECT.

➤ CURRENT LEAD TIMES (AFTER SUBMITTED APPROVAL):

- GENERATOR: 48 – 52 WEEKS
- ATS: 19 – 23 WEEKS

~ THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS PROPOSAL. ~

*Cody Wheeler* ~ [codyw@wheelerelectric.com](mailto:codyw@wheelerelectric.com)

**WHEELER ELECTRIC, INC.**  
**AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER**



# Memorandum

**File #:** 21-513

**City Council Meeting**

**FROM:** Pam Alexander, Municipal Services Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Municipal Services

## Subject

Resolution to Appoint City Impact Fee Administrator

## Council Action Desired

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

To approve the resolution to appoint the Municipal Services Director Pamela Alexander as the City's Impact Fee Administrator and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

The City's impact fee ordinance, Idaho Falls City Code §10-8-4, authorizes the Mayor to appoint an Impact Fee Administrator. The Mayor is recommending the appointment of Municipal Services Director, Pamela Alexander to serve as the City's Impact Fee Administrator.

## Alignment with City & Department Planning Objectives



The appointment of the City's Impact Fee Administrator supports the good governance community-oriented result to administer City Development Impact Fees pursuant to City ordinance.

## Interdepartmental Coordination

The City Attorney, Municipal Services, and Public Works departments have participated in this resolution.

## Fiscal Impact

Not applicable.



**Legal Review**

The City Attorney concurs that the desired Council action is within Idaho Falls City Code §10-8-4.



RESOLUTION NO. 2022-

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, DESIGNATING PAMELA ALEXANDER AS THE CITY'S IMPACT FEE ADMINISTRATOR; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, pursuant to the authority under Idaho Developmental Fee Act (Idaho Code Title 67, Chapter 82), the City adopted an ordinance imposing impact fees, codified as Idaho Falls City Code Title 10 Chapter 8; and

WHEREAS, the City's impact fee ordinance, Idaho Falls City Code § 10-8-4, authorizes the Mayor to appoint an Impact Fee Administrator; and

WHEREAS, the Mayor has appointed Municipal Services Director Pamela Alexander to serve as the City's Impact Fee Administrator; and

WHEREAS, City's impact fee ordinance, Idaho Falls City Code § 10-8-4, also requires the Council to approve the Mayor's Impact Fee Administrator appointment; and

WHEREAS, the Council hereby approves the appointment of Pamela Alexander as the City's Impact Fee Administrator.

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

Director Pamela Alexander shall be and is hereby appointed as the City's Impact Fee Administrator and is hereby authorized and charged to faithfully execute and perform all the responsibilities pertaining to that office as authorized by Idaho Falls City Code Title 10, Chapter 8.

ADOPTED and effective this \_\_\_\_ day of \_\_\_\_\_ 2022.

CITY OF IDAHO FALLS, IDAHO

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton, City Clerk

(SEAL)



# Memorandum

File #: 21-504

City Council Meeting

**FROM:** Chris H Fredericksen, Public Works Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Public Works

## Subject

Memorandum of Understanding and Resolution for Leading Idaho Local Bridge Program Applications

## Council Action Desired

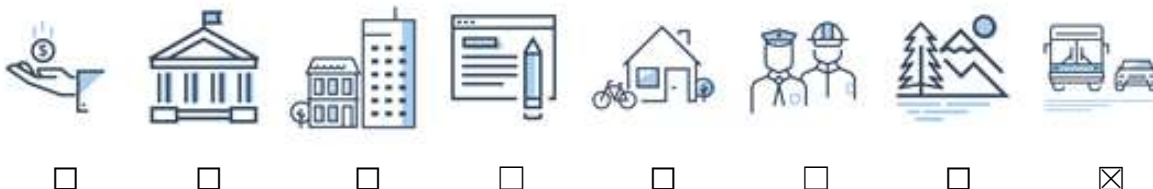
- ☐ Ordinance
 ☒ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc)

Approve the Memorandum of Understanding (MOU) and Resolution for Leading Idaho Local Bridge Program Applications and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

Senate Bill 1359, an appropriations bill, was signed by the Governor on March 16, 2022, funding the Strategic Initiatives Program with up to \$200 Million intended for local bridge maintenance. Two bridges within Idaho Falls are eligible for grant funding and include the bridge crossing the Idaho Canal at E 65th N and the bridge over the Butte Arm Canal at S Emerson Avenue. Approval of the MOU and Resolution will allow the city to submit applications for these bridge replacements.

## Alignment with City & Department Planning Objectives



These potential projects support the community-oriented result of reliable public infrastructure by seeking grant funding for two aging bridges on the cities roadway network.

## Interdepartmental Coordination

If funding is approved, project reviews will be conducted with all necessary city departments to ensure coordination of



project activities.

**Fiscal Impact**

Cost allocations for this project will come from the Street Capital Improvement Fund and sufficient funding and budget authority exist for completion of the proposed improvements.

**Legal Review**

The MOU and Resolution have been reviewed by the Legal Department.

2022-042



# **Memorandum of Understanding - Leading Idaho Local Bridge Program**

Between

## **LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL**

And

\_\_\_\_\_, hereinafter referred to as **LOCAL HIGHWAY JURISDICTION or LHJ**

### **Purpose:**

The purpose of this memorandum is for the Local Highway Technical Assistance Council (LHTAC) and local agencies with bridges in poor or posted condition to apply for award, manage and track projects in the Leading Idaho Local Bridge (LILB) Program. This program is intended to economically and efficiently fully fund local bridges and not serve for local match or supplemental funding on any federally funded projects.

### **Legal Authority:**

Senate Bill 1359 (2022), an appropriations bill, was signed by the Governor on March 16, 2022 funding the Strategic Initiatives Program (Idaho Code 40-719) with up to \$200 Million intended for local bridge maintenance. LHTAC has created a Leading Idaho Local Bridge Program from this legislation.

### **Procedures:**

LHTAC will conduct a two month call for applications from April 11 to June 8, 2022. Local agencies with eligible bridges may apply for a maximum of half of their eligible bridges (rounded up) or two (2) eligible bridges, whichever is most. Applications will be scored on technical information (75%) and local knowledge (25%). The technical information is extracted from bridge inspection reports and bridge locations and the right of way status is reported by the **LHJ**. The **LHJ** will also provide four additional points of information on the importance of the bridge. LHTAC staff and Council will score the applications after the application period closes with LHTAC staff presenting the scores and recommendations to Council in an open meeting.

LHTAC Council will award funding to projects in up to five (5) rounds of funding. LHTAC will implement a bundled award process to accelerate delivery and complete the largest number of highest scoring projects as possible. Project bundling will be utilized throughout all Rounds of funding. The rounds of funding are expected to use the following strategies:

Round 1 – High scoring projects that will have quick delivery and have limited to no barriers such as right-of-way acquisition or environmental complications. Also included in Round 1 will be bridges with low-cost repairs, bridges that have 50% or more design completed, and/or projects that are material purchase only.

Round 2 – High scoring applications that have longer projected delivery timelines.

Round 3 – Strategies to be determined.

Round 4 – Strategies to be determined.

Round 5 – Remaining funding to highest rated projects that funds the most possible projects.



As applications are awarded funding, the responsible **LHJ** will be expected to sign an individual project agreement within thirty (30) days of award by the LHTAC Council. This project agreement will have the details of funding, project roles/responsibilities and reporting milestones used for the project.

### **Responsibilities:**

Under this program LHTAC shall:

Administer the LILB program within the constraints of Idaho Code which includes soliciting for projects, reviewing the merits of applications (scoring), recommending projects and reporting progress at regular intervals.

Specific duties LHTAC will exercise for this program are:

- Overall Administration of projects from advancement of funding to completion of construction;
- Advance projects through a bundling process to increase the number of bridges awarded with the fixed funding level while considering need and use of each bridge;
- Develop a process and select engineering firms for the development of the projects awarded through the LILB program;
- Advertise and award projects through a low-bid process to construction contracting firms or;
- Authorize qualified Local Highway Jurisdictions able to demonstrate experience to self-perform construction. Eligible invoiced expenses will be limited to materials, rental equipment, traffic control, or others approved by LHTAC.

Specific duties **LOCAL HIGHWAY JURISDICTION** will exercise for this program are:

- Prioritize eligible bridges within jurisdiction and apply for funding;
- Present this memorandum and all attachments to the responsible elected officials at an open meeting in compliance with the Idaho Open Meetings requirements (Idaho Code 74-204);
- Provide a list of all applications under this program (Attachment A to this MOU);
- Provide a resolution from the responsible elected officials (Attachment B to this MOU);
- Enter into project agreements with LHTAC within thirty (30) days of award;
- Notify LHTAC in writing, via First Class Mail, Electronic Mail or hand delivered mail, the removal of any application from consideration for program funding or termination of this MOU.
- If eligible, request approval to self-perform construction.

Specific responsibilities will be formalized in each individual project agreement.

### **Financial Obligations**

**LOCAL HIGHWAY JURISDICTION** will have no financial obligation or commitment on any project until the project is advanced for funding. The details of financial obligations will be contained in the individual project agreement related to future maintenance, additional scope and project termination.

No advance funds, deposits or local match is required for this program. However, if a local sponsor would like to increase the scope of an individual project, this will be addressed during project agreement execution and the **LHJ** will be responsible for any scope beyond the proposed LHTAC scope. Any additional scope that could encroach on delivery schedules may negatively impact the advancement of the project. LHTAC reserves the authority to accept or deny any additional scope proposed by the local agencies. Funds for additional scope will be collected at the execution of the project agreement.



### **Limitations**

Nothing in the Memorandum of Understanding between LHTAC and **LHJ** shall be construed as limiting or expanding the statutory or regulatory responsibilities or authorities of any involved individual in performing functions granted to them by law; or as requiring either entity to expand any sum in excess of its appropriation. Each and every provision of this memorandum is subject to the laws and regulations of the State of Idaho and the United States.

Nothing in this Memorandum of Understanding shall be construed as expanding liability of either party. In the event of a liability claim, each party shall defend their own interests. Neither party shall be required to provide indemnification of the other party.

### **Effective Date**

This Memorandum shall become effective upon signature of the LHTAC Administrator or delegate and will remain in effect until the termination of this MOU.

### **Method of Termination**

This memorandum may be terminated by **LHJ** at any time prior to the awarding of any project. After awarding of at least one (1) project, this MOU will remain in effect until completion of funded projects.

After awards, **LHJ** may terminate funded projects as outlined in future project agreements and may terminate this MOU if there are no active funded projects listed in Attachment A.

LHTAC may terminate this MOU in the event that all funding has been awarded and no additional funding is authorized by the Idaho Legislature.

This MOU will terminate upon the completion of the LILB program.

### **Amendments**

Amendments to this memorandum shall effective upon mutual agreement and written approval by the LHTAC Administrator or Delegate and the signing authority of **LHJ**.

### **Signatures**

LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL

By \_\_\_\_\_ Date \_\_\_\_\_  
Administrator or Delegate

Local Agency

By \_\_\_\_\_ Date \_\_\_\_\_  
Title \_\_\_\_\_  
Mayor, Chairman or Delegate



## Attachment A – List of Applications for the Leading Idaho Local Bridge Program

*LOCAL HIGHWAY JURISDICTION to provide a list of intended applications including the bridge ID, highway name/number and if applicable bridge name*

[illegible]



Attachment B

Leading Idaho Local Bridge Program – Local Highway Jurisdiction Resolution

Res. No \_\_\_\_\_

WHEREAS, SB 1359 became law on March 16, 2022 appropriating funding for the repair and replacement of local bridges in poor and posted condition; and

WHEREAS, **LOCAL HIGHWAY JURISDICTION** has presented the Leading Idaho Local Bridge Program Memorandum of Understanding at an open meeting in accordance with the Idaho Open Meetings Law; and

WHEREAS, **LOCAL HIGHWAY JURISDICTION** has prepared and presented the listed applications in Attachment A at an open meeting in accordance with the Idaho Open Meetings Law; and

NOW, THEREFORE BE IT RESOLVED, that **LOCAL HIGHWAY JURISDICTION** is granted authority by (BOARD or COUNCIL NAME) to enter in the Leading Idaho Local Bridge Program Memorandum of Understanding with the Local Highway Technical Assistance Council.

I hereby certify that the above is a true copy of a resolution passed at a public meeting held in accordance with the Idaho Open Meetings Law, by LOCAL HIGHWAY JURISDICTION \_\_\_\_\_ day of \_\_\_\_\_, 2022

Signed \_\_\_\_\_ of **LOCAL HIGHWAY JURISDICTION** \_\_\_\_\_  
Seal (Mayor, Chairman, or Delegate) (Signature)



# Memorandum

**File #:** 21-505

**City Council Meeting**

**FROM:** Chris H Fredericksen, Public Works Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Public Works

## Subject

Ordinance Amending Title 10, Chapter 2, Bridge and Street Regulations and Rescinding Title 10, Chapter 5, Surface Drainage Fees

## Council Action Desired

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

Approve the Ordinance amending Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5, Surface Drainage Fees under a suspension of the rules requiring three complete and separate readings and request that it be ready by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached for your consideration is a proposed Ordinance revising Title 10, Chapter 2, Bridge and Street Regulations and rescinding Title 10, Chapter 5 Surface Drainage Fees in its entirety. The proposed changes are requested due to the recent approval and implementation of development impact fees.

## Alignment with City & Department Planning Objectives



This action supports the community-oriented result of well-planned growth and development in concert with the recent adoption and approval of development impact fees.

## Interdepartmental Coordination

Reviews have been conducted with all relevant city departments regarding the proposed Ordinance.



**Fiscal Impact**

Transportation Impact Fees will be used to develop capacity improvements to arterial roadways.

**Legal Review**

The Legal Department prepared the proposed Ordinance revision.

2022-044



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 10, CHAPTER 2 TO CLARIFY THE RELATIONSHIP OF DEVELOPMENT IMPACT FEES ON CITY BRIDGE AND STREET REGULATIONS, AND RESCINDING CITY CODE TITLE 10, CHAPTER 5 IN ITS ENTIRETY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Council recently adopted City Code Title 10 , Chapter 8 to implement the use of impact fees to offset impacts of development on the City's level of services to its residents; and

WHEREAS, as a result of the adoption of a comprehensive impact fee program and the approval of the collection of impact fees, the Council deems it necessary to amend the City Code to be consistent with such comprehensive impact fee program; and

WHEREAS, changes in Title 10, Chapter 2, definitions and the requirements of Developers are needed to coordinate Code sections with Title 10, Chapter 8; and

WHEREAS, the rescission of Title 10, Chapter 5 is needed to coordinate Code sections with Title 10, Chapter 8 .

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

**SECTION 1:** Title 10, Chapter 2 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

10-2-1: INTENT: The City Council finds and declares as follows:

- (A) The development of new subdivisions and developments around the periphery of the City is impacting the City's bridges and arterial and collector streets, and
- (B) The development of new subdivisions outside the City, but which require private access to streets and ways within the City also impacts City bridges and arterial streets and otherwise reduces the ability of such streets and bridges to adequately handle traffic flow.
- (C) The increased traffic volume generated by such new subdivisions and developments requires the construction of new collector and arterial streets and bridges, and
- (D) It is not equitable to fund the entire cost of constructing such arterial street improvements and bridge construction entirely from ad valorem tax revenues, and



(E) The annexation of subdivisions to the City is creating the need for improvements to streets and bridges and the developers thereof should therefore pay a portion of the cost thereof, and

10-2-2: DEFINITIONS: Whenever the following words or terms are used in this Chapter, they shall have the meanings ascribed below:

~~ARTERIAL STREET: Any U.S. or state numbered route, controlled access street, or other major radial or circumferential street or highway designated by the City as part of a major arterial system of streets or highways.~~  
A major roadway designated in the BMPO Access Management Plan to serve through traffic and where access to abutting properties is restricted.

COLLECTOR STREET: A street designated in the BMPO Access Management Plan to provide for traffic movement between an arterial streets and a local streets.

~~COMMERCIAL ZONE: The I&M, LM, R&D, CC, HC, LC, PB, R3, and R3A zones as established by the Zoning Ordinance of the City or with respect to property located outside the City, any other zoning classification substantially similar to any of the foregoing zoning classifications.~~

~~CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points and in such manner as may be determined by the City.~~

DEVELOPER: Any person owning fee simple title to any parcel of real property, that is subject to this ~~ordinance~~Chapter.

LOCAL STREET: A street designated in the BMPO Access Management Plan into which private access is freely allowed, and which is less than ~~sixty (60)~~fifty (50) feet in width, as measured from the back of the curbs.

PRIVATE ACCESS: Any roadway, drive, or other privately-owned way used to obtain direct vehicular access to a public street or alley.

PUBLIC ACCESS: Any street, road, highway, alley or other publicly dedicated and accepted way designed for movement of vehicular traffic.

RE-SUBDIVISION: A change in any plat of an improved or recorded subdivision that affects the layout of any street or area reserved for public use, or which creates any additional lots.

SUBDIVISION: The division of land into two (2) or more lots for the purpose of sale, lease or development by a Developer, including any re-subdivision of land.

SUBDIVISION ORDINANCE: The Subdivision Ordinance of the City of Idaho Falls, as the same now exists or as modified hereafter.



10-2-3: **SCOPE OF ORDINANCE:** This ~~Ordinance Chapter~~ shall apply to all land annexed to the City and, except as expressly provided herein, to all land contiguous to any street located within the City and from which land public or private access ~~or surface drainage~~ is made to such street or for which City plat approval is required under ~~Section 50-1306~~ Title 50, Chapter 13, Idaho Code.

10-2-4: **RESPONSIBILITIES OF DEVELOPERS:** The responsibilities of the Developer and of the City for the construction of bridges and streets shall be as follows:

(A) Costs associated with all bridges across canals, ditches, and streams lying entirely within or adjacent to a subdivision within the City or within property to be developed within the City, except arterial and higher classification streets, shall be the responsibility of the Developer.

(B) The design and construction of all ~~arterial~~, collector and local streets, within or adjacent to the Developer's subdivision or property, shall be ~~primarily~~ the Developer's responsibility. The Developer shall dedicate the right of way required to support the street classification designated in the BMPO Access Management Plan. The Developer shall be responsible for the design and construction of the roadway features including, but not limited to, all grading, excavation, base, paving, irrigation structures, utility relocations, landscaping, signals, ~~and~~ illumination, sidewalk, curb and gutter, and storm drainage facilities, ~~and a minimum of twenty one and one-half foot (21 1/2') width of the street surface per each side of all streets adjacent to the subdivision,~~ along with any additional reconstruction or repair necessary due to the development-required utility work, needed grade adjustments, or turn lane additions. The ballast depth and width of any paved street surface for which the Developer has responsibility shall be in conformance with the Engineering Design Policy Manual.

(C) The design and construction of all arterial street expansion or reconstruction shall be the responsibility of the City. The Developer's proportionate share of the cost of arterial street improvements shall be payment of impact fees, as set forth in Title 10, Chapter 8, of this Code. All design and construction of auxiliary lanes and appurtenances necessary for the specific development shall be paid for by the Developer independent of any impact fees due. The Developer shall dedicate the right-of-way required to support the arterial classification designated in the BMPO Access Management Plan.

(~~D~~) If any existing collector or local street in or adjacent to a subdivision is roughly parallel and adjacent to a canal, river, freeway, arterial street, or other such similar facility or topographical feature (as determined by the City), the Developer shall be responsible for the necessitated construction of both sides of street section and all sidewalk, curb and gutter and storm drainage facilities along subdivisions's street frontage. City shall be responsible for installation costs of additional street ~~sections~~ ballast and paving required for pavement widths greater than forty-three (43) feet, not including auxiliary lanes necessary for the subdivision.

(~~D~~) All streets, sidewalks, curbs, gutters or other public improvements which the developer is required to construct shall be constructed in accordance with the Engineering Design Policy Manual and the Standard Drawings and Specifications.



~~10-2-5: AMOUNT OF FEES: A "Bridge and Arterial Streets Fee" shall be assessed to each developer seeking annexation of lands to the City or seeking private access from any property situated outside the City to any public street or alley within the City. Such fee shall be based upon the number of parking spaces required by the City Zoning Ordinance for the zoning classification of the property annexed or served by such private access, in accordance with the table below. The amount of the fee shall be in an amount set from time to time by Resolution of the Council for each required parking space, in accordance with the following:~~

<del>Zones</del>	<del>Required Parking Spaces</del>
<del>RE, RP, R1, RMH</del>	<del>2 spaces per platted lot;</del>
<del></del>	<del>5 spaces per acre if unplatted</del>
<del>TN, R2</del>	<del>10 spaces per acre</del>
<del>Commercial</del>	<del>25 spaces per acre</del>

~~Notwithstanding the foregoing, if a dwelling, single unit is or will be constructed upon a lot located in an R2, R3 or R3A zone, the fee shall be assessed as though the lot were zoned R1.~~

~~For the purposes of determining the zoning classification for property located outside the City, the zoning classification used to compute such fees shall be the City zoning classification which is most similar to the actual zoning classification established by the government entity having jurisdiction over the Developer's subdivision or property, provided however no fee shall be charged if the property has been zoned primarily for agricultural use. (Ord. 2964, 8-14-14; Ord. 3181, 04-12-18)~~

~~10-2-6: PAYMENT OF FEES:~~

~~(A) The Bridge and Arterial Streets fee shall be paid in full prior to annexation of the subject property or the construction of any public or private access serving the Developers subdivision or property, or on an installment schedule incorporated into an annexation or development agreement, subject to the limitations set forth below.~~

~~(B) For all land except land zoned Commercial, a payment of at least ten percent (10%) of the total calculated Bridge and Arterial Streets Fee shall be paid to the City at or before the annexation of the property to the City or connection of any private access to any public street within the City. The annexation or development agreement shall contain a schedule providing for payment in full of the total fee within one year after the date of annexation or approval of the development agreement by the City.~~

~~(C) For all lands zoned Commercial, a payment of at least ten percent (10%) of the total calculated fee shall be paid at or before the annexation of the property to the City or approval of a development agreement incorporating an installment payment schedule set forth below. The annexation or development agreement in such cases shall provide that an additional fifteen percent (15%) of the total fee shall be paid on or before six (6) months following the date of the initial payment, that an additional fifteen percent (15%) of the total fee be six (6) months~~



~~thereafter, and that fifteen percent (15%) of the total fee be paid each three (3) months thereafter until the fee is paid in full.~~

~~(D) — Notwithstanding the foregoing, whenever the City allows property to be annexed prior to platting, payment of such fees shall become due in full upon the filing of a plat, or may be paid on an installment schedule incorporated into a development agreement, provided the entire fee shall be paid in full within one (1) year after the filing of the plat for residentially-zoned property, and within two (2) years for property zoned Commercial.~~

~~10-2-7: — EXCEPTION TO FEE SCHEDULE:~~

~~(A) — Property owned by any bona fide religious organization and used primarily for worship or educational purposes shall be assessed twenty five percent (25%) of the calculated Bridge and Arterial Streets Fee for the zone in which the property is situated.~~

~~(B) — Publicly owned property, or property upon which a public entity holds an option to purchase, shall be exempt from said fee.~~

~~10-2-8: — BRIDGE AND ARTERIAL STREETS FUND: A Bridge and Arterial Streets Fund is hereby established to be maintained by the City Treasurer. All revenues derived from the payment of Bridge and Arterial Streets Fees as set forth in this Chapter shall be deposited in said fund and shall be disbursed only for purposes set forth in Section 10-2-9 of this Chapter.~~

~~10-2-9: — DISBURSEMENT OF FUNDS: Disbursement may be made from the Bridge and Arterial Streets Fund for the following purposes and object, only:~~

~~(A) — Construction of bridges which are the responsibility of the City as set forth in Section 10-2-4(B) of this Chapter.~~

~~(B) — Construction of streets and parts of streets which are the responsibility of the City as set forth in Section 10-2-4(C) and (D) of this Chapter.~~

**SECTION 2:** Title 10, Chapter 5 of the City Code of the City of Idaho Falls, Idaho, is hereby rescinded in its entirety.

**SECTION 3:** 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 4:** Codification Clause. The Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

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



immediately upon its passage, approval, and publication.

**SECTION 6:** Effective Date. This Ordinance shall be in full force and effect from and after \_\_\_\_\_, 2022.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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 10, CHAPTER 2 TO CLARIFY THE RELATIONSHIP OF DEVELOPMENT IMPACT FEES ON CITY BRIDGE AND STREET REGULATIONS, AND RESCINDING CITY CODE TITLE 10, CHAPTER 5 IN ITS ENTIRETY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

\_\_\_\_\_  
KATHY HAMPTON, CITY CLERK

(SEAL)



# Memorandum

File #: 21-512

City Council Meeting

**FROM:** Brad Cramer, Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Ordinance to change the name of Merlin Court to Sparrow Hill Court.

## Council Action Desired

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

To approve the Ordinance changing the name of Merlin Court to Sparrow Hill Court under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached is an ordinance changing the street name of Merlin Court to Sparrow Hill Court. This change is requested by the developer. This name change would be an advantage to the developer as the project they are working on is called Sparrow Hill and the leasing office for the facility will be located at the end of the cul-de-sac that is currently Merlin Court. There are no buildings on Merlin Court, so no current addresses are affected by the change.

## Alignment with City & Department Planning Objectives



The proposed ordinance is consistent with principles of Good Governance and Transportation.

## Interdepartmental Coordination

CDS has worked with the GIS division City Attorney's office on the drafting of the ordinance.

## Fiscal Impact

NA



**Legal Review**

Legal has reviewed the attached ordinance.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE CHANGING THE NAME OF MERLIN COURT TO SPARROW HILL COURT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Idaho Falls desires to maintain an efficient and logical roadway system; and

WHEREAS, the Council conducted a duly noticed public meeting and passed a motion to approve the proposed name change on May 26, 2022;

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

**Section 1.** That Merlin Court be changed to Sparrow Hill Court.

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

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

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

**Section 5.** Effective Date. This Ordinance shall become effective upon its passage, execution, and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton  
City Clerk

(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 CHANGING THE NAME OF MERLIN COURT TO SPARROW HILL COURT; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

\_\_\_\_\_  
Kathy Hampton  
City Clerk

(SEAL)



# Memorandum

**File #:** 21-495

**City Council Meeting**

**FROM:** Brad Cramer, Director  
**DATE:** Monday, May 16, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Caribou Crossing PUD.

## Council Action Desired

- ☐ Ordinance
 ☐ Resolution
 ☒ Public Hearing
- ☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Planned Unit Development for Caribou Crossing PUD as presented (or take other action deemed appropriate).
  2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Caribou Crossing PUD 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 PUD and Reasoned Statement of Relevant Criteria and Standards for Caribou Crossing PUD. On February 15, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the PUD as presented with the condition to provide a pedestrian connection from Easy Street to Kelsey Avenue through the 8-foot masonry wall. The applicant has made this adjustment on the attached site plan. Staff concurs with Planning and Zoning's recommendation.

## Alignment with City & Department Planning Objectives



Consideration of the PUD must be done consistent with the principles of the Comprehensive Plan, which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.



**Interdepartmental Coordination**

The PUD plan has been reviewed by Engineering, Fire, Parks, Planning, Sanitation, Sewer, and Water Divisions.

**Fiscal Impact**

NA

**Legal Review**

This application has been reviewed by Legal pursuant to applicable law.



Legend

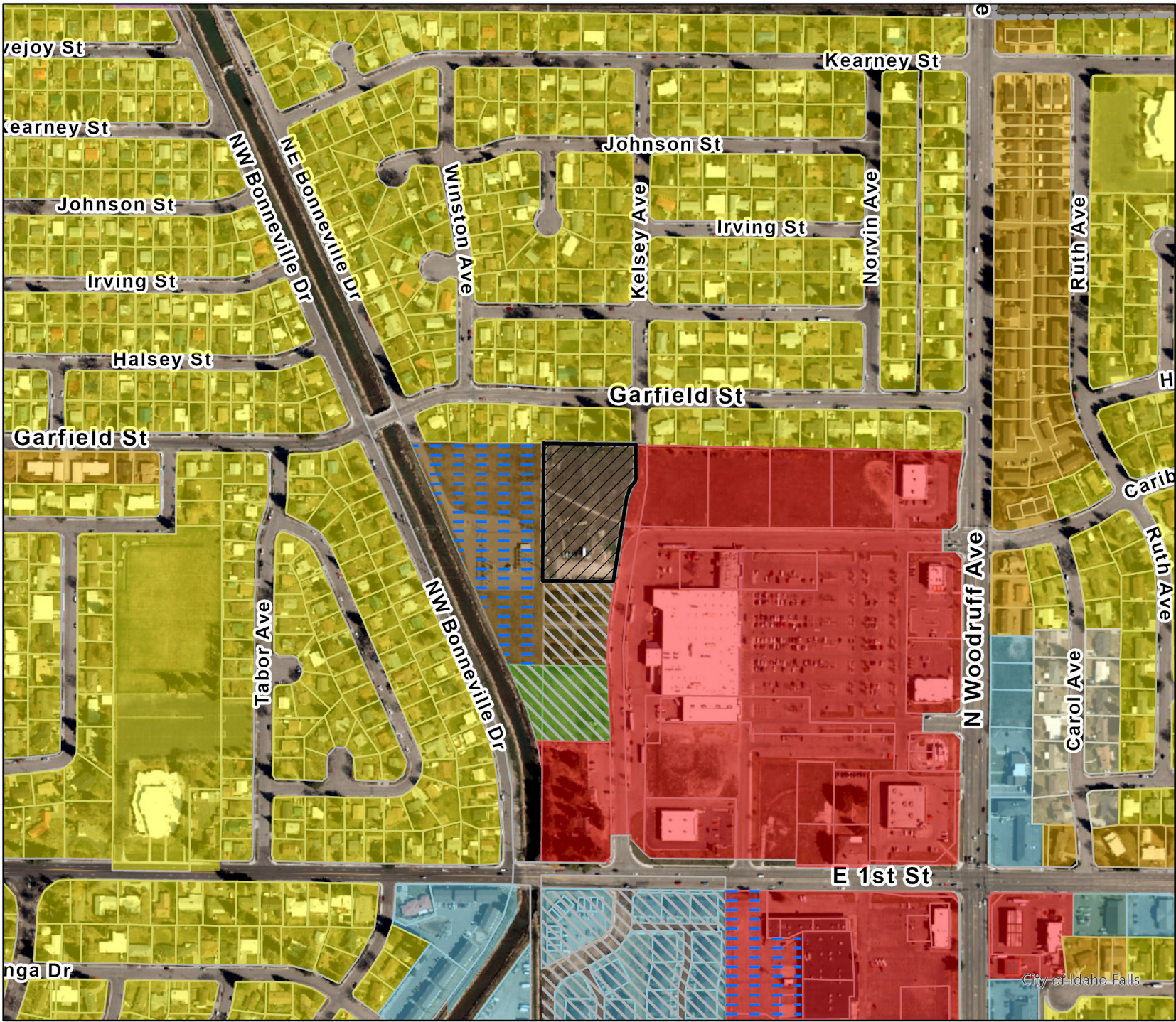
- PUD21-006
- City Limit
- Overlays**
  - PT
  - PT&T-1
  - PUD
  - T-1
  - T-2

Zoning

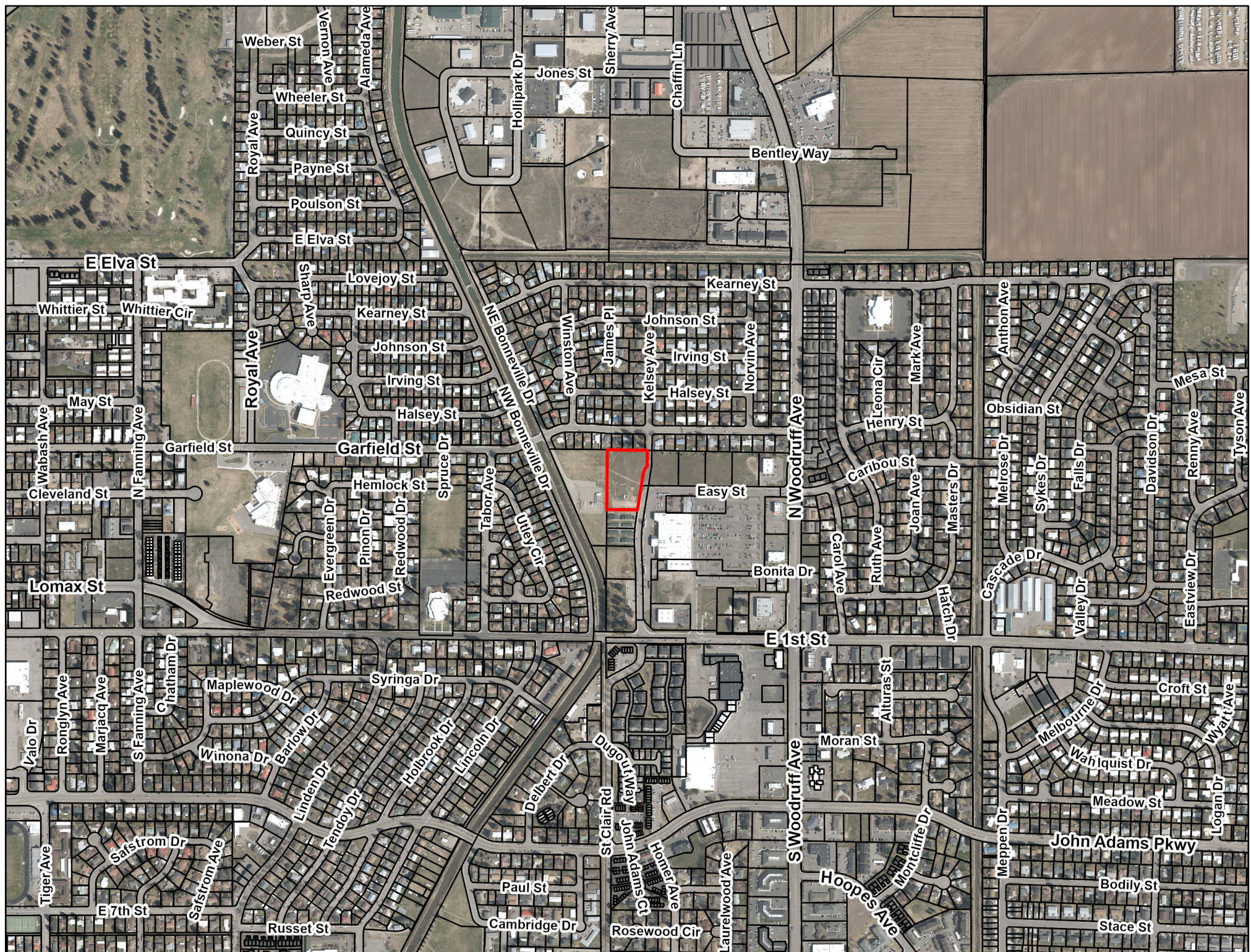
- RE
- RP
- R1
- R2
- TN
- RMH
- R3
- R3A
- PB
- CC
- LC
- HC
- R&D
- LM
- I&M
- P



Planning Division  
City Annex Building  
680 Park Ave.  
Idaho Falls, ID 83402  
(208) 612-8276









## SITE INFORMATION

PARCEL ZONING = LC  
TOTAL BUILDINGS = 7  
BUILDING HEIGHT = 30' MAX  
CONSTRUCTION TYPE = V-8  
SINGLE FAMILY ATTACHED BUILDINGS = 7 (29 ATTACHED HOMES)  
TOTAL AREA OF PROPERTY = 115042.79 SQ. FT. (2.68 acres)  
DESIGN DENSITY = 11 UNITS PER ACRE

## LOT NOTE:

- EACH UNIT WILL BE PLATTED ON ITS OWN LOT FROM BACK OF SIDEWALK TO THE BACK OF THE 6' PRIVATE BACK YARD.

## VARIANCE REQUEST

- REQUIRED BUILDING SET BACKS TO 15'

## PARKING REQUIREMENTS

PARKING SPACES REQUIRED = 58  
GARAGE = 38  
PARKING STALLS = 21  
PARKING SPACES PROVIDED  
58 DWELLING UNIT SPACES  
21 GUEST SPACES  
TOTAL = 79 PARKING SPACES

## STORM WATER REQUIREMENTS

TOTAL STORAGE REQUIRED = 12,750.6 cu. ft.  
TOTAL STORAGE AVAILABLE = STORM WATER STORAGE DIRECTED TO EXISTING CITY STORM POND

## COMMON SPACE REQUIREMENTS

TOTAL REQUIRED = 28,760 SQ. FT. (0.66 ACRES)  
TOTAL PROVIDED = 30,103 SQ. FT. (0.69 ACRES)  
PERCENT PROVIDED = 28%

## BASIS OF BEARING

CITY OF IDAHO FALLS 2004 CONTROL

## BENCHMARK

GARFIELD ST & KELSEY AVE. THE WEST BOLT ON THE FIRE HYDRANT OF THE SE CORNER OF THE INTERSECTION, 2.6 FT. ABOVE GROUND, ELEV: 4738.76' NAVD 88

## PLANNED UNIT DEVELOPMENT NOTES

- ALL STREETS AND PARKING AREA INSIDE P.U.D. WILL BE PRIVATELY MAINTAINED AND OPERATED. THE CITY OF IDAHO FALLS WILL NOT TAKE OVER PRIVATE STREETS.
- ALL EASEMENTS INSIDE P.U.D. ARE CONSIDERED PUBLIC UTILITY EASEMENTS. WIDTH VARIES DEPENDED ON USE.
- POTABLE WATER AND SANITARY SEWER WILL BE INSTALLED IN A 54" WIDE P.U.E FOR CITY MAINTENANCE.

## PROPOSED PROJECT AMMENITIES

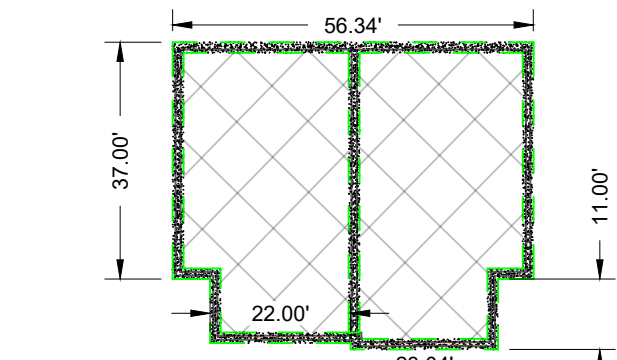
- PICNIC TABLES AND A GAZEBO

## SANITARY NOTE:

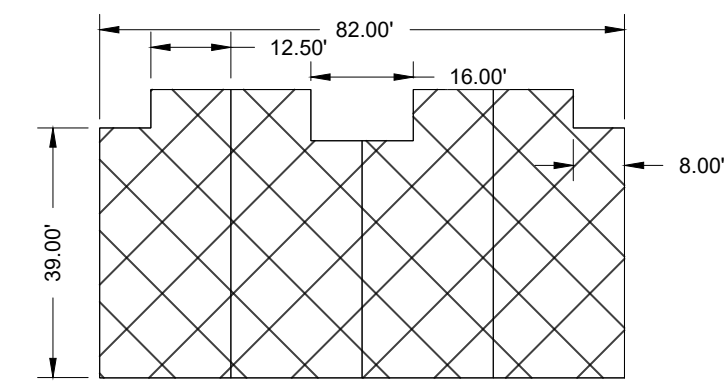
- INDIVIDUAL 95 GAL TRASH CAN PER LOT

## ELECTRICAL NOTES:

- ALL NEW ELECTRICAL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT IDAHO FALLS POWER SERVICE POLICY.
- ELECTRICAL SWITCH CABINETS AND BASES (WHEN REQUIRED) WILL BE PROVIDED BY IDAHO FALLS POWER BUT SHALL BE INSTALLED BY THE DEVELOPER/CONTRACTOR.
- ALL PRIMARY AND SECONDARY CONDUITS SHALL BE PROVIDED AND INSTALLED BY THE DEVELOPER/CONTRACTOR. ALL ELECTRICAL CONDUITS AND 36" RADIUS ELBOWS SHALL BE SCHEDULED 40 PVC.
- THE MINIMUM POWER TRENCH DEPTH SHALL BE 54" BELOW FINISH GRADE (CONDUIT TO BE INSTALLED 48" BELOW FINISH GRADE), INCLUDING 6" OF SAND BEDDING BELOW AND ABOVE TOP OF CONDUITS.
- PRIMARY AND SECONDARY CONDUIT DEPTHS CAN BE REDUCED TO 18" OF COVER BELOW FINISHED GRADE WITH APPROVAL BY IDAHO FALLS POWER. RIGID GALVANIZED STEEL CONDUIT MUST BE PROVIDED AND INSTALLED BY THE DEVELOPER/CONTRACTOR IN A TRENCH LESS THAN 48" DEEP.
- THE DEVELOPER/CONTRACTOR SHALL PROVIDE ALL STAKING AND LAYOUT OF NEW ELECTRICAL FACILITIES INCLUDING POWER POLES.
- THE CONTRACTOR SHALL RETAIN AND PROTECT ALL EXISTING CITY POWER POLES AND ELECTRICAL FACILITIES DURING CONSTRUCTION.
- COORDINATE ALL ELECTRICAL CONSTRUCTION WITH IDAHO FALLS POWER.
- OWNER SHALL BEAR ALL COSTS TO RELOCATE OR REMOVE EXISTING POWER POLES, LIGHT POLES, ANCHOR GUYS, AND MISCELLANEOUS ELECTRICAL FACILITIES, WITH THE EXCEPTION OF UTILITIES INSIDE CITY RIGHTS OF WAY THAT ARE REQUIRED BY THE CITY TO BE RELOCATED.
- THE OWNER/DEVELOPER SHALL PROVIDE ALL TRENCHING, CONDUIT AND CONCRETE LIGHT POLE FOUNDATIONS FOR STREET ILLUMINATION ALONG ALL PUBLIC RIGHT OF WAY AS PER CURRENT IDAHO FALLS POWER SERVICE POLICY. ADDITIONALLY, OWNER/DEVELOPER SHALL PURCHASE STREET LIGHT ASSEMBLY PROVIDED AND INSTALLED BY IDAHO FALLS POWER. PAYMENT REQUIRED PRIOR TO INSTALLATION OF STREETLIGHT(S).
- WITH EXCEPTION OF CONDUIT CROSSING, CONTRACTOR SHALL INSTALL CURB AND GUTTER PRIOR TO POWER TRENCH AND CONDUIT INSTALLATION, OR (WITH IDAHO FALLS POWER APPROVAL) CENTERLINE OF TRENCH MAY BE STAKED WITH CUT/FILL TO BOTTOM OF TRENCH AT ALL GRADE BREAKS AND HUBS AT 25' INTERVALS AND OFFSET STAKES AT ALL TRANSFORMERS, SWITCH CABINETS, SECONDARY PEDESTALS ETC.
- IF APPLICABLE, SEE IDAHO FALLS POWER ELECTRICAL SITE PLAN FOR OFF-SITE ELECTRICAL AND FIBER OPTIC FACILITIES, LAYOUT, AND INSTALLATION DETAILS.
- CONTACT IDAHO FALLS POWER PRIOR TO CONSTRUCTION. (208)612-8573



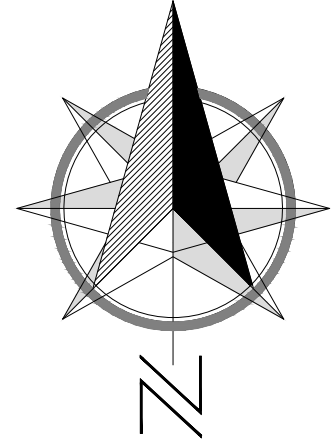
TWO CAR GARAGE BUILDING DETAIL - PLAN VIEW



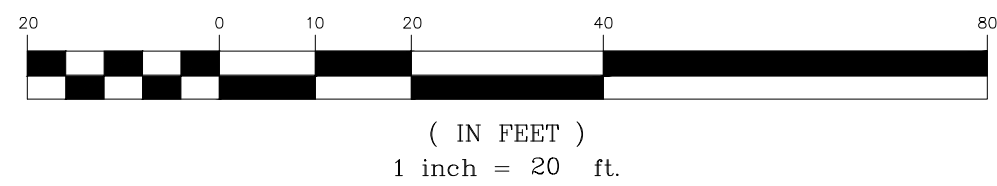
TWO CAR GARAGE BUILDING DETAIL - PLAN VIEW  
SCALE 1" = 30'



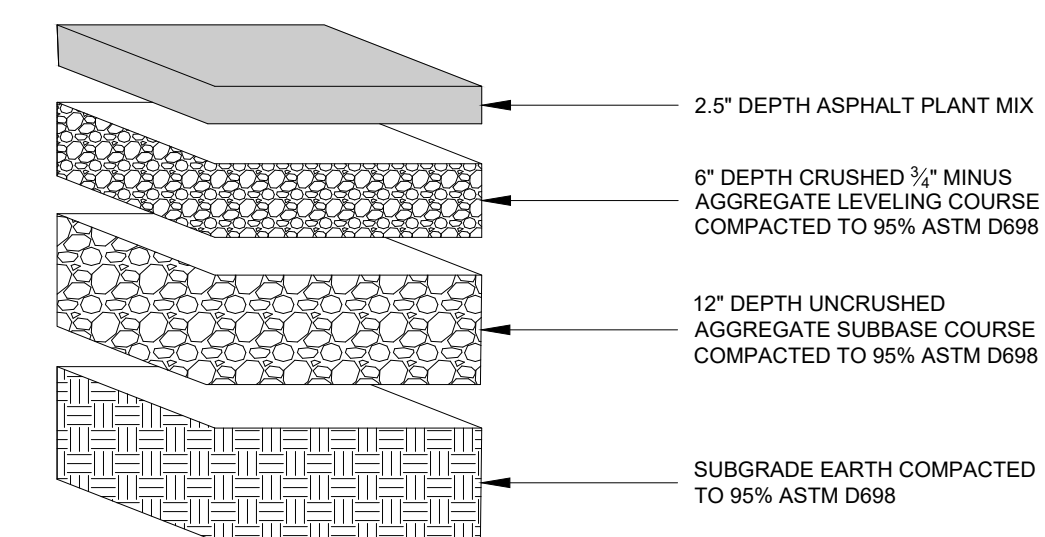
# PUD CONCEPT FOR: CARIBOU CROSSING



GRAPHIC SCALE



LEGEND	
	EXIST. CATCH BASIN
	PROPOSED CATCH BASIN
	EXIST. FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	EXIST. LIGHT POLE
	PROPOSED STREET LIGHT
	EXISTING WATER VALVE
	EXIST. SANITARY SEWER MANHOLE
	EXIST. CURB & GUTTER
	PROPERTY LINE
	GRADE BREAK
	SAW CUT
	STREET RIGHT-OF-WAY (ROW)
	EASEMENT LINE
	EXIST. FENCE LINE
	PROPOSED UNDERGROUND POWER
	EXIST. SANITARY SEWER LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED WATER LINE
	EXIST. WATERLINE
	PROPOSED SANITARY SEWER SERVICE
	PROPOSED WATER SERVICE
	EXISTING OVERHEAD POWER
	EXISTING OVERHEAD TELEPHONE
	EXISTING GAS SERVICE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED CONCRETE SIDEWALK
	PROPOSED ASPHALT PARKING LOT
	PROPOSED LANDSCAPING
	PROPOSED BUILDINGS
	EXISTING ASPHALT TO BE REMOVED
	EXISTING ASPHALT TO BE PROTECTED
	PROPOSED GRAVEL DRIVEWAY
	EXISTING CONCRETE SIDEWALK



## PRIVATE DRIVE SECTION

## GENERAL NOTE:

- ALL PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY OF IDAHO FALLS ENGINEERING STANDARD SPECIFICATIONS AND STANDARD DRAWINGS.
- ALL ON-SITE IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY OF IDAHO FALLS ENGINEERING STANDARD SPECIFICATIONS STANDARD DRAWINGS OR ISPCW DETAILS.
- SEE ARCHITECTURAL PLANS FOR ALL BUILDING DETAILS.
- ALL FIRE ACCESS ROADS SHALL MEET THE LATEST VERSION OF THE INTERNATIONAL FIRE CODE REQUIREMENTS FOR FIRE APPARATUS ROAD.

## SURVEY NOTE:

This site plan conforms to an actual survey that was performed on the ground by a licensed land surveyor in and for the State of Idaho. It is the owner's responsibility to construct all structures shown on this site plan in accordance with said survey.

## ENGINEERING DEPT.

SEWER FRONT FOOTAGE 0 FT.

WATER FRONT FOOTAGE 0 FT.

- The address shall be posted and maintained on every job site prior to and during construction. **NO ADDRESS = NO INSPECTION.**

- A **Site Plan** including a completed City review block shall be on the job site at all times during construction.

- Any changes** to this site plan shall be submitted to the City of Idaho Falls Planning and Building Division for approval prior to construction.

- Failure to comply** with the requirements of this plan may result in the City withholding building permits, certificates of occupancy, water or electrical service.

- Approval of the City Engineer** is required for any proposed construction within a public right-of-way or easement and shall be in accordance with the **current City of Idaho Falls Standard Specifications and Drawings**.

- A **City of Idaho Falls Public Works License** is required for any contractor working in a public right-of-way or easement.

- A **Public Right-of-Way Use Permit** is required for any work in any public right-of-way or easement. The City Engineering Department must be notified at least two (2) days prior to any excavation under this permit (208-612-8250).

- Placing Concrete** within the public right-of-way requires inspection and approval by the City Engineering Department. The department shall be notified at least four (4) hours prior to placing (208-612-8250).

- All **Driveway Approaches** shall be concrete and meet the requirements of the current City of Idaho Falls Standard Specifications and Drawings. All driveways and parking areas shall be hard surface.

- Replace** all broken or poor quality curb, gutter, and sidewalk.

- Remove** all unused driveway approaches and replace with standard full height curb, gutter and sidewalk.

- A Licensed Idaho Professional Engineer shall inspect, certify to City Standards, and prepare "As-built" drawings for all **Water, Sanitary Sewer and Storm Sewer Main Lines**.

- All **Water Service Lines** less than four (4) inches and **Sanitary Service Lines** less than eight (8) inches shall be inspected by the City Sewer Department prior to backfilling (612-8108).

- Pursuant to IDAPA 58.01.08, all new construction shall install provisions for a future water meter to capture domestic and landscape irrigation uses. Provisions shall be installed per City of Idaho Falls Standard Drawing 600-3 for 600-3. Contact Water Supt. (208-612-8471) to determine if meter itself is required. Meters or meter idlers shall be on approved material list and may be purchased from Water Department warehouse (208-612-8474).

- Fire flow and access road requirements for commercial buildings** are based on building construction type, height, and total square footage of all floors. This information must be provided on the site plan.

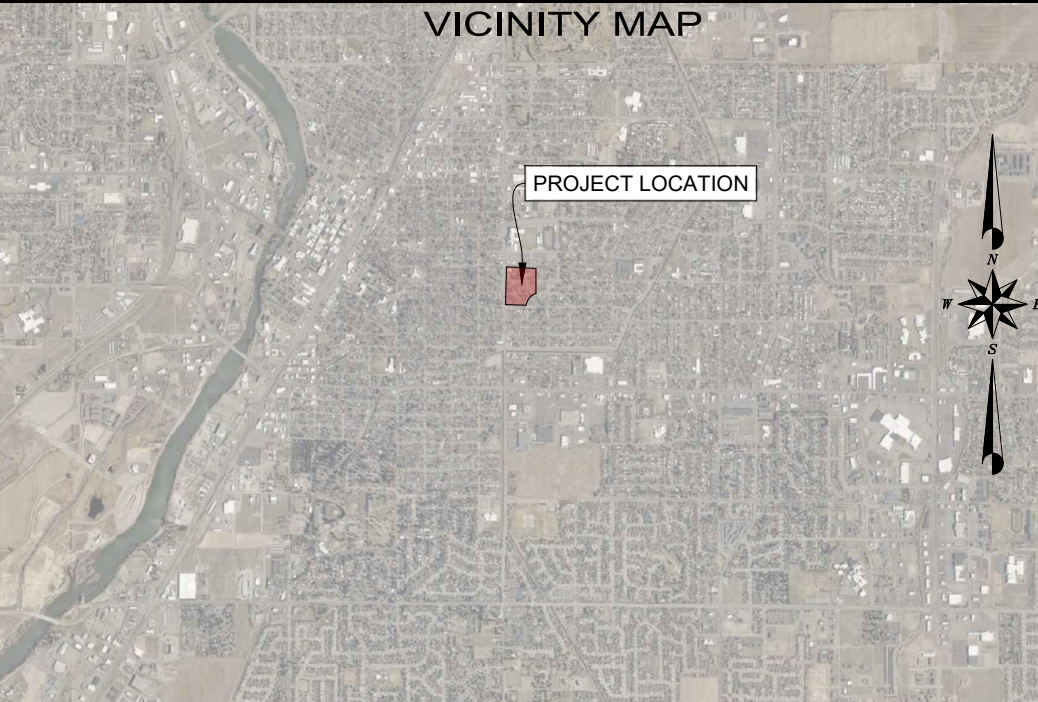
- Private fire service water mains** shall be installed by, or under the supervision of, a city licensed fire sprinkler contractor. Fire service mains must be tested and approved by the Fire Marshal prior to backfilling.

- All **Electrical Facilities**, including new services or the relocating of existing, shall be in accordance with the current Idaho Falls Power Service Policy. Service Policy available at I.F.P. office or I.F.P. website. The developer must submit two (2) copies of these plans directly to Idaho Falls Power for the design and/or approval of electric service. Contact Idaho Falls Power prior to construction of electrical facilities (612-8430).

- All single-family attached dwellings shall have separate electrical, water, and sewer service lines without any common facilities.

- Appropriate erosion and sediment control requirements associated with construction shall be shown on the Site Plan or a separate attached plan.

- In compliance with Idaho Code § 55-1613 a field search and location survey has been conducted under the direction of a professional land surveyor prior to this project's construction.



## CITY OF IDAHO FALLS SITE PLAN APPROVAL Revision 4/2016

Approved \_\_\_\_\_ Date \_\_\_\_\_  
City of Idaho Falls

## PROPERTY LEGAL DESCRIPTION

BEGINNING at a point N 00° 27' 34" E along the section line a distance of 891.06 feet from the Southwest Corner of Section 16, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho:

Thence, S 89° 34' 26" E for a distance of 214.35 feet; Thence, N 09° 00' 27" E for a distance of 178.36 feet; Thence, S 89° 33' 46" E for a distance of 50.58 feet; Thence, N 09° 03' 05" E for a distance of 136.17 feet; Thence, N 01° 13' 35" E for a distance of 113.24 feet; Thence, N 80° 54' 54" W for a distance of 205.02 feet; Thence, N 89° 30' 54" W for a distance of 38.24 feet to a point on the west boundary of said Section 16; Thence, S 00° 27' 14" W along said boundary for a distance of 427.53 feet to the POINT OF BEGINNING.

Described boundary contains 2.679 acres, more or less.

811  
Know what's below.  
Call before you dig.

## SITE PLAN CONTACT PERSON

NAME Barry Bame  
ADDRESS 2295 N Yellowstone HWY. Unit 6 Idaho Falls, ID ZIP 83401  
PHONE 208.881.0081

## SITE PLAN NAME AND ADDRESS (See Note #1)

CARIBOU CROSSING  
279 CARIBOU ST.  
IDAHO FALLS, ID 83401

FILE NO. 2021-021	DRAWN BY: MAK	DATE PLOTTED: 2-28-22	SHEET NO. 1 of 1
SCALE: 1" = 80'	CHECKED BY: BWB	REVIEW NO.: 1	





1 Front Elevation  
1/4" = 1'-0"











**STAFF REPORT**  
**Planned Unit Development**  
**Caribou Crossing**  
**May 26, 2022**



Community  
Development  
Services

**Applicant:** Connect Engineering

**Project Manager:**  
Naysha Foster

**Location:** Generally located north of 1<sup>st</sup> St, east of NW Bonneville Dr, south of Garfield St, west of N Woodruff Ave.

**Size:** 2.64 acres

**Units:** 29

**Existing Zoning:**

Site: LC  
North: R1  
South: R3  
East: LC  
West: R3

**Existing Land Uses:**

Site: Vacant  
North: Residential  
South: Residential  
East: Vacant  
West: Vacant

**Future Land Use**

**Map:**  
Higher Density

**Attachments:**

1. Maps
2. Aerial photos
3. PUD Site Plan
4. Elevations
5. PUD Standards

**Requested Action:** To approve the Planned Unit Development of Caribou Crossing Townhomes.

**History:** The property was recommended to be annexed in December with an initial zone LC by the Planning and Zoning Commission. City Council approved the annexation and proposed zoning on January 27, 2022.

**Staff Comments:** The application for the proposed PUD was submitted on December 27, 2022. There will be 6 four-plexes and 1 five-plex, totaling 29 total units. The units on each end will have a one car garage with tandem parking in the driveway. The center units will have two car garages. This a total of 79 parking spaces including garage parking. The total spaces required is 58. The amenity will include a gazebo and picnic tables. The street will be private and will access Easy Street, which is also a private street. There is a pedestrian pathway, sidewalks, and cross walk. The proposed PUD meets the minimum 25% landscape requirement, not including the buffers along a street and between single family and multifamily. The PUD contains 26% landscaping. The developer is asking for a variance on the rear setbacks from 25 feet to a minimum of 15 feet. An eight-foot masonry wall runs along the north side of the property. This was a development requirement when the shopping center was developed to buffer the residential uses from the commercial. Now that the area is being developed for residential staff is recommending the developer cut a hole in the wall to allow for pedestrian connectivity between Kelsey Ave and the sidewalk on Easy St. This connection would help connect the neighborhood to the north to daily services.

**Staff Recommendation:** Staff and the Planning and Zoning Commission recommend approval of the PUD with the condition to provide pedestrian connection from Easy Street to Kelsey Avenue, which has since been added to the PUD. The PUD conforms to the requirements outlined in section 11-26(W) of the Zoning Ordinance.



<b>PUD Standards</b>	<b>Staff Comments</b>
Siting Requirements: Minimum site size shall be two (2) acres.	The PUD consists of 2.64 acres. The minimum site size for a PUD shall be 2 acres, with the exception in Section 11-2-6(W)(4)(a), that allows a smaller lot if it is considered redevelopment or provides a public benefit or amenity.
Regulations and Uses: Function as an overlay zone, all regulations and uses shall be the same as the underlying zoning district unless modified as part of the PUD.	Residential in the LC Zone shall comply with development standards of the R3A Zone.
Unified Control:	The PUD will include a Home Owners Association.
Density: The residential density in the R3A zone with a PUD is 35 units per gross acre.	The developer is proposing 11 units per gross acre.
Location of Buildings and Structures: The maximum structure height for a residential PUD shall be determined by the underlying base zone, except where a structure is set back from required setback lines by at least one foot (1') for each additional foot of building height	There are no building height restrictions in the R3A Zone, unless the wall is taller than 24 ft and it is adjacent to a residential zone, then additional setbacks are required. The proposed structures do not exceed the 24 ft wall height.
Arrangement and Design: Residential buildings include a high quality of design and should be separated and arranged to provide for private space in addition to common areas.	The arrangement of the townhomes will provide some private space, as well as common areas.
Landscaping: All areas within the PUD not covered by buildings, parking spaces, sidewalks or driveways shall be landscaped and maintained.	All non-hard surfaced areas are proposed to be covered by landscaping.
Common Space: All PUDs shall provide common and landscaped areas. Not less than twenty five percent (25%) of the gross area of a PUD shall be designated and maintained as common space.	The proposed PUD meets the twenty five percent requirement. The proposed landscape area is 26%.
Amenities: PUDs shall provide amenities in addition to the common space required by this Section. The number and size of the amenities should increase as overall acreage and scale of the development increases.	This development would be required to have one amenity. The developer is proposing a gazebo and picnic tables.
Pedestrian System: Walkways shall form a logical, safe, and convenient system for pedestrian access to all structures and amenities.	The PUD will provide sidewalks within the development.
Phasing:	The PUD will be constructed in one phase.



## **Comprehensive Plan Policies:**

**Residential development should reflect the economic and social diversity of Idaho Falls.** New and existing developments should foster inclusiveness and connectivity through mixed housing types and sizes and neighborhood connections through parks, open spaces and streets. (p. 40)

A park sufficient to meet neighborhood needs shall be provided to serve residential development. (pg. 40)

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

## **Zoning:**

### **11-6-3: APPLICATION PROCEDURES.**

(1) Application Procedures for a Planned Unit Development (PUD).

(8) Approval of the PUD shall expire if no effort is made to complete the PUD within eighteen months from the date of Council's approval of the development plan.

### **11-2-6: (W) Planned Unit Development (PUD).**

(1) Purpose. The purpose of the Planned Unit Development (PUD) regulations is to allow for residential and limited commercial uses, or a mix of residential and limited commercial uses, in an overall site development that may vary from the requirements of this Code. The intent of the PUD regulations is also to:

- (a) Allow for flexibility from traditional zoning standards that results in development providing an improved living environment, including usable common space, amenities or services, increased landscaping, additional architectural features or standards, and compatibility with the contiguous neighborhood.
- (b) Promote flexibility and innovation of design while permitting diversification of development types in order to encourage the most suitable use of a site.
- (c) Achieve a compatible land use relationship with the surrounding area.
- (d) Promote redevelopment and reuse of previously developed property.
- (e) Encourage development of vacant properties within developed areas.
- (f) Provide usable and suitably located common space, recreation facilities or other public/common facilities.
- (g) Facilitate functional and efficient systems of streets, pathways, utilities, and municipal services on and off site.
- (h) Promote efficient use of land with a more flexible arrangement of buildings and land uses.
- (i) Provide for master planned development that includes interconnected design elements between structures or phases, increased amounts of landscaping or natural features, connections to the surrounding neighborhood or public lands and unique architectural features.
- (j) Ensure appropriate phasing of development and amenities.



(k) Provide for attractive streetscapes that are not dominated by parked vehicles or garage entrances.

(2) Allowed Uses.

(a) All uses allowed in the underlying zone.

(b) Limited commercial uses in mixed use developments not otherwise allowed in the base zone as set forth in Chapter 2 Land Use Regulations of when:

(i) The uses are consistent with the character of the neighborhood, mitigate impacts to the surrounding area and are sited and designed such that the activities present will not detrimentally affect residential uses.

(ii) The uses do not create a traffic or pedestrian safety hazard or generate traffic more than the capacity of the public streets serving the development or its own proposed access points to those streets.

(iii) The limited commercial uses within a residential zone do not constitute more than twenty percent (20%) of the gross land area of the PUD.

(3) General Requirements.

(a) Unified Control. The development site of a PUD shall be under unified ownership or control and shall be planned as a whole so all landscaping, off -street parking and other common areas can be properly maintained.

(b) Establishing Additional Standards. In addition to general building and development standards, additional design standards may be imposed in the approval of a conditional use to satisfy the criteria for PUD development as set forth in this Section. The requirement of additional conditions to implement these standards shall be consistent with the process for approval of a conditional use permit for a PUD as set forth in Chapter 6 Administration.

(c) Applicability of Other Regulations. Unless otherwise approved through the Conditional Use Permit, a PUD shall conform to all requirements set forth elsewhere in this Code, Subdivision Regulations, Standard Specifications and Drawings, and all other applicable regulations and standards of the City of Idaho Falls.

(d) Approval Process. The application requirements, review steps and approval process for a PUD as set forth in Chapter 6 Administration.

(4) Dimensional Requirements. Dimensional standards, including minimum lot size, setbacks, maximum density and height, and required parking and parking dimensional standards, if different from the regular requirements of this code shall be established for each individual PUD based upon the following criteria:

(a) PUD Size. The minimum site size for a PUD shall be two (2) acres. Smaller acreage may be considered for a PUD on land that the Council finds is redeveloping or provides a public benefit or amenity.

(b) Lot Size. There shall be no minimum lot size.

(c) Density.

(i) The maximum density allowed in residential zones is set forth in Table 11-2-4

Maximum Residential Density:

Table 11-2-4: Maximum Residential Density



Base Residential Zone	Dwelling units/gross acres
RE	2
RP	5
RMH	8
R1	8
R2	17
TN	17
R3	35
R3A	35

- (ii) For other base zones where residential uses are allowed, the maximum density allowed shall be thirty-five (35) dwelling units per gross acre.
- (iii) The maximum number of units permissible in each individual zone shall be calculated separately, and no allowed dwelling unit density can be transferred between zones.
- (d) Setbacks shall reflect the general standards of the area and character of the neighborhood in which the PUD is located.
  - (i) In residential PUDs, the established setbacks of residential properties contiguous to or across the street from the PUD, shall constitute the minimum setback for the perimeter area of the PUD which it is contiguous to.
  - (ii) Internal setbacks between buildings or internal lot lines within residential PUDs may be established as part of the PUD process.
- (e) Height. The maximum structure height for a residential PUD shall be determined by the underlying base zone, except where a structure is set back from required setback lines by at least one foot (1') for each additional foot of building height.

(5) Landscaping and Buffering.

- (a) All areas within the PUD not covered by buildings, parking spaces, sidewalks or driveways shall be landscaped and maintained.
- (b) Landscape plans shall be submitted as part of the PUD application.
- (c) Internal landscaping area, excluding required buffers, shall provide the following, a minimum one (1) tree per five thousand square feet (5,000 ft<sup>2</sup>). A minimum of two (2) shrubs for each required tree. The use of native vegetation which reduces water consumption is encouraged.
- (d) Alternate tree spacing can be requested as part of the PUD, but shall not reduce the total minimum number of trees required.
- (e) All PUDs that include limited commercial uses or residential uses contiguous to existing commercial uses shall provide a buffer from contiguous residential uses that are not part of the PUD development.
  - (i) The buffer shall be no less than ten feet (10') in width and shall include trees with no less than twenty foot (20') centers separating them; and
  - (ii) A six foot (6') opaque fence (opaque fence shall not include chain link fencing with or without slats) or a dense hedge of shrubbery which shall attain a height of at least six feet (6').



(7) Streetscapes.

- (a) All PUDs shall have frontage on a public or an approved private street.
- (b) The development shall provide safe, inviting, and attractive streetscapes.
- (c) Except for the area occupied by a permitted driveway, a landscape strip shall be provided and maintained along the side of the property bordering any public or private street that is closest to the portion of the lot containing a structure or other development.
  - (i) The landscape strip contiguous to perimeter public streets shall be no less than twenty feet (20') in width and shall include trees (with no less than thirty feet (30') centers separating them) and lawn or other ground cover.
  - (ii) The landscape strip contiguous to internal public and private streets shall be no less than ten feet (10') in width and shall include trees (with no less than forty feet (40') centers separating them) and lawn or other ground cover.
- (d) Trash enclosures and dumpsters shall not be located within setbacks or contiguous to any Street.

(8) Common Space. All PUDs shall provide common space and landscape areas as follows:

- (a) Not less than twenty-five percent (25%) of the gross area of a PUD shall be designated and maintained as common space for the recreational and/or common use of the occupants of the development.
- (b) Common space may include an open space parcel or parcels of land, an area of water, or a combination of land and water, recreational facilities, either public or private, ball courts, swimming pools, playgrounds, drainage facility developed with physical amenities, exercise rooms or similar facilities.
- (c) Common spaces shall not include areas within any road, driveway, parking area, sidewalk contiguous to a public or private street, required landscape strip or buffer, and a drainage facility that does not include additional physical amenities, as identified in this Section, beyond open space.

(9) Amenities. All PUDs shall provide amenities in addition to the common space required by this Section as follows:

- (a) The number and size of amenities should increase as overall acreage and scale of the development increases. At least one (1) amenity shall be provided for the first fifty (50) residential units proposed, and one (1) additional amenity shall be provided for each fifty (50) residential units proposed thereafter.
- (b) Amenities should be placed in logical areas that allow convenient access to most of the occupants of the development.
- (c) PUDs shall provide at least one (1) of the following amenities:
  - (i) Private or public recreational facility, such as a swimming pool, ball courts, or playground, in scale with the development.
  - (ii) Private or public plaza, pedestrian mall, garden, arboretum, square or other similar open space.
  - (iii) Public access to or additions to the greenbelt, neighborhood park systems or other public open space or enhanced pedestrian connections to adjacent employment and shopping centers.



- (iv) Trail system or pedestrian paths in addition to necessary circulation paths that would be required if the development was not a PUD.
- (v) Water features, sculptures or work of art.
- (vi) Private streets that include landscaped medians.
- (vii) A drainage facility developed with additional physical amenities beyond open space.
- (viii) Similar amenities which reflect the purposes of this Section as approved.

(10) Pedestrian system.

- (a) PUDs shall provide pedestrian connections to existing or proposed schools, parks, public lands or pathways on adjacent properties.
- (b) The pedestrian connections shall form a logical, safe, and convenient system for pedestrian access to all structures, project facilities and amenities, and principal off-site pedestrian destinations.

(11) Phasing. Phasing of development and associated public and private improvements is permitted, subject to an approved phasing schedule. Phased development shall be considered with the initial PUD approval process and a phasing schedule shall be approved as part of the development plan. Proposed amenities shall be constructed with the first phase or approved according to the phasing schedule, provided that a majority of the improvements occur within the first phase. Upon approval of the development plan and schedule for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures, as specified by this Code.



February 15, 2022

7:00 p.m.

Planning Department

City Annex Building

**MEMBERS PRESENT:** Commissioners Brent Dixon, Joanne Denney, Arnold Cantu, George Morrison, Margaret Wimborne, Lindsey Romankiw

**MEMBERS ABSENT:** None.

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler, planners Naysha Foster, Caitlin Long Anas Almassrahy and Caitlin Long and interested citizens.

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

**CHANGES TO AGENDA:** None.

**MINUTES:** None.

**Public Hearing(s):**

**3. PUD 21-006: PLANNED UNIT DEVELOPMENT. Caribou Crossing Townhomes.**

Denney opened the public hearing.

**Applicant: Barry Baine, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho.**

Baine stated that this property was just annexed in January. Baine stated that this property is behind WinCo and is 2.5+ acres with an initial zoning of LC. Baine stated that they are bringing a PUD concept for affordable single-family housing. Baine stated that there is R-1 to the north and is surrounded by LC, with multi-family directly to the south. Baine stated that they are proposing to put 29 single family homes on the property, and they will have a final plat. Baine stated that they will have 2 car garages and 1 car garage townhomes. Baine stated that they meet the requirements for the LC Zone which refers to the R3A zone for residential. Baine stated that the density required for R3A zone is 35 units per acre. Baine stated that they are currently at 11 units per acre. Baine stated that they are seeking just above R1 density which is a good transition as it goes from multi-family and commercial to the single family. Baine stated that this property is vacant and will be City infill. Baine stated that this is a walkable area for stores and access to City systems. Baine stated that there is sewer and water in Easy Street. Baine stated that they are planning to exceed the required 58 parking stalls and they will provide 79 parking stalls with the layout. Baine stated that they are seeking a variance with this PUD with the setbacks on the south side and the north side. Baine indicated that in order to get a full parking driveway in the front of the units they are seeking for a reduced setback from the required 25' to 15-16'. Baine stated that on the south where it adjoins to multi-family the setbacks will be more consistent with multi-family. Baine stated that there is a masonry wall that goes along the that is 9' tall. Baine stated that they will still follow the landscape buffer with trees also. Baine stated that with the wall and landscape buffer it justifies the variance on the setback to get the additional parking that the homeowners want in the site. Baine stated that they are providing the 25% common space with a gazebo. Baine stated that there has been talks with City Parks and Recreation about working with them to turn the area directly into the west into some sort of parks system for the PUD and the City. Baine stated that the entry will be appealing with signage and landscaping.



Dixon asked about the distance between garage doors and the sidewalks on the tandem parking. Baine stated that it is 20' so it is longer than the average vehicle. Dixon wanted to clarify that the tandem parking wouldn't block the sidewalk. Baine stated that the City Staff had that same concern and urged them to extend to the full 20'. Dixon asked on the end of the sub streets is there going to be a turn around. Baine stated that it is less than 150' so it is not required per fire.

Morrison asked if there is any guest parking. Baine stated that total required parking with 2 spots per unit would be 58 parking stalls and with the tandem stalls and requesting the variance they would have 79 parking stalls which would be 21 additional parking, as well as street parking.

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

Dixon asked if this property includes part of the original right of way for Kelsey Ave. Foster stated that it is a private easement. Dixon asked if the right of way has been vacated. Foster indicated that it has been vacated. Foster indicated that they wouldn't develop Easy Street into Kelsey Ave, as the property to the north is all established residential, and the street was vacated when the masonry wall was constructed when WinCo was built as part of the development agreement. Dixon asked if a park is developed to the northwest would the primary access to the park be Northeast Bonneville or through this private street network. Foster stated that it would be from Northeast Bonneville and the developer is also proposing walking through a fence to connect. Baine clarified that they have been in talks, but it is not for sure thing on the park, and he doesn't want decisions based on a park. Baine stated that the PUD doesn't have any of the park included in it. Dixon is trying to understand if they are trying to establish a potential for future road network or if what is being proposed is a pedestrian access. Baine stated that in talks with Parks and Recreation the main access would come from NE Bonneville, and the other access could possible by pedestrian access only. Baine again stated they are very initial talks. Beutler clarified that Easy Street is a private road and not public. Beutler stated that the roads within the proposed PUD would also be private. Beutler stated that if there were a public park built to the west that public access would come from NE Bonneville.

**No one appeared in support or opposition of this application.**

Denney closed the public hearing.

Dixon stated that they have had mixed reviews on tandem parking as far as how well it works. Dixon feels that shortening the rear setbacks is ok due to the significant wall that is the primary buffer between this buffer and the existing property. Dixon feels that the amenity is appropriate, and if the park is developed then that will add benefit for this property. Dixon does like the recommendation for a pedestrian cut through the wall so people can get back and forth between the neighborhoods and shopping centers. Dixon feels that it is unfortunate that Kelsey Ave has been vacated.

Morrison thinks this is a good fit for this property and presents an excellent buffer from multi-family to single family housing, and this is what missing middle should look like.

Wimborne echoed Dixon's comments on parking. Wimborne feels that tandem does work in a lot of situations and does commend the developer for providing additional parking for visitors as this is a tight space.



**Wimborne moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Caribou Crossing Townhomes with the requirements outlined to provide the pedestrian connection from Easy Street to Kelsey Ave. Morrison seconded the motion.**

Dixon asked if the motion includes recommendation for the variance to the rear setbacks. Wimborne stated that she didn't explicitly state it but did say the conditions as outlined and then the connections, Wimborne feels that the conditions as outlined included the setbacks.

Staff didn't feel that the motion needed to be restated.

**Denney called for roll call: Cantu, yes; Dixon, yes; Morrison, yes; Romankiw, yes; Wimborne, yes. The motion passed unanimously.**



## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**PLANNED UNIT DEVELOPMENT OF CARIBOU CROSSING TOWNHOMES, LOCATED GENERALLY NORTH OF E 1<sup>ST</sup> ST, EAST OF NW BONNEVILLE DR, SOUTH OF GARFIELD ST, WEST OF N WOODRUFF AVE.**

**WHEREAS**, the applicant filed an application for a PUD on December 27, 2021; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on February 15, 2022; and

**WHEREAS**, this matter came before the Idaho Falls City Council during a duly noticed public hearing on May 26, 2022; and

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

### **I. RELEVANT CRITERIA AND STANDARDS**

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls 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 PUD is a 2.64 acre parcel located generally north of E 1<sup>st</sup> St, east of NW Bonneville Dr, south of Garfield St, and west of N Woodruff Ave.
3. The property is currently zoned LC, Limited Commercial.
4. The proposed PUD consists of 6 four-plexes and 1 five-plex totaling 29 townhome style units.
5. The PUD provides required amount of landscaping. A gazebo will be constructed for the amenity.
6. All streets within the PUD will be private.
7. A variance for reduced rear setbacks along north and south property line from required 25 feet to not less than 15 feet was granted.
8. The PUD complies with the requirements of the Zoning Ordinance of the City of Idaho Falls.

### **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the PUD for Caribou Crossing Townhomes.

**PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS**

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

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Rebecca L. Noah Casper, Mayor



# Memorandum

File #: 21-509

City Council Meeting

**FROM:** Brad Cramer, Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East.

## Council Action Desired

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

1. Approve the Ordinance annexing 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Airport Overlay Limited Development Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R2. Staff concurs with this recommendation.

## Alignment with City & Department Planning Objectives



Consideration of annexation must be consistent with the principles of the Comprehensive Plan which includes many



policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

**Interdepartmental Coordination**

The annexation legal description has been reviewed by the Survey Division.

**Fiscal Impact**

NA

**Legal Review**

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



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

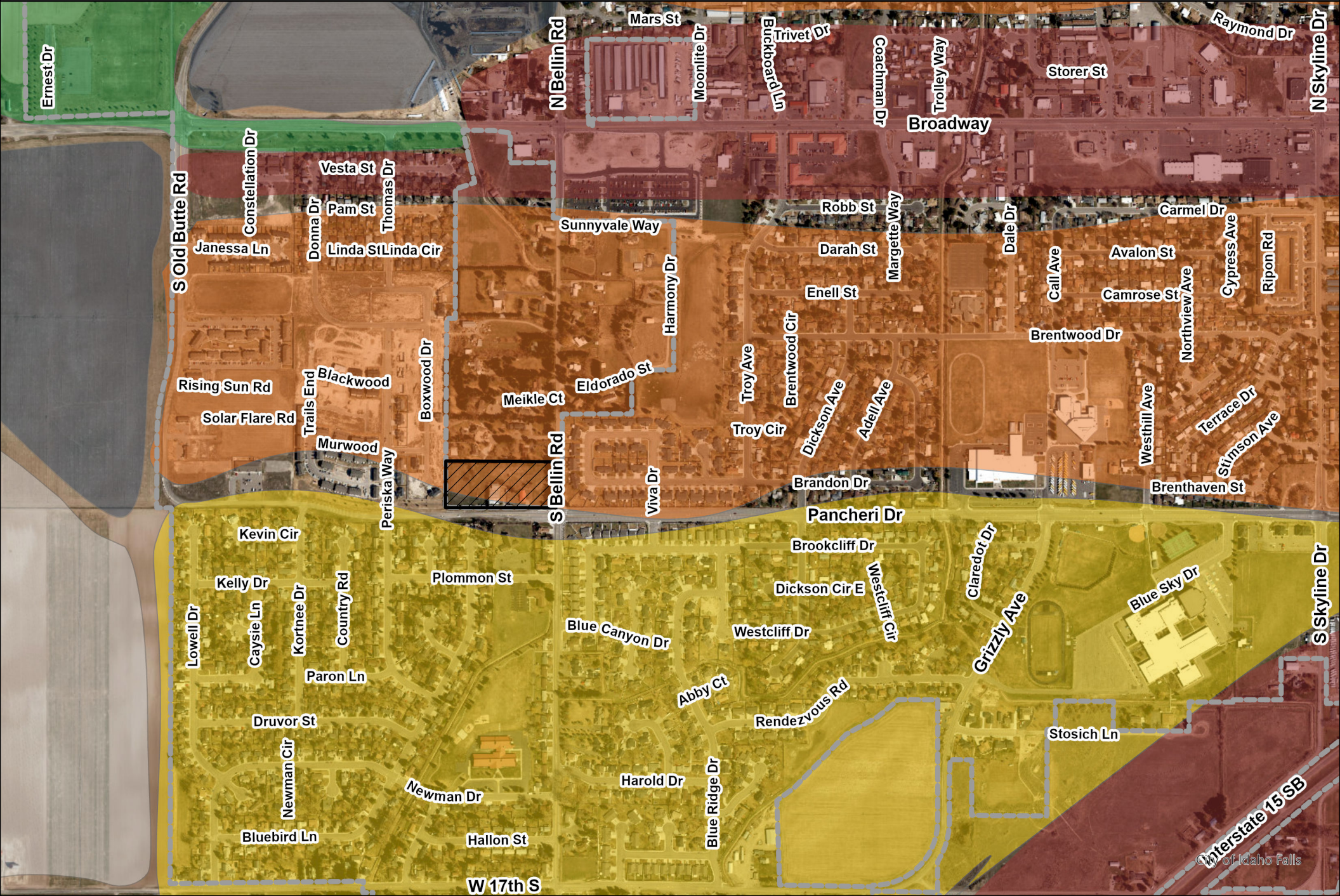








- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban





**STAFF REPORT**  
**ANNEXATION AND INITIAL ZONING**  
**Annexation and Initial Zoning of R2 with Airport Overlay Limited**  
**Development Zone**  
**SE ¼ of NE ¼ Sec 22, T2N, R37 E**  
**May 26, 2022**



Community  
Development  
Services

**Applicant:** Connect Engineering

**Project Manager:** Caitlin Long

**Location:** Generally located north of Pancheri Dr, east of Boxwood Dr, south of Bellin Cir, west of S Bellin Rd

**Size:** 5.611 acres

**Existing Zoning:** County A-1

**Proposed Zoning:** R2

**Existing Land Uses:**

Site: Ag/Residential  
 North: Residential  
 South: Residential  
 East: Residential  
 West: Residential

**Future Land Use Map:**  
 General Urban/ Suburban

**Attachments:**

1. Comprehensive Plan Policies
2. Zoning Information
3. Maps and Aerial Photos

**Requested Action:** To **approve** annexation and initial zoning of R2, Mixed Residential, with Airport Overlay Limited Development Zone.

**Staff Recommendation:** Staff recommends approval of the annexation and initial zoning of R2 with Airport Overlay Limited Development Zone as it is consistent with the policies of the Comprehensive Plan.

**Annexation:** This is a category “A” Annexation as it is requested by the property owner. The property is within the Area of Impact and contiguous to the city limit on the south, west and east side. Annexation of the property is consistent with the City’s Comprehensive Plan. City utilities are adjacent to the property and can be extended to provide service to the area.

**Initial Zoning:** The proposed zoning is R2, Mixed Residential. This zone is a characterized by more compact residential development. This property is currently zoned A-1 in the County, which is a primary Agriculture zone, but is surrounded by Residential on all sides. There is also an Airport Overlay Limited Development Zone for this property.

**Staff Comments:** This property is located on the corner of Bellin Rd and Pancheri Dr and is approximately 5.61 acres. The proposed zone is R2, Mixed Residential with a Limited Development Airport Overlay Zone. The uses permitted in R2 are compatible with the Limited Development Overlay Zone. The R2 is characterized by generally being located near limited commercial services that provide daily household needs. This annexation also falls under the General Urban transect in the ImagineIF Comprehensive Plan, which also denotes residential areas with a mix of commercial and service areas convenient to residents. In addition, this annexation neighbors the Suburban transect which the Suburban Transect denotes existing or planned residential areas in close proximity to or with easy vehicular access to regional commercial service areas that provide daily household needs. These areas contain various housing types, generally including detached and attached single-unit dwellings, accessory dwelling units, duplexes and triplex and fourplex units at a house scale. The General Urban and Suburban transects both align with the R2 Zoning proposed.

Continued on the next page....



The surrounding zones for this property are R1 on the south, west and east side, with county property to the north. The housing types in this area are varied, including twin homes, smaller and typical lot size single unit homes and larger estate residential. Townhomes and 4-plexes are also in the vicinity (within 500 feet of the property). There are other examples of medium to higher density along major intersections in the area such as W 17<sup>th</sup> S and S Bellin Rd and Pancheri and S Skyline Dr. so this R2 fits in the surrounding area that way as well.

The R2 Zone has a maximum building height of 36 feet or three stories. If multi-units (4-plex) were developed on the property an additional two feet of setback is required for each additional foot of height above 24 feet or two stories. This provides an additional protection to existing single dwelling units to the north and west of the property.

As part of development of this property the pedestrian connections will be completed along Pancheri Drive. This connectivity will foster increased walkability in this area and bring connections to park facilities to the north and east, two elementary schools and a junior high and high school. Pathway in this area will allow residents to easily connect to the soccer complex to the north and riverwalk amenities to the east.

Bellin Road is classified as a Major Collector roadway and Pancheri Drive as a Minor Arterial. Arterial roads are intended to carry large amounts of traffic, provide good mobility and connect the overall street network with regional facilities like state highways and freeways. Major collector roads are intended to collect the traffic from local streets and convey them to higher ordered streets. They are intended to carry more traffic than a typical local street. Bellin will be required to be widened, as has been done south of Pancheri Drive, and is intended to connect with the arterials in the area including 17<sup>th</sup> South, Pancheri Drive, Grandview and Old Butte as well as convey traffic to W Broadway, a strategic arterial. Pancheri Drive will also be widened as has been completed to the east.

Because higher traffic is expected at the Pancheri Drive and Bellin Road intersection this property will have restricted access and will need to meet the spacing requirements of the Access Management Plan. Individual driveway access from each lot to the city street will not be allowed. This means that typical subdivision development is impractical. Single access points and shared driveways will be required to develop the property. The R2 Zone, which allows for smaller lot sizes and more housing types is more suited for these development constraints, as demonstrated by the townhomes developed in Lindon Trails to the west.

The Suburban and General Urban Transects support a mix of housing types in this area. The R2 Zone allows for the development of those housing types whereas the R1 Zone is restricted to single dwelling units or twin homes. The Comprehensive Plan supports decreasing the amount of land consumption, reducing minimum lot sizes, and providing for a mix of housing types in areas of high walkability. The R2 Zone is designed to meet these goals and will be more successful in locations such as this where connectivity is already present and good transportation mobility can be achieved.

### **Comprehensive Plan Policies:**

#### **Challenges to Growth (p.56-58):**

The cost of maintaining infrastructure, limited natural resources and overall capacity to provide all City services and utilities are immediate issues facing the Idaho Falls area. These all have related land use implications and various growth patterns have consequences. A city's growth policies can lead to sprawling boundaries with more maintenance and service needs than funds available to meet them, overcrowded areas with too little open space, or some balance between the two.



The consumption of land does not in itself speak at all to the resource commitment in streets, utilities, parks and open space, water, sewer, power and emergency services needed to maintain and service it. The Imagine IF policies recommended in this plan attempt to reverse this trend, especially in light of higher-than average population growth rates for the area. Even prior to the Imagine IF initiative, the City made strides to focus on “infill development” (i.e., utilizing undeveloped lands within the City rather than expanding the city’s Boundaries). These efforts are working. From 2010 to 2020, the population grew by 14% while the City’s boundaries grew by only 15%, compared to 30% in the previous decade.

Idaho Falls must understand the long-term consequences of its land use decisions. It cannot continue to have policies which are overly favorable to large-lot subdivisions requiring new roads and increased city boundaries instead of more compact development that better utilizes existing infrastructure. Being intentional about growth decisions and cognizant of the financial impacts is a protection against high tax growth and the City’s capacity to efficiently and effectively serve its citizens.

**Housing Pg. 85:** Having affordable housing is a desire of residents in Idaho Falls and being able to supply housing to our growing City is a critically important aspect to focus on.

**Managing Change (p. 58-59):**

Although the City needs to rethink how it grows and develops, it must also be cognizant of how change can cause concerns in existing neighborhoods. That is not to say that neighborhoods should never expect to experience changes. Strong Towns, a non-profit planning organization, describes the balance in these terms:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

The policies and actions in this plan are intended to strike this balance. In each area and throughout the city, residents also participated in the planning process they recognized the need for improvements and saw the challenges the City is facing. Each neighborhood has its own challenges and opportunities to be part of the solutions.

Degrees of change:

1. Maintain: Smaller, more incremental changes, mostly reinforcing the exiting scale of an area.
2. Evolve: Opportunities for small-to medium-sized public and private investments or projects. Minor changes in scale. Opportunity sites should be targeted.
3. Transform: Opportunities for larger scale changes, such as a significant increase in scale and possible mix of uses. The changes are more likely to be widespread and not on focused sites.

Each of these degrees of change can be found in the Imagine IF plan. Whether it is City-wide code changes, identifying potential walkable centers and redevelopment sites, or thinking about adding benches along pedestrian routes, change is recommended in a variety of ways. The changes are not radical, abrupt changes to Idaho Falls’ character. Rather, most are small, incremental changes designed to bring about the vision described by the community during the planning process.

**Urban Transects (p.60-61):**

Visualizing and Planning for Land Uses and Service Levels Idaho Falls provides a wide variety of services and infrastructure for its residents, property owners and business community. Services such as water, sewer, power, fiber optics, streets, pathways, parks and recreation centers, police, fire, trash removal, library and transit are all examples of amenities provided and funded through the City government. Because land uses, activity levels and service demands vary across the City, not every part of the City has the same access to the same services. To be fiscally responsible, cities allocate such infrastructure according to how fully it is needed and how likely to be used, based on present and



potential future land uses. By examining an area's current or anticipated use, it is possible to classify the area's level of need for services. Transect designations are applied to the land use map in broad generalized areas and attempting to capture existing patterns and reflect anticipated development patterns.

It is important to understand what the (Comprehensive Plan Land Use) map is and what it is not. The map is general in nature. It is aspirational and not an exact reflection of what will happen in the future. It is also broad and will not fit every situation that may arise as development occurs. When citizens, developers, planners, elected officials and others are looking to answer, "what is expected to happen here?" the map is an aid, not a blueprint. The map in this plan is also not the same as a zoning map. It does not establish development rights. It does not follow property lines. The map guides zoning and development decisions but does not control them.



#### 5. General Urban

**Snapshot:** The General Urban Transect denotes residential areas with a mix of commercial and service uses convenient to residents. These areas contain a wide variety of housing types, generally including small single-units, duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts, townhouses, multiplexes and live-work units. Lot sizes are smaller and more compact than suburban areas. These areas could also include, parks, schools, churches and commercial services. These areas have highly connective street patterns, similar to the traditional grid-pattern that encourages bicycle and pedestrian usage. These areas should be near an existing or part of a new walkable center.

**Local examples:** Bonnavista Addition, Johns Height Subdivision, Jennie Lee Addition, Bell-Aire, Linden Park, Linden Trails, Falls Valley



#### 4. Suburban

**Snapshot:** The Suburban Transect denotes existing or planned residential areas in close proximity to or with easy vehicular access to regional commercial service areas that provide daily household needs. These areas contain various housing types, generally including detached and attached single-unit dwellings, accessory dwelling units, duplexes and triplex and fourplex units at a house scale. Residential development should include a mix of housing types, price points and sizes and should not be exclusively detached single-dwelling units. These areas could also include parks, schools, churches and small commercial nodes adjacent to major roadways. Curvilinear streets and cul-de-sacs are common. Although existing road patterns and lot sizes have created low levels of connectivity and convenience to services, opportunities to increase these features should be identified and planned for.

**Local examples:** Silverleaf, Mill Run, Fairway Estates, Ivan's Acres, Shamrock Park, Home Ranch, Stonebrook, Brookside and Southpoint Subdivisions



**City-Wide Community Health (p.77-78):**

As the City experiences growth, the health of a community becomes an ever increasing concern. Access to affordable housing in safe neighborhoods, making sure transportation needs are met and daily services such as healthy foods and employment are accessible to all populations play a role in community health.

Good planning can help shape the built environment to provide healthier living conditions, filling in gaps that market conditions don't solve on their own.

Many residents emphasized community health themes in our public outreach efforts, citing the need for improved bike and pedestrian paths, more green spaces, neighborhood trees and better lighting, as well as increasing connectivity within the City to address access to daily services as ways to increase physical activity and better health. Residents also talked about the need to ensure neighborhoods are safe and housing is livable. They expressed concern that the rapid rise of housing cost and the difficulty to secure housing has become a barrier to achieving these goals due to high rates of cost burdened residents with limited funds to maintain properties. Residents also worried that with rapid growth the City's infrastructure (i.e., roads, sidewalks, pathways) with demands would not keep up.

**City Wide Housing pg. 86:** Such urban sprawl inherently reduces the natural resources and amenities surrounding the City; resources and amenities which are valued by our citizens and the reason many people are drawn to move to our region. These growth patterns must shift inward to create housing choices that interact with the established environment, creating nodes of development that harmonize housing and the services that surround it.

**Table 4.2 City Wide Housing pg. 89**

Issue: Affordability and Availability

Objective: Focus on Infill

Action 3: For infill and redevelopment, require connection or appropriate integration with existing development such as pathways or roads.

Issue: Neighborhood Character

Objective: Focus on Form

Action 2: Incentivize development patterns that encourage neighborhood connectivity and interactions.

**Table 5.8 Area 3 Housing pg. 159**

Issue: Affordability and Availability

Objective: Diversity of Housing Stock

Action 1: Allow higher density housing on the perimeter of neighborhoods and near major intersections.

Issue: Neighborhood Character

Objective: Build Community and Neighborhood Capacities

Action 2: Focus on infill development rather than sprawl to reduce the consumption of agricultural land.



**Zoning Ordinance:****11-3-3: PURPOSES OF RESIDENTIAL ZONES**

(D) R2 Mixed Residential Zone. This zone provides a residential zone characterized by smaller lots and dwellings, more compact and denser residential development; and higher volumes of vehicular and pedestrian traffic than are characteristic of the RE, RP and R1 Zones. The principal uses permitted in the R2 Zone shall be one (1), two (2), three (3), and four (4) dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.

**Table 11-3-1: Standards for Residential Zones**

	RE	RP	R1	R2	TN	R3	R3A	RMH
<b>Lot Area</b>								
Lot Area Minimum in ft <sup>2</sup>	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft <sup>2</sup>			13,500*					
<b>Site Width</b>								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
<b>Setbacks, Minimum in ft.</b>								
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*
<b>Lot Coverage, Building Height, and Density</b>								
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.								



### 11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

**Table 11-2-1: Allowed Uses in Residential Zones**

<p>P=permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.</p> <p>*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.</p>								
	Low Density Residential			Medium Density Residential			High Density Residential	
Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C <sub>2</sub>	P	P		P	P
Day Care, Group*	C <sub>1</sub>		C <sub>1</sub>	P	P	C <sub>1</sub>	P	P
Day Care, Home	C <sub>1</sub>		C <sub>1</sub>	P	P	C <sub>1</sub>	P	P
Dwelling, Accessory Unit*	P			P	P		P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			
Food Store					P*			
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C <sub>1</sub>		C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C <sub>1</sub>			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						C <sub>2</sub>		C <sub>2</sub>
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>		C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>
Professional Service								P
Public Service Facility*	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P



Recreational Vehicle Park*						C <sub>2</sub>		
<b>Proposed Land Use Classification</b>	<b>RE</b>	<b>RP</b>	<b>R1</b>	<b>R2</b>	<b>TN</b>	<b>RMH</b>	<b>R3</b>	<b>R3A</b>
Religious Institution*	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Residential Care Facility							P	P
Retail					P*			C <sub>2</sub>
School	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Short Term Rental*	P	P	P	P	P	P	P	P
Transite Station								P

(Ord. 3218, 9-13-18) (Ord. 3358, 12-10-20)



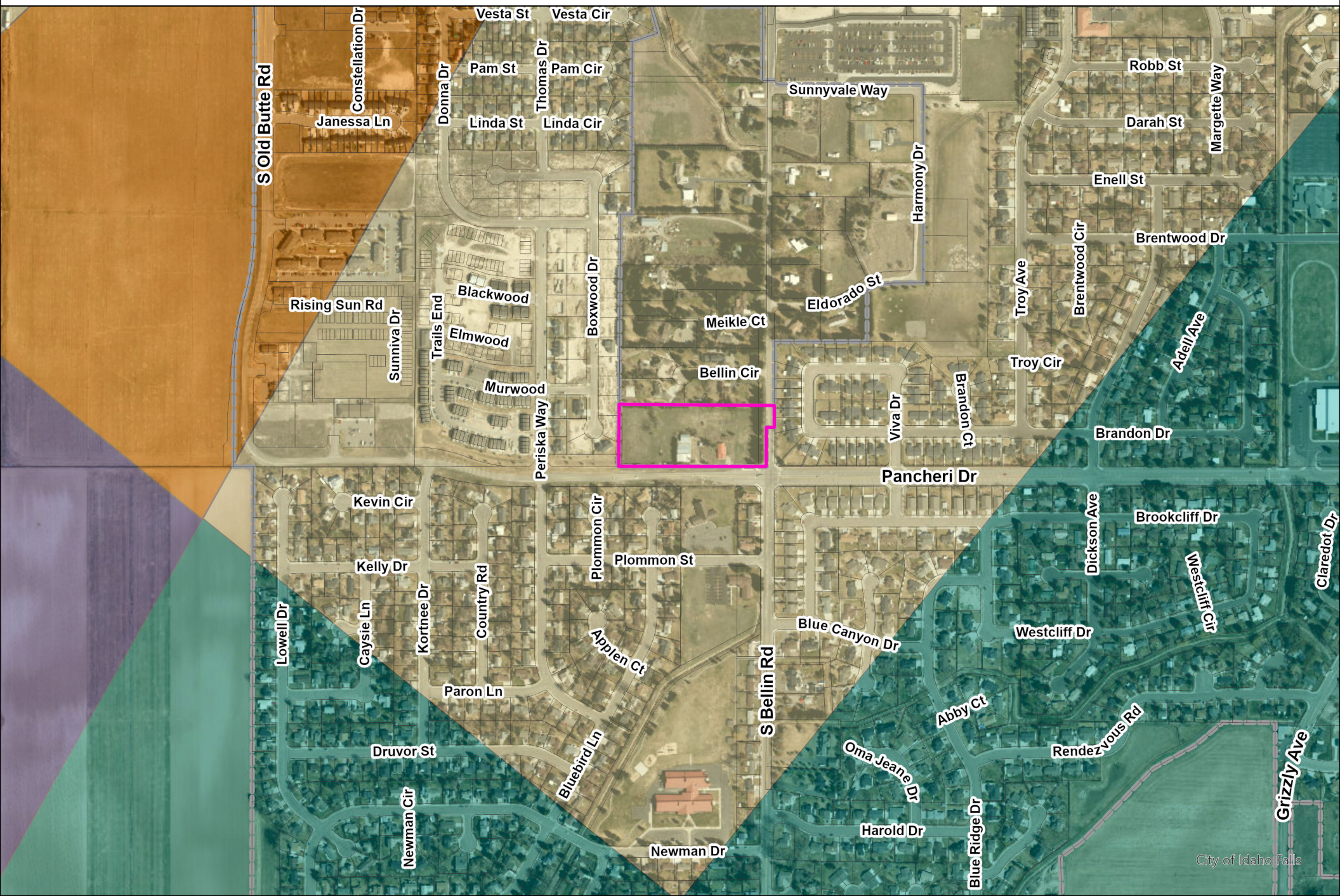
- Approach Surface

Controlled Development Approach Surface

Limited Development Approach Surface
- Controlled Development

Limited Development

No Development





**Table 11-5-6: Compatible Uses in the Airport Overlay**

“N” denotes a use that is not compatible and is prohibited.

“Y” denotes a use that is compatible.

“C” denotes a use that is compatible that meets one or more of the following indicated conditions where applicable:

- a. Residential densities must be less than nine (9) units per acre for areas of parcels located within the sixty five (65) decibel limit on the IFRA Noise Contours Map (located in the City’s Planning Division)
- b. Structures shall be shifted away from runway centerline when possible
- c. A recorded avigation easement is required
- d. A recorded avigation easement is required if within one thousand feet (1000’) of the runway.
- e. Permitted uses will not create bodies of water, or generate smoke, steam, or other visual obstruction
- f. An Airport Disclosure Note is required on plats recorded after the adoption of this Section.

Compatible Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Accessory use	N	C <sup>c,f</sup>	Y	Y
Adult Business	N	C <sup>c,f</sup>	Y	Y
Agriculture	N	Y	Y	Y
Agriculture Tourism	N	C <sup>c,f</sup>	Y	Y
Airport	Y	Y	Y	Y
Amusement Center, Indoor	N	N	Y	Y
Amusement Center, Indoor Shooting Range	N	N	Y	Y
Amusement Center, Outdoor	N	C <sup>c,e,f</sup>	C <sup>e</sup>	Y
Animal Care Clinic	N	C <sup>C,F</sup>	Y	Y
Animal Care Facility	N	C <sup>c,f</sup>	Y	Y
Artist Studio	N	C <sup>b,c,e,f</sup>	C <sup>e</sup>	C <sup>e</sup>
Auction, livestock	N	C <sup>c,e,f</sup>	Y	Y
Bed and Breakfast	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Boarding /Rooming House	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Building Contractor Shop	N	C <sup>b,c,f</sup>	Y	Y
Building Material, Garden and Farm Supplies	N	C <sup>b,c,f</sup>	Y	Y
Cemetery	N	C <sup>c,e,f</sup>	C <sup>e</sup>	Y
Club	N	N	Y	Y
Communication Facility	N	C <sup>b,c,e,f</sup>	Y	Y
Correctional Facility or Jail	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	Y
Day Care, all Types	N	C <sup>b,c,f</sup>	Y	Y
Drinking Establishment	N	C <sup>b,c,f</sup>	Y	Y



Compatible Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Drive-through Establishment	N	C <sup>b,c,f</sup>	Y	Y
Dwelling, accessory unit	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Dwelling, multi-unit	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Dwelling, single unit attached	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Dwelling, single unit detached	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Dwelling, two unit	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Eating Establishment	N	C <sup>b,c,f</sup>	Y	Y
Eating Establishment, limited	N	C <sup>b,c,f</sup>	Y	Y
Equipment Assembly	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Entertainment and Cultural Facilities	N	N	Y	C <sup>e</sup>
Equipment Sales, Rental and Services	N	C <sup>b,c,f</sup>	Y	Y
Financial Institutions N	N	C <sup>b,c,f</sup>	Y	Y
Food Processing, small scale	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Food Processing N Cb,c,e,f Cb,e Ce	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Food Store N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Fuel Station N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Fuel Station, super N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Health Care and Social Services N N Y Y	N	N	Y	Y
Higher Education Center N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Home Occupation N N Y Y	N	N	Y	Y
Hospital N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Industry, Craftsman N Cb,c,e,f Cb,e Ce	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Industry, Heavy N Cb,c,e,f Cb,e Ce	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Industry, Light N Cb,c,e,f Cb,e Ce	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Information Technology N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Laundry and Dry Cleaning N Cb,c,f Y Y	N	C <sup>b,c,f</sup>	Y	Y
Live-Work	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Lodging Facility	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Manufactured Home	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Medical Support Facility	N	C <sup>b,c,f</sup>	Y	Y
Mobile Home Park	N	N	C <sup>a,b</sup>	C <sup>d,f</sup>
Mortuary	N	N	Y	Y
Park and Recreation Facility	N	N	Y	Y
Parking Facility	C <sup>b,c,e,f</sup>	C <sup>b,c,f</sup>	Y	Y
Pawn Shop	N	C <sup>b,c,f</sup>	Y	Y
Personal Service	N	C <sup>b,c,f</sup>	Y	Y
Planned Unit Development	N	N	C <sup>a,d,f</sup>	C <sup>d,f</sup>
Professional Service	N	C <sup>b,c,f</sup>	Y	Y
Public Service Facility	C <sup>b,c,e,f</sup>	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>



Compatible Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Public Service Facility, limited	C <sup>b,c,e,f</sup>	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Public Service Use	C <sup>b,c,e,f</sup>	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Railroad Freight Terminal and Station	C <sup>b,c,e,f</sup>	C <sup>b,c,f</sup>	Y	Y
Recreational Vehicle Park	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Religious Institution	N	N	Y	Y
Research and Development	N	C <sup>b,c,e,f</sup>	C <sup>b,e</sup>	C <sup>e</sup>
Residential Care Facility	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Retail	N	C <sup>b,c,f</sup>	Y	Y
School	N	C <sup>b,c,f</sup>	Y	Y
Short Term Rental	N	N	C <sup>a,b,f</sup>	C <sup>d,f</sup>
Storage Facility, Indoor	N	C <sup>b,c,f</sup>	Y	Y
Storage Facility, self serve	N	C <sup>b,c,f</sup>	Y	Y
Storage Yard	N	C <sup>b,c,f</sup>	Y	Y
Terminal Yard, trucking and bus	C <sup>b,c,e,f</sup>	C <sup>b,c,f</sup>	Y	Y
Transit Station	C <sup>b,c,e,f</sup>	C <sup>b,c,f</sup>	Y	Y
Vehicle Body Shop	N	C <sup>b,c,f</sup>	Y	Y
Vehicle Repair and Service	N	C <sup>b,c,f</sup>	Y	Y
Vehicle Sales and Rentals	N	C <sup>b,c,f</sup>	Y	Y
Vehicle Washing Facility	N	C <sup>b,c,f</sup>	Y	Y
Warehouse	N	C <sup>b,c,f</sup>	Y	Y
Warehouse, Wholesale with flammable materials	N	N	C <sup>b</sup>	Y



April 5, 2022

7:00 p.m.

Planning Department

City Annex Building

**MEMBERS PRESENT:** Commissioners Brent Dixon, Joanne Denney, Lindsey Romankiw (via Webex) George Morrison (via Webex)

**MEMBERS ABSENT:** Arnold Cantu, Margaret Wimborne

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler; planner Caitlin Long and interested citizens.

**CALL TO ORDER:** Joanne Denney called the meeting to order at 7:15 p.m. (Technical difficulties)

**CHANGES TO AGENDA:** None.

**MINUTES:** Dixon moved to accept the Minutes of March 1, 2022, Morrison seconded the motion and it passed unanimously. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. Motion passed unanimously.

**Public Hearing(s):**

**2. ANNEX 22-003: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R2 with Airport Overlay Limited Development Zone.**

Denney opened the public hearing.

**Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho.** Bane presented 5.6 acres on the corner of Bellin and Pancheri and is requesting annexation and initial zoning of R2. Bane indicated that this property has an in-fill feel to it, and part of it is a County island, with the exception of the County properties to the north. Bane indicated there is R1 in the area, R2, PB and Commercial, so it is a mixed-use area. Bane feels this proposal fits the comprehensive Plan to be able to have a walkable neighborhood. Bane stated that the property would have a walking path along Pancheri that would connect to the existing path, and that will help the walkability and bike ability of the property to the surrounding schools. Bane stated that this is on the edge of General Urban and Suburban. General Urban has a variety of housing types, including small single units, tri-plex, 4-plex, courtyard, bungalow, etc., and suburban states that the area contains a variety of housing types such as single unit, accessory dwelling units, duplexes, tri-plex's, etc., and they should contain a mix of housing types, price points and sizes, and should not be exclusively detached single family dwellings. Bane indicated that this area does have a mix, with duplexes to the east, single family detached surrounding the parcel, multi-family PUD and townhomes to the west, so R2 will fit the Comprehensive Plan and will fit the existing use of surrounding properties. Bane stated that this property has easy access to roads without going through existing subdivisions. Bane stated that Belin is a major collector and Pancheri is a minor arterial, so allowing this higher density on the corner would be good to get people out to the streets. Bane stated that any R2 structure built on this property would be required to have the setbacks and buffers that are required to be against R1 which is a 25' rear yard setback, and other landscape buffers and requirements. Bane has talked to engineering about access and spacing of access from the intersection and they feel that they can meet the requirements. Bane stated that access of the lots would not be coming off of Pancheri or Bellin. Bane stated that this would be



hard to do as R1 because it could not meet the City's Access Management Plan for having each driveway come off of Pancheri or Belin, so the proposed R2 would allow for one entrance and one entrance out spaced the farthest away from the intersection. Bane stated that this focuses on infill for the City, using existing utilities and controlling sprawl. Bane stated that they are looking for a medium density.

Dixon asked how far back from Pancheri would the access point be on Bellin. Bane indicated that it is 210'. Dixon asked how deep the property is. Bane was unsure of the depth of the property. Beutler indicated that it is 300+'. Dixon stated that if Brandon Drive extended through to this property, it would put Brandon too close to the intersection. Bane agreed that Brandon would be too close. Dixon stated that would support Bane's comment about not being able to have a road with houses on either side.

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

Dixon asked if there is a light at Bellin and Broadway. Dixon stated that Bellin north of the subject property will go to a County profile with no curb and gutter or sidewalks because there is County on both sides. Dixon asked if there is a provision to upgrade that road if it remains County. Long indicate that the developer is required to update the road along their property, but beyond that nothing. Dixon confirmed that Pancheri is widened in that area. Long indicated that a part of the road is widened in that area.

### **Support/Opposition:**

**Weston Davis, Esq., 490 Memorial Drive, Idaho Falls, Idaho.** Davis is present representing his parents Bart and Mary Ann Davis. Davis' parents were unable to be in attendance. Davis showed where his parents' property is on Bellin Circle. Davis is familiar with the area as he grew up here. Davis has advised planning and zoning commissions, so he recognizes the difficult task. Davis understands that the Commission doesn't have control of the applications that are made, but they do have control over what applications go out. Davis appreciated Dixon's comments in the last hearing. Davis stated that when someone makes a request for an annexation request, they don't have an entitlement to development, as it is an initial zoning application, so these can be denied without the concern of lawsuits being filed. Davis stated that the Comprehensive Plan needs to be followed and used as a guide. Davis stated that the application states a number of factors to which the Comprehensive Plan considers. Davis stated that the zoning that surrounds this property is A1 zoning. Davis' father attended the hearings when the portion west of this area was zoned. Davis stated that generally you would see high density moving towards low density. Davis stated that based on high opposition, the City of Idaho Falls recognized the need for a buffer between what is presently R2 and the 3 rows of lots to the estate property zoned RA1 in the County. Davis stated that if you go from R2 to R1 to R2 to R1 you sandwich all the people who have invested money into their property, and they are sandwiched between 2 high density areas and the residents to the north. Davis stated that the developer has to develop his portion of the property, but the entire road to the south will have to be widened because with 17 units per acre that is up to 95 units in the area, which can be permitted, with 200-300 residents, and 150 cars. Davis stated that the other issue is when you move north along South Bellin towards Reeds Dairy, you don't have a traffic light at Pancheri and Bellin, and who will pay for the signalization of the road. Davis added that the road moving



north would need to be expanded and who will pay for the road expansion when both sides are County property. Davis stated that the traffic will be able to access Pancheri, but the majority will go to Bellin to get to Broadway. Davis feels this is creating an issue pertaining to traffic. Davis stated that all of the property owners have made investments to their property and when you move from high density to low density to high density there becomes a question of transiency and what does that teach people about the area when you aren't following general Euclidian Zoning Principles and moving from a high density to lower density. Davis feels that if the City starts bouncing around between R2, R1, R2, it will give a message to developers and residents. Davis feels the comments made by Dixon in the last hearing are comments his parents would share on this application. Davis stated that the development to the east is zoned R1 and is a beautiful development and is the type of development and density that wouldn't have an adverse impact on the properties to the north. Davis stated that the demands on public service, law enforcement, wouldn't be at such a level that the City would be behind the 8 ball as it pertains to the needs for development. Davis' parents are concerned about jumping over the R1 and unraveling the buffer that the City intentionally spent hours creating. Davis stated that this is a unique part of town and if that unravels the area will start to lose its identity and compromises the value to the properties. Davis stated that the application that has been made has no entitlement to develop that property as it is zoned A1 in the County, so amending this request to an R1 application does put pressure on the application to decide how to develop, but that is their choice in trying to develop the property in the first place. Davis has a concern as to what would be permitted if R2 is allowed, including multi-unit dwellings, day care, manufactured homes, PUD's. Davis stated that once you zone and open the door, those things are permitted and that is where the City starts to get into hot water about property rights when something is zoned, and something is permitted. Davis wished that it was an R1 application as his parents would have a different view on the proposal. Davis stated that the City can require more of the developer to the extent the development does affect the overall area, including adjacent intersections and property to the north and west of the property. Davis requests that this application be denied and would encourage the developer to come back with an R1 zoning application.

**Shante Anderson, 2677 Bellin Circle, Idaho Falls, Idaho.** Anderson's property directly borders the subject property. Anderson supports the need for growth in Idaho Falls. Anderson doesn't feel that there is a need to immediately and temporarily house an incoming population through apartments or multi-unit complexes as the Idaho Falls needs single family dwellings or dual homes to allow for the growth of the population. Anderson stated that it will contribute to and build the community through more stable, permanent, and invested residents. Anderson is concerned with the annexation. Anderson agrees with Davis comments on the smoothness that would be loss from the City to the County land if this property was zoned R2. Anderson stated that the property north of the subject property is 1-2 acre lots. Anderson stated that the guidelines for R2 zoning are vague enough to allow the developer to do anything they want between single homes all the way up to 17 units per acre. Anderson stated that the developer could change their mind and increase the density of the housing, which was done on the property to the west of the subject property. Anderson stated that there have been more R2 housing reapplied for in the past years where they were originally going to do R1. Anderson stated that the zone of R2 provides the opportunity to do a wide range of things but doesn't provide any protection to the neighboring residents. Anderson asked the following questions: Will the developer perform a traffic impact study, as the 2040 study shows no anticipated traffic



congestion between Pancheri and Broadway on Bellin Road. Will Bellin need to be widened and who will pay for the widening. Does the developer have any plans or requirements to improve the borders of the property to soften the impact of things like children walking to school and noise control. Will the intersection of Pancheri and Bellin be signalized in the future, and it is likely due to the 5-lane road on Pancheri leading to this intersection and it will lead to a congested intersection. Anderson stated that the limitations to the access point were in reference to a non-signalized intersection, and if the intersection is signalized then the requirement is that the access point would be at least 650' from the intersection. Anderson stated that the depth of the property from Pancheri and Bellin, north to Bellin Circle is only 500' so there would not be enough distance to have an access point onto Bellin if there was a light. Anderson stated that on the south border of the property going west, 650' takes you nearly to the end of the property. Anderson asked if the developer would be required to meet this statute Idapa Code 39.03.42. Anderson asked if the developer will be required to meet the standard 2 access points into the development if the number of units built require it for fire engine access, and where would the approaches go to meet Idapa standards. Anderson asked if the developer would consider buying a housing lot to the west so that they can connect a road like Murwood into the neighborhood. Anderson is concerned about the blasting that will be needed for the lava rock, and she is concerned about the well water disruption on her property. Anderson asked if the developer would be required to do TSDL testing for suspended solids and minerals in the well water and before and after and be required to right and repair damage. Anderson is concerned about their water rights to the New Sweden Irrigation Canal. Anderson thanked the Commission and asked for them to deny the application.

**Sara Bower, 780 S. Bellin, Idaho Falls, Idaho.** Bower's property is on the edge of the property to the east. Bower looks forward to growth in the area. Bower recognizes there is a need for balance. Bower purchased her home with the intent for space. Bower would like to see R1 in that area so there is not so much jumping back and forth between densities. Bower is concerned for her property value. Bower asked the Commission to deny the application for R2.

**David Kimball, 878 S. Bellin, Idaho Falls, Idaho.** Kimball is the property owner. Kimball's grandfather built the house on the property in 1955. Kimball stated that when he was 16 years old there were no houses to the north, and they were just building structures towards Skyline. Kimball hasn't lived there but has seen the evolution of the property. Kimball stated that there are several issues that have been brought up. Kimball stated that the agricultural designation on the property is basically unusable because of the houses built around the property and in the last 6 years he hasn't been able to get anyone to come and harvest anything on his land because of the traffic patterns, etc. Kimball stated that in the discussion for R1 there was question about access. Kimball stated that this property is on a hill and putting different access points like individual lots, there would be issues with the access points. Kimball stated that there is a light on Bellin and Broadway. Kimball stated that on Bellin and Pancheri he is under the impression that when the City bought the property on the corner of Bellin from his father, it was to be prepared to have a traffic signal, and they can easily do that when the decision is made. Kimball stated it is inevitable that his property will be annexed into the City at some point and given the lay of the land, they feel that an R2 use would be an efficient use of the property. Kimball stated that to the east there are multi-family units, and to the west there is a single family home, then multi-family units. Kimball stated that development without doing multi-family development is challenging. Kimball has had people approach him who wanted him to keep the property the



same but didn't want to buy the property. Kimball is requesting that the Commission grant the application and zone the property R2.

**Carl Bower, 780 S. Bellin, Idaho Falls, Idaho.** Bower stated that when they left home at 5:30 today the traffic was backed up to two car lengths from Bellin Circle, and it is that way every day, and adding 150 cars will not make the traffic better. Bower is concerned that he can't leave his house between 5-6:30 at night.

**Shante Anderson, 2677 Bellin Circle, Idaho Falls, Idaho.** Anderson wanted to speak to points that Mr. Kimball the property owner made. Anderson stated that they compared the neighborhood to the east with its driveways and the dual homes with driveways facing inward on the development. Anderson asked if they can do the same sort of development done respectfully in that property under an R1 zoning with the driveways pointed inward without problem of having to access Pancheri or Bellin. Anderson stated that since there is already development started on a traffic light on the intersection of Pancheri and Bellin, then it should deem that the statutes for access points be distanced adequately from that signal, which as she understands, would eliminate the access point on Bellin to this property.

**Ann Bingham, 715 Box Wood, Idaho Falls, Idaho.** Bingham's home is in the "buffer" and when she bought her home 2 years ago, she appreciated what was behind her home with the properties lining Bellin Road. Bingham bought her lot specifically knowing it would be quiet and that her backyard would be protected, and that her investment would be protected. Bingham bought on the west side because the west side has a quiet nature. Bingham knows growth will come, but she bought specifically looking at what the neighborhood could offer with the County buffer. Bingham encourages the Commission to continue the quiet nature by not bringing more traffic to that intersection.

**Brad Miles, 150 N. Main Street, Heber City, Utah. (Developer).** Miles thanked the neighbors for their thought-out concerns and comments. Miles wants to try to mitigate the concerns of the neighbors. Miles wanted to clarify that the annexation is over 5 acres, but they are buying 4.675 acres x 17 = 79. Miles indicated that the City has design guidelines, landscape guidelines, open space guidelines, setbacks, landscaping, and in reality, they can never get 17 units to the acre. Miles stated that the R2 zone limits them to 4 units per building, so you cannot do a 9 or a 10 plex. Miles stated that with that limitation it will create a feel of lower density. Miles stated that they have been working through the process and they already know they cannot get 17 units per acre.

Dixon asked if the hill and elevation will impact the ability on how far back from the street they will need to develop. Miles stated that they have started some initial design and have done some testing to see how deep the lava rock is. Miles stated that they haven't gotten to design, and they are starting to understand the depth of the manholes that are across the street and where they can connect, and the depth of the manholes will drive what the finished grade elevation will be. Miles stated they are trying to bring the road in as far west of the hill as possible, so they can have some units above on the hill. Dixon stated that the R2 to the west has a drainage collection area between them and the arterial which gives more set back, and Dixon didn't know if there would be a requirement or ability to do something similar.

**Applicant: Barry Bane, 2295 N. Yellowstone, Idaho Falls, Idaho.** Bane stated that they would be required to have the regular setbacks from the road which are 25'. Bane stated that the



elevation issues can be handled multiple ways, but they aren't sure how the design will play out yet. Bane stated that anything that is done will have to be looked at by City staff, engineer, public works, and complying with code and design requirements. Bane stated that they have looked at the Comprehensive Plan and it supports the R2 in that area with the general urban and suburban designation that talks about Bungalows, townhomes, duplexes, trip plex's, four plex's, and residential developments should include a mix of housing types, price points and sizes and should not be exclusively detached single dwelling units. Bane feels that the R2 does comply with that Comprehensive Plan. Bane stated that it also talks about Idaho Falls needing to understand the long-term consequences of its land use decisions, and it cannot continue to have policies which are overly favorable to large lot subdivisions, requiring new roads, and increased City boundaries, but rather more compact developments that utilize existing infrastructure, and this development does follow that. Bane stated that the City doesn't want a street to go through this development and have more roads to maintain. Bane stated that the streets through this development would be private streets and be privately maintained. Bane stated that they will be required to upgrade Pantheri and Bellin on their frontage. Bane stated that road upgrades come from traffic studies, warrant, and a road isn't just upgraded out of the blue. Bane stated that if a traffic study is required when they move on to the design stage of the development, they will do that study, and any upgrades that the traffic study indicates are necessary to do. Bane doesn't know if there is a light going in or not, and it has not been brought to his attention one way or the other. Bane stated that the engineer has not stated that a light would be warranted just by this development. Bane stated that they will have to maintain fire compliance through the site, and at their meeting with fire and engineering they have discussed the requirements and they will fully comply with all requirements. Bane stated that he cannot talk to blasting as they aren't to that point yet. Bane stated that there is a canal to the east and prescriptive easements come with the canal and they will keep that canal running through the area, whether it is moved over, and they will work with the irrigation department on how to do that. Bane feels that the transition from high density to low density needs to come from intersections as well. Bane indicated that the Comprehensive Plan wants the higher and medium densities near intersections, so this does meet that requirement. Bane stated that all of the buffering to the north and along the west to the single-family residents will be put in place and all requirements will be complied.

Denney closed the public hearing.

Morrison thanked the residents for their input. Morrison stated that it doesn't matter what roads they build, there will always be more traffic. Morrison stated that there are many multi-family units in the area. Morrison stated that having open fields to protect your view, comes with a chance that there could be something built on it. Morrison feels that R2 is the best for this area.

Dixon feels that unlike the previous property, this property is actually on the arterial, on the corner, it does have higher density nearby, instead of everything being large lots, low density. Dixon understands the argument about buffering, but it is important to have higher density next to roads able to handle higher traffic. Dixon supports R2.

Denney asked what would trigger a traffic study. Beutler indicated that according to the Access Management Plan would come when there are going to be 100 or more trips generated by the development during the peak period, and that will come at the time of subdivision platting when they will know more of what type of development will be going in. Denney asked if a PUD can be built in an R1 as well as an R2. Beutler agreed and indicated that PUDs are allowed in all



residential zones. Dixon asked if the underlying zone changes what they can do with the PUD and effect the overall density. Beutler stated that each zone district has an allowed density and with a PUD some of the zone designations receive an increase in density for example the R1 allows for 6 units per acre and within a PUD that density goes up to 8 units per acre.

**Morrison moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of R2 with Airport Overlay Limited Development Zone for 5.09 Acres of SE ¼ of NE ¼ Sec 22, T2N, R 37 E, as presented, Dixon seconded the motion. Denney called for roll call vote: Dixon, yes; Morrison, yes; Romankiw, yes. The motion passed unanimously.**



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.61 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:



- 1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;
- 2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and
- 3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.



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

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

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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton, City Clerk

(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; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 5.61 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

---

Kathy Hampton, City Clerk

(SEAL)



## Exhibit "A"

### LEGAL DESCRIPTION (Page 1 of 1)

Part of the SE 1/4 of the NE 1/4 of Section 22, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, more particularly described as:

BEGINNING at the East 1/4 corner of Section 22 from which the northeast corner of said section bears N 00°06'45" E 2610.65 feet, the basis of bearings for this description;

Thence S 89°58'18" W 758.22 feet along the south line of the northeast 1/4 of said section, being coincident with the north line of City of Idaho Falls Annexation Ordinance Nos. 1535, 1598, 1637, and 1857, to the southeast corner of City of Idaho Falls Annexation Ordinance No. 3086, said point also being the southeast corner of Linden Trails Addition, Division No. 1 (Instrument No. 1557330);

Thence N 00°25'20" E 319.65 feet along the east line of said Linden Trails Addition, Division No. 1 and Linden Trails Addition, Division No. 2 (Instrument No. 1579993) and the east line of City of Idaho Falls Annexation Ordinance No. 3086 to the southwest corner of Bellin Circle, Division No. 1 (Instrument No. 833281);

Thence S 89°34'45" E 796.54 feet along the south line of said Bellin Circle, Division No. 1 to its extended intersection with the west line of City of Idaho Falls Annexation Ordinance No. 2399;

Thence S 00°06'45" W 113.40 feet along the west line of City of Idaho Falls Annexation Ordinance No. 2399 to the southwest corner thereof, said point being on the north line of City of Idaho Falls Annexation Ordinance No. 1533;

Thence S 89°57'55" W 40.01 feet along the said north line to the northwest corner of said Annexation Ordinance No. 1533, said point being on the east line of the northeast 1/4;

Thence S 00°06'45" W 200.00 feet along the west line of said Annexation Ordinance No. 1533 and said east line of the northeast 1/4 to the POINT OF BEGINNING.

Containing 244,380 square feet or 5.610 acres.

Submitted by:

Firm Name: CORNERSTONE GEOMATICS, LLC

Contact Name: SHANE C. REMER

Phone Number: 208-390-8643

Email: shane@cornerstonegeomatics.com

Overall Document Page Range: \_\_\_\_\_ of \_\_\_\_\_

PLS Seal:



ORIGINAL



ANNEXATION ORDINANCE  
NO. \_\_\_\_\_

ANNEXATION DESCRIPTION

Part of the SE 1/4 of the NE 1/4 of Section 22, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, more particularly described as:

BEGINNING at the East 1/4 corner of Section 22 from which the northeast corner of said section bears N 00°06'45" E 2610.65 feet, the basis of bearings for this description;  
Thence S 89°58'18" W 758.22 feet along the south line of the northeast 1/4 of said section, being coincident with the north line of City of Idaho Falls Annexation Ordinance Nos. 1535, 1598, 1637, and 1857, to the southeast corner of City of Idaho Falls Annexation Ordinance No. 3086, said point also being the southeast corner of Linden Trails Addition, Division No. 1 (Instrument No. 1557330);  
Thence N 00°25'20" E 319.65 feet along the east line of said Linden Trails Addition, Division No. 1 and Linden Trails Addition, Division No. 2 (Instrument No. 1579993) and the east line of City of Idaho Falls Annexation Ordinance No. 3086 to the southwest corner of Bellin Circle, Division No. 1 (Instrument No. 833281);  
Thence S 89°34'45" E 796.54 feet along the south line of said Bellin Circle, Division No. 1 to its extended intersection with the west line of City of Idaho Falls Annexation Ordinance No. 2399;  
Thence S 00°06'45" W 113.40 feet along the west line of City of Idaho Falls Annexation Ordinance No. 2399 to the southwest corner thereof, said point being on the north line of City of Idaho Falls Annexation Ordinance No. 1533;  
Thence S 89°57'55" W 40.01 feet along the said north line to the northwest corner of said Annexation Ordinance No. 1533, said point being on the east line of the northeast 1/4;  
Thence S 00°06'45" W 200.00 feet along the west line of said Annexation Ordinance No. 1533 and said east line of the northeast 1/4 to the POINT OF BEGINNING.

Containing 244,380 square feet or 5.610 acres.

ORDINANCE FILED AS INSTRUMENT NO. \_\_\_\_\_

BASIS OF BEARINGS NOTE

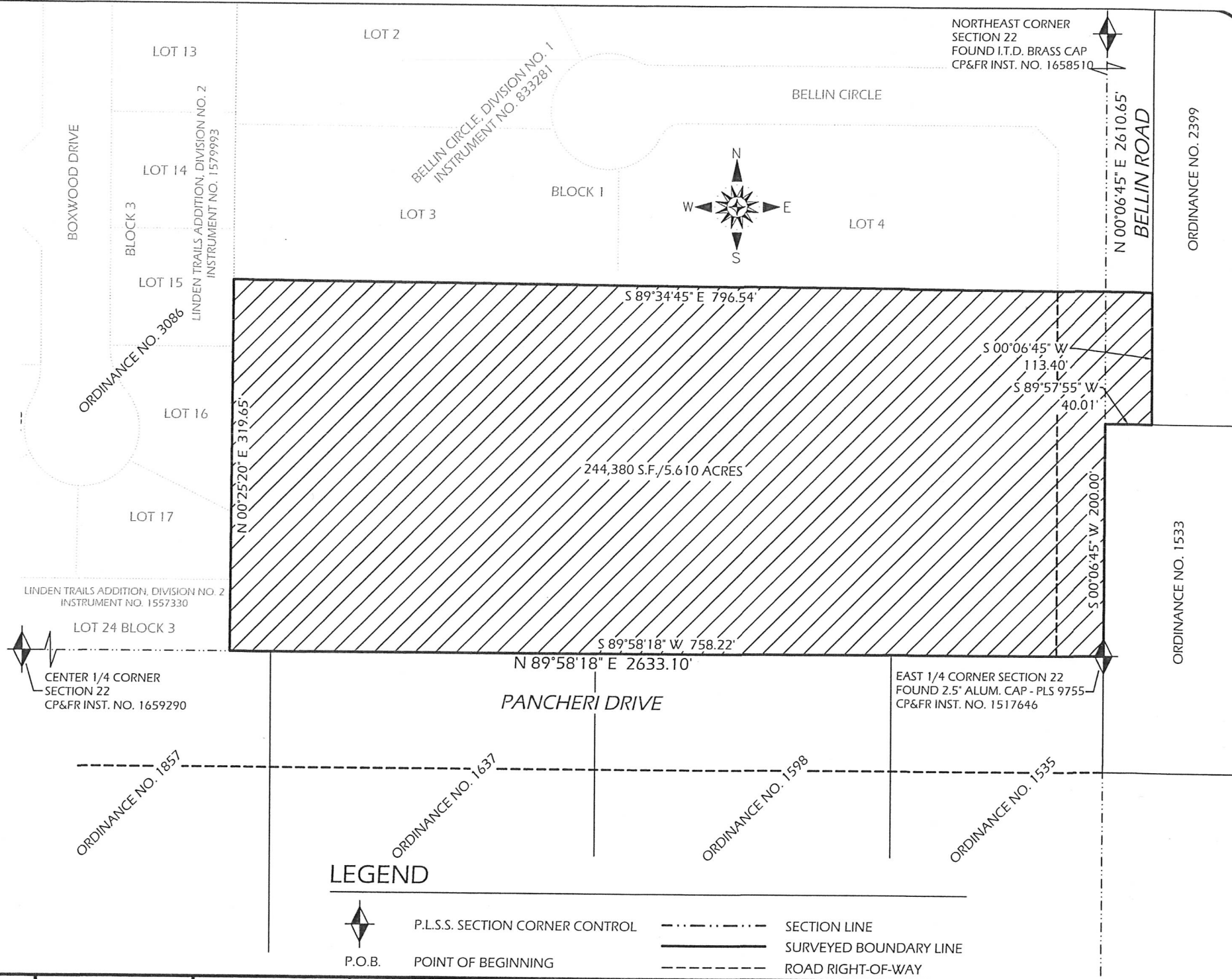
City of Idaho Falls Coordinate System of 2004 derived from the Idaho State Plane Coordinate System (East Zone 1101) US Survey Feet and using a combined scale factor of 1.000277265 for a grid to ground conversion. All bearings are grid north along the central meridian.

SURVEYOR'S CERTIFICATE

I, Shane C. Remer, a Licensed Professional Land Surveyor in the State of Idaho, do hereby certify that the survey depicted hereon, was made under my direction, and is truly and correctly surveyed and staked as provided by law.



<b>GRAPHIC SCALE</b>  SCALE: 1" = 100'	<b>SHEET</b> 1 OF SHEETS 1	<b>DRAWN BY</b> SCR		<b>CORNERSTONE GEOMATICS</b> A PROFESSIONAL LAND SURVEYING COMPANY 208-390-8643   WWW.CORNERSTONEGEOMATICS.COM "Commit to the Lord whatever you do, and He shall establish your plans." PROVERBS 16:3
		<b>CHECKED BY</b> SCR		
		<b>PROJECT NO.</b> 0653		
		<b>DATE</b> 04/27/2022		





## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**ANNEXATION OF APPROXIMATELY 5.61 ACRES IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 37 EAST GENERALLY LOCATED NORTH OF PANCHERI DR, EAST OF BOXWOOD DR, SOUTH OF BELLIN CIRCLE, WEST OF SOUTH BELLIN ROAD.**

**WHEREAS**, the applicant filed an application for annexation on February 22, 2022; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on April 5, 2022; and

**WHEREAS**, this matter came before the Idaho Falls City Council during a duly noticed public hearing on May 26, 2022; 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 City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 5.61 acres generally located north of Pancheri Dr, east of Boxwood Dr, south of Bellin Cir, west of S Bellin Rd.
3. This property is within the city's area of impact. It is contiguous on the west, south, and east side.
4. The application is a Category "A" annexation.
5. The Comprehensive Plan designates this area as General Urban.
6. Idaho Falls Planning and Zoning Commission recommended approval of annexation.

### **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

---

Rebecca L. Noah Casper - Mayor



# Memorandum

File #: 21-510

City Council Meeting

**FROM:** Brad Cramer, Director  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East.

## Council Action Desired

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

1. Assign a Comprehensive Plan Designation of "General Urban" and approve the Ordinance establishing the initial zoning for R2, Mixed Residential with Limited Development Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with Limited Development Airport Overlay Zone, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 5.61 acres of the Southeast ¼ of the Northeast ¼ of Section 22, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its April 5, 2022, meeting and recommended approval of R2 by a unanimous vote. Staff concurs with this recommendation.

## Alignment with City & Department Planning Objectives







Consideration of initial zoning must be consistent with the principles of the Comprehensive Plan which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

**Interdepartmental Coordination**

The initial zoning legal description has been reviewed by the Survey Division.

**Fiscal Impact**

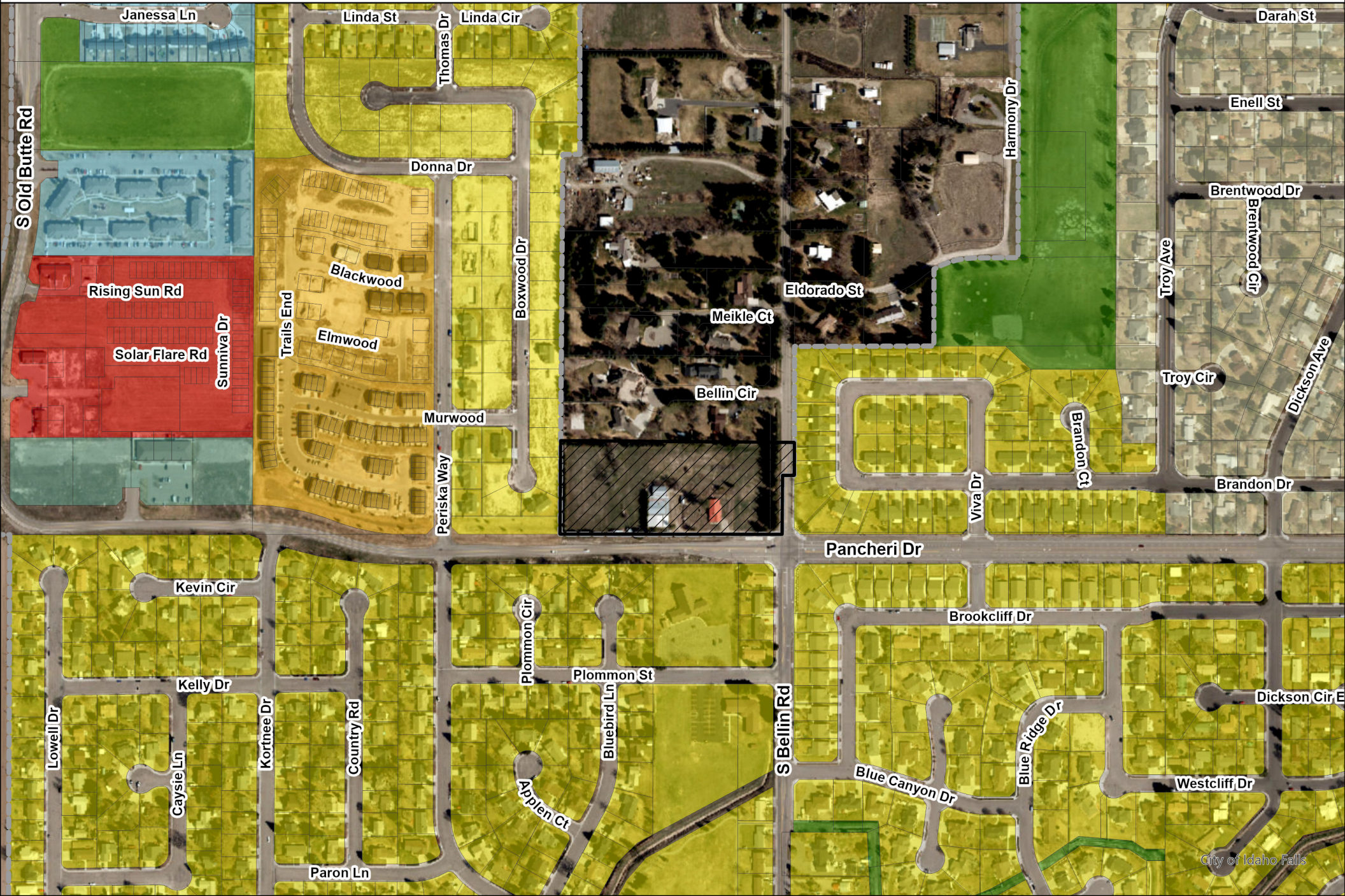
NA

**Legal Review**

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



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

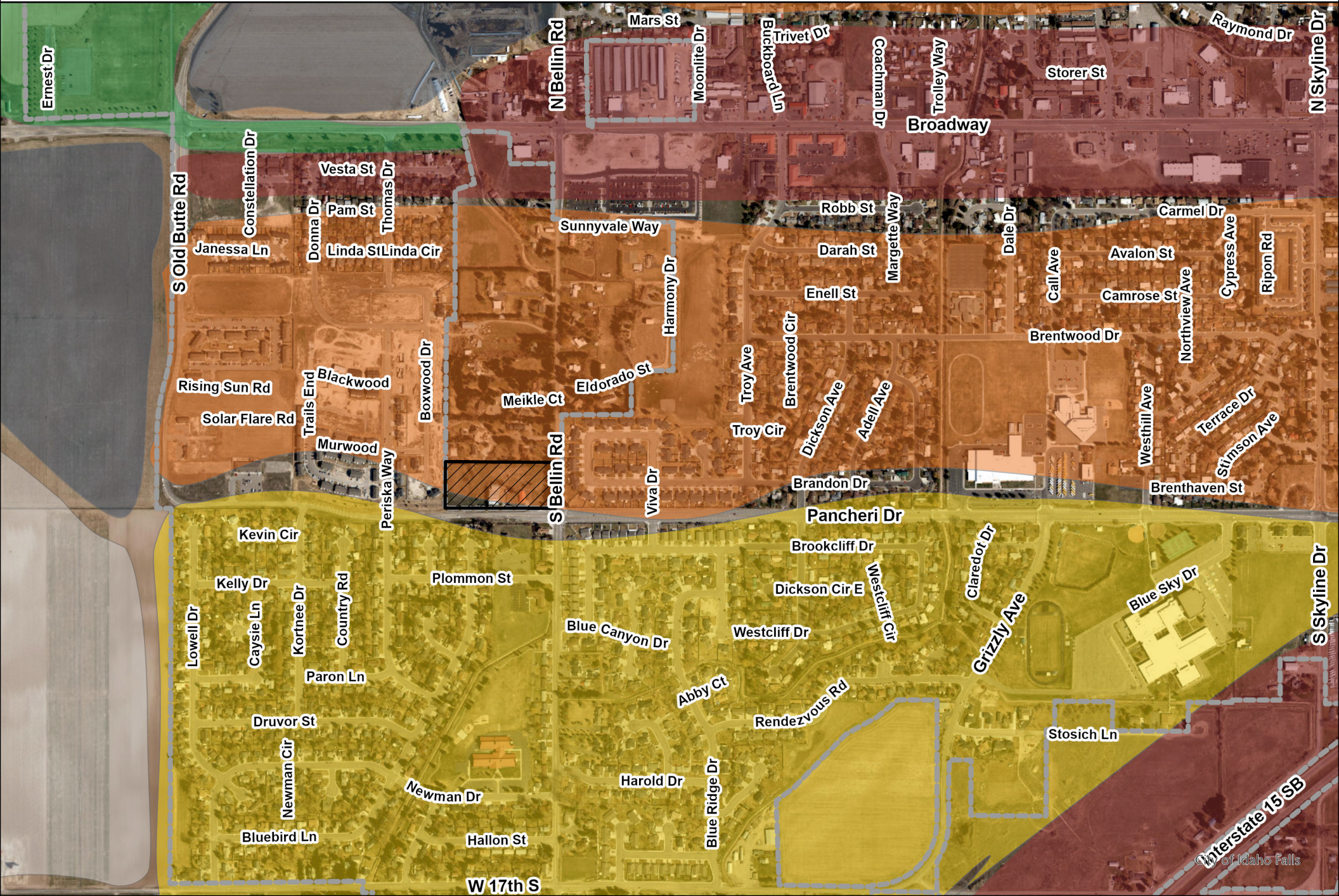








- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban





**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 5.61 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL WITH LIMITED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is R2, Mixed Residential with Limited Overlay Airport Overlay Zone for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation “General Urban”; and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as “General Urban;” and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on April 5, 2022, and recommended approval of zoning the subject property to R2, Mixed Residential with Limited Development Airport Overlay Zone; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on May 26, 2022.

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

**SECTION 1:** Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of General Urban and

**SECTION 2:** Legal Description. The lands described in Exhibit A are hereby zoned as R2, Mixed Residential with Limited Development Airport Overlay Zone.

**SECTION 3.** Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned “R2, Mixed Residential with Limited Development Airport Overlay Zone” and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

**SECTION 4.** Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or



unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF IDAHO FALLS, IDAHO

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton, City Clerk

(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; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 5.61 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL WITH LIMITED DEVELOPMENT AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

\_\_\_\_\_  
Kathy Hampton, City Clerk



## Exhibit "A"

### LEGAL DESCRIPTION (Page 1 of 1)

Part of the SE 1/4 of the NE 1/4 of Section 22, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho, more particularly described as:

BEGINNING at the East 1/4 corner of Section 22 from which the northeast corner of said section bears N 00°06'45" E 2610.65 feet, the basis of bearings for this description;

Thence S 89°58'18" W 758.22 feet along the south line of the northeast 1/4 of said section, being coincident with the north line of City of Idaho Falls Annexation Ordinance Nos. 1535, 1598, 1637, and 1857, to the southeast corner of City of Idaho Falls Annexation Ordinance No. 3086, said point also being the southeast corner of Linden Trails Addition, Division No. 1 (Instrument No. 1557330);

Thence N 00°25'20" E 319.65 feet along the east line of said Linden Trails Addition, Division No. 1 and Linden Trails Addition, Division No. 2 (Instrument No. 1579993) and the east line of City of Idaho Falls Annexation Ordinance No. 3086 to the southwest corner of Bellin Circle, Division No. 1 (Instrument No. 833281);

Thence S 89°34'45" E 796.54 feet along the south line of said Bellin Circle, Division No. 1 to its extended intersection with the west line of City of Idaho Falls Annexation Ordinance No. 2399;

Thence S 00°06'45" W 113.40 feet along the west line of City of Idaho Falls Annexation Ordinance No. 2399 to the southwest corner thereof, said point being on the north line of City of Idaho Falls Annexation Ordinance No. 1533;

Thence S 89°57'55" W 40.01 feet along the said north line to the northwest corner of said Annexation Ordinance No. 1533, said point being on the east line of the northeast 1/4;

Thence S 00°06'45" W 200.00 feet along the west line of said Annexation Ordinance No. 1533 and said east line of the northeast 1/4 to the POINT OF BEGINNING.

Containing 244,380 square feet or 5.610 acres.

Submitted by:

Firm Name: CORNERSTONE GEOMATICS, LLC

Contact Name: SHANE C. REMER

Phone Number: 208-390-8643

Email: shane@cornerstonegeomatics.com

Overall Document Page Range: \_\_\_\_\_ of \_\_\_\_\_

PLS Seal:



ORIGINAL



ANNEXATION ORDINANCE  
NO. \_\_\_\_\_

ANNEXATION DESCRIPTION

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BEGINNING at the East 1/4 corner of Section 22 from which the northeast corner of said section bears N 00°06'45" E 2610.65 feet, the basis of bearings for this description;  
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Thence S 89°57'55" W 40.01 feet along the said north line to the northwest corner of said Annexation Ordinance No. 1533, said point being on the east line of the northeast 1/4;  
Thence S 00°06'45" W 200.00 feet along the west line of said Annexation Ordinance No. 1533 and said east line of the northeast 1/4 to the POINT OF BEGINNING.

Containing 244,380 square feet or 5.610 acres.

ORDINANCE FILED AS INSTRUMENT NO. \_\_\_\_\_

BASIS OF BEARINGS NOTE

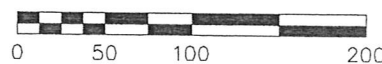
City of Idaho Falls Coordinate System of 2004 derived from the Idaho State Plane Coordinate System (East Zone 1101) US Survey Feet and using a combined scale factor of 1.000277265 for a grid to ground conversion. All bearings are grid north along the central meridian.

SURVEYOR'S CERTIFICATE

I, Shane C. Remer, a Licensed Professional Land Surveyor in the State of Idaho, do hereby certify that the survey depicted hereon, was made under my direction, and is truly and correctly surveyed and staked as provided by law.



GRAPHIC SCALE



SCALE: 1" = 100'

SHEET

1

OF

SHEETS

1

DRAWN BY

SCR

CHECKED BY

SCR

PROJECT NO.

0653

DATE

04/27/2022



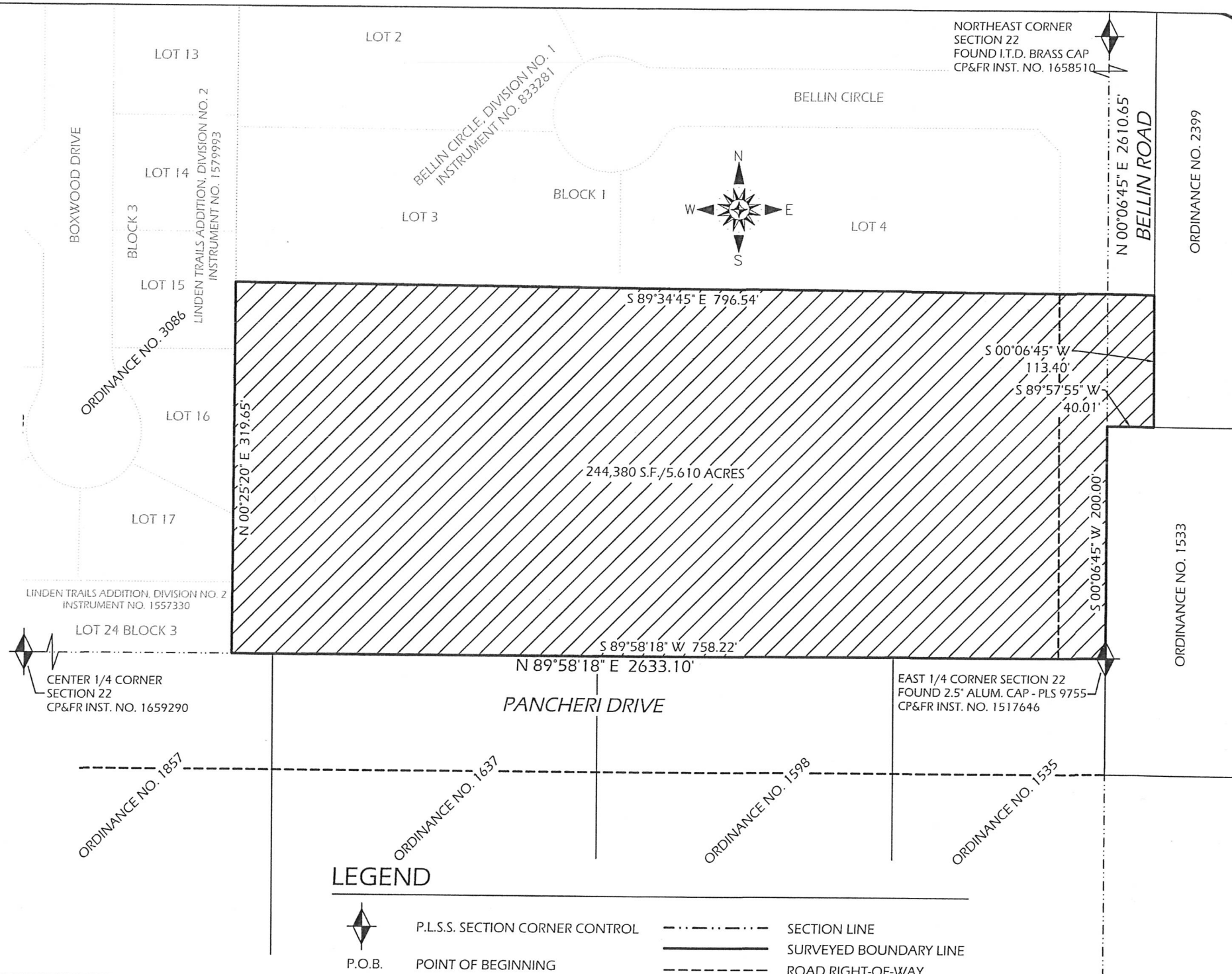
**CORNERSTONE GEOMATICS**

A PROFESSIONAL LAND SURVEYING COMPANY

208-390-8643 | WWW.CORNERSTONEGEOMATICS.COM

"Commit to the Lord whatever you do, and He shall establish your plans."

PROVERBS 16:3





## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**INITIAL ZONING OF R2, MIXED RESIDENTIAL WITH LIMITED DEVELOPMENT AIRPORT OVERLAY ZONE OF APPROXIMATELY 5.61 ACRES IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 37 EAST GENERALLY LOCATED NORTH OF PANCHERI DR, EAST OF BOXWOOD DR, SOUTH OF BELLIN CIRCLE, WEST OF SOUTH BELLIN ROAD.**

**WHEREAS**, the applicant filed an application for annexation on February 22, 2022; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on April 5, 2022; and

**WHEREAS**, this matter came before the Idaho Falls City Council during a duly noticed public hearing on May 26, 2022; 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 City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 5.61 acres generally located north of Pancheri Dr, east of Boxwood Dr, south of Bellin Cir, west of S Bellin Rd.
3. The Comprehensive Plan designates this area as General Urban
4. The proposed zoning is R2, Mixed Residential with Limited Development Airport Overlay Zone is consistent with the Comprehensive Plan map and policies and existing zoning in the area.
5. Idaho Falls Planning and Zoning Commission recommended approval of zoning the subject property to R2, Mixed Residential with Limited Development Airport Overlay Zone.

### **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

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Rebecca L. Noah Casper - Mayor



# Memorandum

File #: 21-500

City Council Meeting

**FROM:** Brad Cramer, Director  
**DATE:** Monday, May 16, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East.

## Council Action Desired

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

1. Approve the Ordinance annexing 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 27.207 acres of the North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3, Multiple Dwelling Residential and R2, Mixed Residential and the Limited Development Approach Surface Airport Overlay Zone which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 acres of the North ½ of the Northwest ¼ Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Limited Development Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The zoning discrepancy between applicant and Planning and Zoning Commission is explained in the memo for the next hearing.

## Alignment with City & Department Planning Objectives







Consideration of annexation must be consistent with the principles of the Comprehensive Plan which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

**Interdepartmental Coordination**

The annexation legal description has been reviewed by the Survey Division.

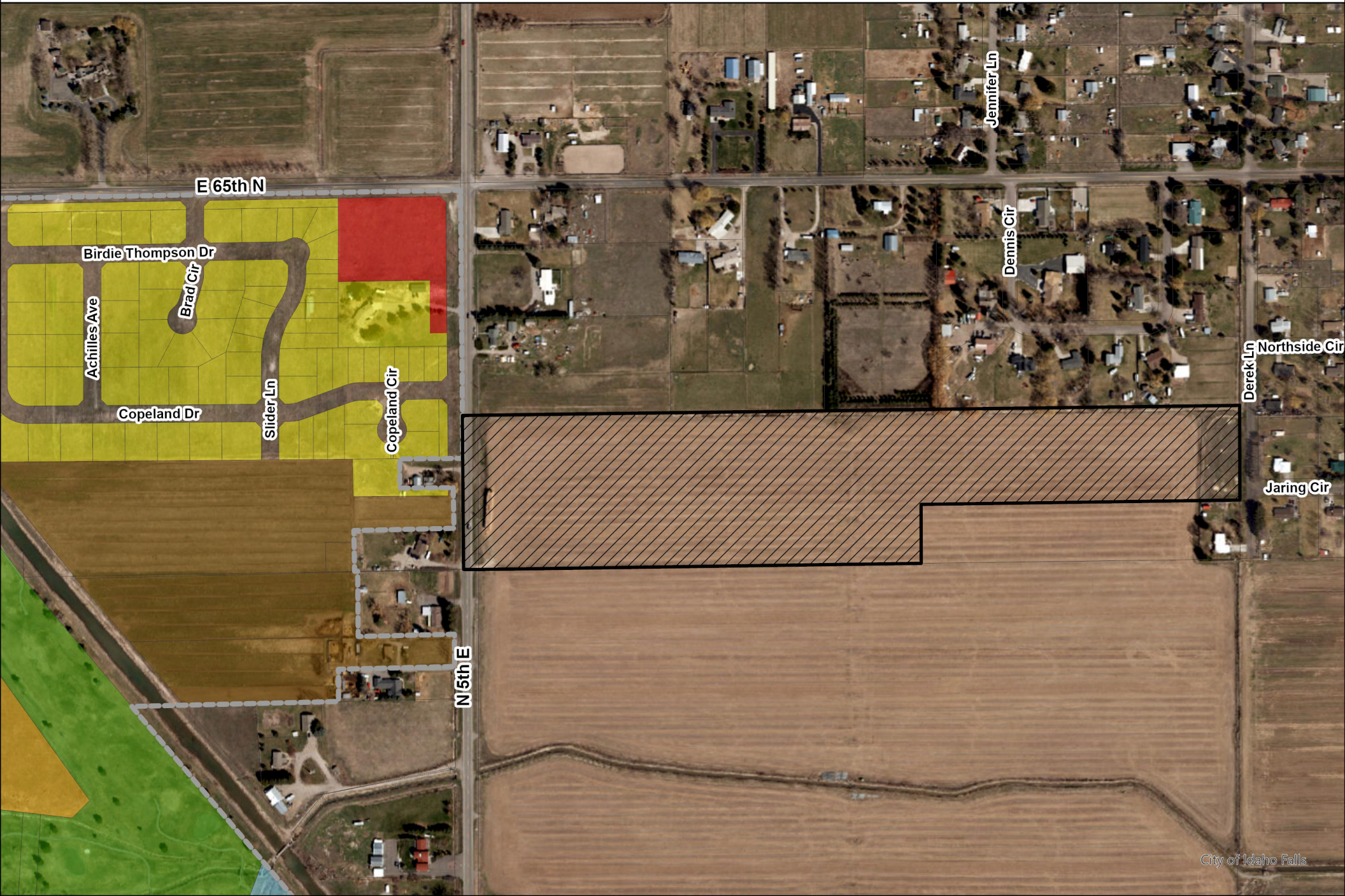
**Fiscal Impact**

NA

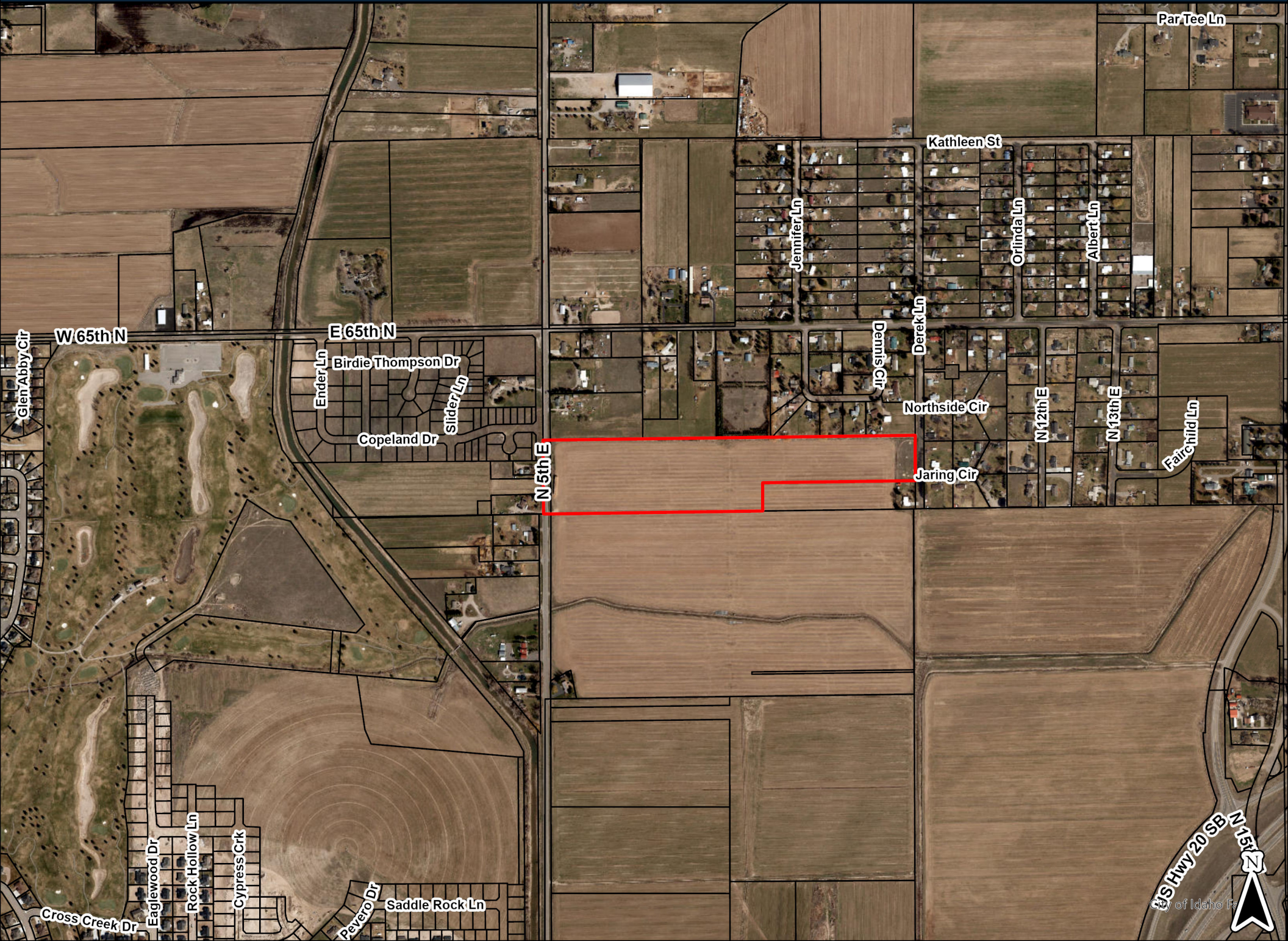
**Legal Review**

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









Glen Abby Cir

W 65th N

E 65th N

Birdie Thompson Dr

Copeland Dr

Slider Ln

N 5th E

Jennifer Ln

Dennis Cir

Derek Ln

Kathleen St

Orlinda Ln

Albert Ln

Par Tee Ln

Northside Cir

N 12th E

N 13th E

Jaring Cir

Fairchild Ln

Cross Creek Dr

Eaglewood Dr

Rock Hollow Ln

Cypress Crk

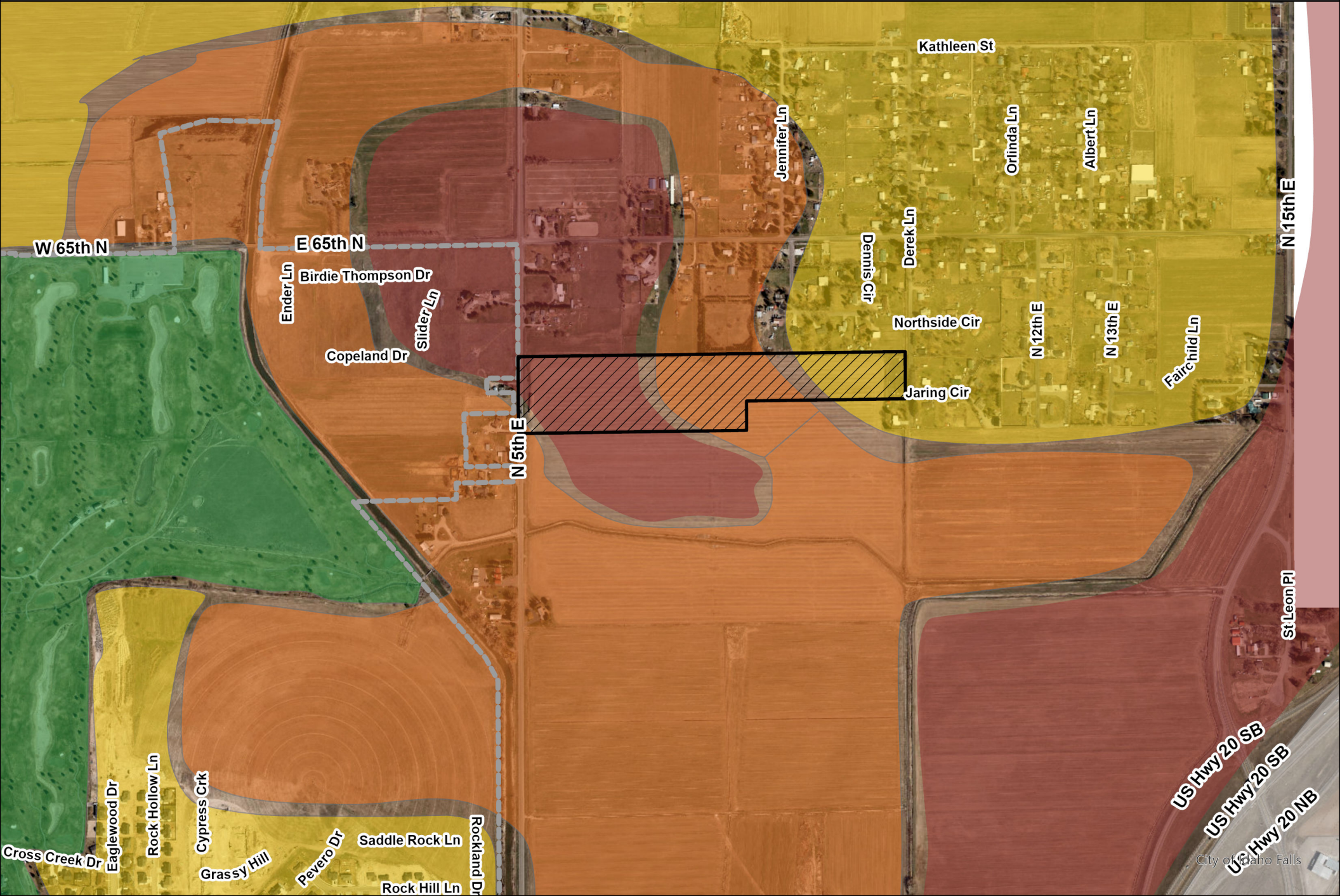
Pevero Dr

Saddle Rock Ln





- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban





## STAFF REPORT

### **Annexation and Initial Zoning of R3, Multiple Dwelling Residential, R2, Mixed Residential and the Approach Surface Airport Overlay Zone.**

**Approx. 27.207 acres in the N ½ of the NW ¼ of**

**Section 32, T 3N, R 38E**

**April 19, 2022**



Community  
Development  
Services

**Applicant:** Eagle Rock Engineering

**Project Manager:** Naysha Foster

**Location:** Generally, north of E 49<sup>th</sup> N, east of N 5<sup>th</sup> E, south of E 65<sup>th</sup> N, west of US Hwy 20

**Size:** Approximately 27.207 acres

**Zoning:**

Existing: County A-1

North: County A-1

South: County A-1

East: County RA-2

West: City R3 & R1

**Proposed Zoning:** R3 & R2, with Airport Overlay

**Existing Land Uses:**

Site: Ag

North: Residential

South: Ag

East: Residential

West: Residential

**Future Land Use Map:**

Mixed Use Center & Corridors, General Urban and Suburban

**Attachments:**

1. Comprehensive Plan Policies
2. Zoning Information
3. Maps & Aerial Photos

**Requested Action:** To approve the annexation and initial zoning of R3, Multiple Dwelling Residential, R2, Mixed Residential and Approach Surface Airport Overlay Zone.

**Staff Recommendation:** Staff recommends approval of the annexation and initial zoning of R3, R2 and Approach Surface Airport Overlay Zone, while it is not in the area of impact it is consistent with the policies of the Comprehensive Plan.

**Staff Comments:** The property is currently farmed and will need to be platted before development occurs. City utilities are approximately a half mile to the south but are planned to be extended further north as part of proposed development occurring across the street. This property is situated just outside the area of impact, but it is contiguous to City Limits. While it is not the City's common practice to annex property outside the area of impact it is legal and, in some cases, necessary. Developers are forced to look at the fringe of the city as infill lots are all in the process of development and the fringe of the city is outside of the area of impact in most areas. This area was specifically included in the Comprehensive Plan "Imagine IF." This area of City limits extends to the Area of Impact Boundary. The Area of Impact needs to be expanded not only in this area but other areas where the City Limits extends to the boarder of the area of impact.

Bonneville County shows this area as Urban Residential on its Comprehensive Plan. Urban development is more appropriate to be developed within municipalities. There are multiple pending residential developments on the west side of N 5th E within City limits. There are also residential developments, built at urban densities, in the County to the north and east of this property.

On April 19, 2022, the Planning and Zoning Commission recommended that the easterly portion of the property where it narrows be zoned R1 to be more compatible with the single family dwellings in the county along the east side of the property, however the developer and staff feel the R2 would be a good buffer or transition from the high density residential and the single family residential.

**Annexation:** This is a Category "A" annexation as it is requested by the property owner. The property is contiguous to City limits along the west property line. Annexation of the property is consistent with the policies of the City's Comprehensive Plan.

Continued on next page



**Initial Zoning:** The proposed zoning is R3, Multiple Dwelling Residential and R2 Mixed Residential with the Airport Overlay Zone. The R3 is a residential, high-density zone that allows 35 units per acre. It is characterized by a variety of dwelling types with a denser residential environment. This zone is situated along or near major streets such as collectors and arterials, and pedestrian connections and services. This property is adjacent to N 5<sup>th</sup> E, and is close to E 65<sup>th</sup> N, both are arterials. The R2 zone provides a residential zone characterized by smaller lots and dwellings, more compact and denser residential development; and higher volumes of vehicular and pedestrian traffic than are characteristic of the RE, RP and R1 Zones. The principal uses permitted in the R2 Zone shall be one (1), two (2), three (3), and four (4) dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.

The Comprehensive Plan identifies this property as Mixed Use Centers and Corridors, General Urban and Suburban. The R3 Zone is consistent with the policies of the Comprehensive Plan. This area is specifically called out in the ImagineIF Plan as an area to focus on for a future walkable center, (see Area 4 Objectives and Actions for Community Health, Housing and Transportation & Connectivity beginning with page 173)

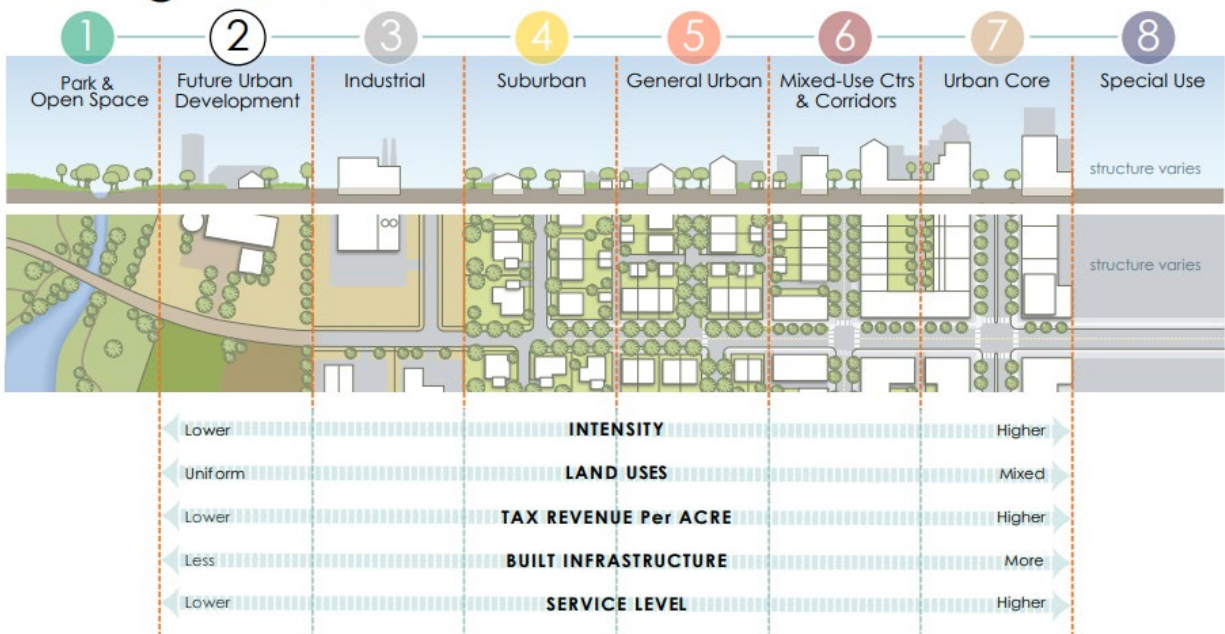
There is R3A Zoning across N5th E and R2 is also in the area. A variety of other types of zoning in the vicinity, including R1, R3A, and LC. The County RA-2 Zone is a transitional zone from ag to residential with one dwelling unit per acre. The RA-2 zone is the highest density residential zone allowed in the County.

The location of this property is in the Approach Surface designation of the Airport Overlay Zone, which allows dwelling units in this area.

#### Comprehensive Plan Land Use Transects:

pg. 60-70

### ImagineIF Transects





**Future Suburban/Urban Development Snapshot:** The Future Suburban and Urban Development Transect denotes agricultural land, as well as associated buildings and residences, within the vicinity of the Area of City Impact, where City services can readily be provided. This transect designation includes areas within the Bonneville Metropolitan Planning Organization's (BMPO) designated urbanized area. It includes existing homes on large lots, vacant properties which have been subdivided into tracts of 20 acres or less and properties with frontage on county road sections. Local examples: Areas along E 49th South (Township Road), E 65th South (York Road), N 5th E – north of US HWY 20.

**General Urban Snapshot:** The General Urban Transect denotes residential areas with a mix of commercial and service uses convenient to residents. These areas contain a wide variety of housing types, generally including small single-units, duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts, townhouses, multiplexes and live-work units. Lot sizes are smaller and more compact than suburban areas. These areas could also include parks, schools, churches, and commercial services. These areas have highly connective street patterns, similar to the traditional grid-pattern that encourages bicycle and pedestrian usage. These areas should be near an existing or part of a new walkable center. Local examples: Bonnavista Addition, Johns Height Subdivision, Jennie Lee Addition, Bell-Aire, Linden Park, Linden Trails, Falls Valley.

**Mixed-Use Centers & Corridors Snapshot:** The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable centers that support a well-connected, walkable neighborhood. Local examples: Northgate Mile and 1st Street corridors, Intersection of 65th South and 5th West, Intersection of Skyline and Broadway, Snake River Landing.

**Suburban Snapshot:** The Suburban Transect denotes existing or planned residential areas in close proximity to or with easy vehicular access to regional commercial service areas that provide daily household needs. These areas contain various housing types, generally including detached and attached single-unit dwellings, accessory dwelling units, duplexes and triplex and fourplex units at a house scale. Residential development should include a mix of housing types, price points and sizes and should not be exclusively detached single-dwelling units. These areas could also include parks, schools, churches and small commercial nodes adjacent to major roadways. Curvilinear streets and cul-de-sacs are common. Although existing road patterns and lot sizes have created low levels of connectivity and convenience to services, opportunities to increase these features should be identified and planned for. Local examples: Silverleaf, Mill Run, Fairway Estates, Ivan's Acres, Shamrock Park, Home Ranch, Stonebrook, Brookside and Southpoint Subdivisions

#### **Comprehensive Plan Policies:**

##### **Challenges to Growth (p.56-58):**

The cost of maintaining infrastructure, limited natural resources and overall capacity to provide all City services and utilities are immediate issues facing the Idaho Falls area. These all have related land use implications and various growth patterns have consequences. A city's growth



policies can lead to sprawling boundaries with more maintenance and service needs than funds available to meet them, overcrowded areas with too little open space, or some balance between the two.

The consumption of land does not in itself speak at all to the resource commitment in streets, utilities, parks and open space, water, sewer, power and emergency services needed to maintain and service it. The Imagine IF policies recommended in this plan attempt to reverse this trend, especially in light of higher-than average population growth rates for the area. Even prior to the Imagine IF initiative, the city made strides to focus on “infill development” (i.e., utilizing undeveloped lands within the City rather than expanding the city’s Boundaries). These efforts are working. From 2010 to 2020, the population grew by 14% while the City’s boundaries grew by only 15%, compared to 30% in the previous decade.

Idaho Falls must understand the long-term consequences of its land use decisions. It cannot continue to have policies which are overly favorable to large-lot subdivisions requiring new roads and increased city boundaries instead of more compact development that better utilizes existing infrastructure. Being intentional about growth decisions and cognizant of the financial impacts is a protection against high tax growth and the City’s capacity to effectively serve its citizens.

#### **Managing Change (p. 58-59):**

Although the City needs to rethink how it grows and develops, it must also be cognizant of how change can cause concerns in existing neighborhoods. That is not to say that neighborhoods should never expect to experience changes. Strong Towns, a non-profit planning organization, describes the balance in these terms:

1. No neighborhood can be exempt from change.
2. No neighborhood should experience sudden, radical change.

The policies and actions in this plan are intended to strike this balance. In each area and throughout the city, residents also participated in the planning process they recognized the need for improvements and saw the challenges the city is facing. Each neighborhood has its own challenges and opportunities to be part of the solutions.

Degrees of change:

1. Maintain: Smaller, more incremental changes, mostly reinforcing the exiting scale of an area.
2. Evolve: Opportunities for small-to medium-sized public and private investments or projects. Minor changes in scale. Opportunity sites should be targeted.
3. Transform: Opportunities for larger scale changes, such as a significant increase in scale and possible mix of uses. The changes are more likely to be widespread and not on focused sites.

Each of these degrees of change can be found in the Imagine IF plan. Whether it is City-wide code changes, identifying potential walkable centers and redevelopment sites, or thinking about adding benches along pedestrian routes, change is recommended in a variety of ways. The changes are not radical, abrupt changes to Idaho Falls’ character. Rather, most are small, incremental changes designed to bring about the vision described by the community during the planning process.



**Focus on Walkable Centers pg. 82**

Identify existing and potential walkable centers and focus on promoting a mix of uses where people can live and easily access daily needs.

**Focus on becoming a 15-minute City pg. 82**

Identify gaps in 15-minute access from homes to goods and services.

**Diversify Housing Stock pg. 88**

Revise zoning to allow Missing Middle Housing (MMH) types 1/4 - 1/2 mile from existing or planned walkable centers and neighborhood crossroads.

**Diversify and Intensify Uses at in Mixed Uses Centers and Corridors pg. 104**

Diversify zoning designations at the intersections of arterial and collector streets to zones that allow for neighborhood services to be established.

**Code for Appropriate Transitions pg. 105**

Use existing land uses as starting points for determining the most transects to apply as future suburban and general urban transects transition into the City.

**Increase Availability of Daily Goods and Services pg. 119**

Focus on 65th North and 5th East to be an area of expansion that includes Walkable Center principles such as additional housing in a walkable context, daily goods and services, and proper multi-modal infrastructure.

**Community Health pg. 173**

Focus on 65th North and 5th East to be an area of expansion that includes Walkable Center principles such as additional housing in a walkable context, daily goods and services, and proper multi-modal infrastructure.

**Diversify Housing Stock pg. 177**

Modify zoning in north area to allow more housing types, especially at major intersections and along major roads.

**Area 4 Transportation and Connectivity pg. 179-180**

In the north, residents indicated a strong need for a Riverwalk extension and widening of the county road section.

Walkable centers and neighborhood crossroads is a concept supported by most participants.

Focus on a walkable center at 65th North and Lewisville Highway.



## **Zoning Ordinance:**

### **11-3-3: PURPOSE OF RESIDENTIAL ZONES**

R3 Multiple Dwelling Residential Zone. This zone provides a residential zone which is characterized by a variety of dwelling types with a denser residential environment. This Zone is situated along or near major streets such as collectors and arterials. It is also generally located near pedestrian connections and commercial services.

**Table 11-3-1: Standards for Residential Zones**

	<b>RE</b>	<b>RP</b>	<b>R1</b>	<b>R2</b>	<b>TN</b>	<b>R3</b>	<b>R3A</b>	<b>RMH</b>
<b>Lot Area</b>								
Lot Area Minimum in ft <sup>2</sup>	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft <sup>2</sup>			13,500*					
<b>Site Width</b>								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
<b>Setbacks, Minimum in ft.</b>								
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*
<b>Lot Coverage, Building Height, and Density</b>								
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.								

(Ord. 3218, 9-13-18)(Ord. 3310, 6-18-20)



### 11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

**Table 11-2-1: Allowed Uses in Residential Zones**

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.								
*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.								
	Low Density Residential			Medium Density Residential			High Density Residential	
Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C <sub>2</sub>	P	P		P	P
Day Care, Group*	C <sub>1</sub>		C <sub>1</sub>	P	P	C <sub>1</sub>	P	P
Day Care, Home	C <sub>1</sub>		C <sub>1</sub>	P	P	C <sub>1</sub>	P	P
Dwelling, Accessory Unit*	P			P	P		P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			
Food Store					P*			
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C <sub>1</sub>		C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>	C <sub>1</sub>
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C <sub>1</sub>			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						C <sub>2</sub>		C <sub>2</sub>
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>		C <sub>3</sub>	C <sub>3</sub>	C <sub>3</sub>
Professional Service								P
Public Service Facility*	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P



Recreational Vehicle Park*						C <sub>2</sub>		
<b>Proposed Land Use Classification</b>	<b>RE</b>	<b>RP</b>	<b>R1</b>	<b>R2</b>	<b>TN</b>	<b>RMH</b>	<b>R3</b>	<b>R3A</b>
Religious Institution*	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Residential Care Facility							P	P
Retail					P*			C <sub>2</sub>
School	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>
Short Term Rental*	P	P	P	P	P	P	P	P
Transite Station								P

(Ord. 3218, 9-13-18) (Ord. 3358, 12-10-20)

#### 11-2-4: ALLOWED USES IN COMMERCIAL ZONES.

**Table 11-2-2: Allowed Uses in Commercial Zones**

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone. *Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.					
	Commercial				
<b>Proposed Land Use Classification</b>	<b>PB</b>	<b>CC</b>	<b>LC</b>	<b>HC</b>	<b>PT</b>
Accessory Use*	P	P	P	P	P
Accessory Use, Fuel Station*		P	P	P	
Accessory Use, Storage Yard*		P	P	P	
Amusement Center, Indoor		P	P	P	
Amusement Center, Indoor Shooting Range*		P	P	P	
Amusement Center, Outdoor*				P	
Animal Care Clinic*	P	P	P	P	
Animal Care Facility*				P	
Bed and Breakfast*		P	P		P
Boarding /Rooming House		P	P		P
Building Material, Garden and Farm Supplies			P	P	
Cemetery*		C <sub>2</sub>	C <sub>2</sub>	C <sub>2</sub>	
Club*		P	P	P	
Communication Facility		P	P	P	
Day Care, all Types*	P	P	P	P	P
Drinking Establishment		P		P	
Drive-through Establishment *	P*	P	P	P	P
Dwelling, Accessory Unit *		P	P	P	P
Dwelling, Multi-Unit*		P	P		P
Dwelling, Multi-Unit Attached*		P	P		P
Dwelling, Single Unit Attached*			P		
Dwelling, Single Unit Detached			P		
Dwelling, Two Unit			P		P
Eating Establishment		P	P	P	P
Eating Establishment, Limited	P	P	P	P	P



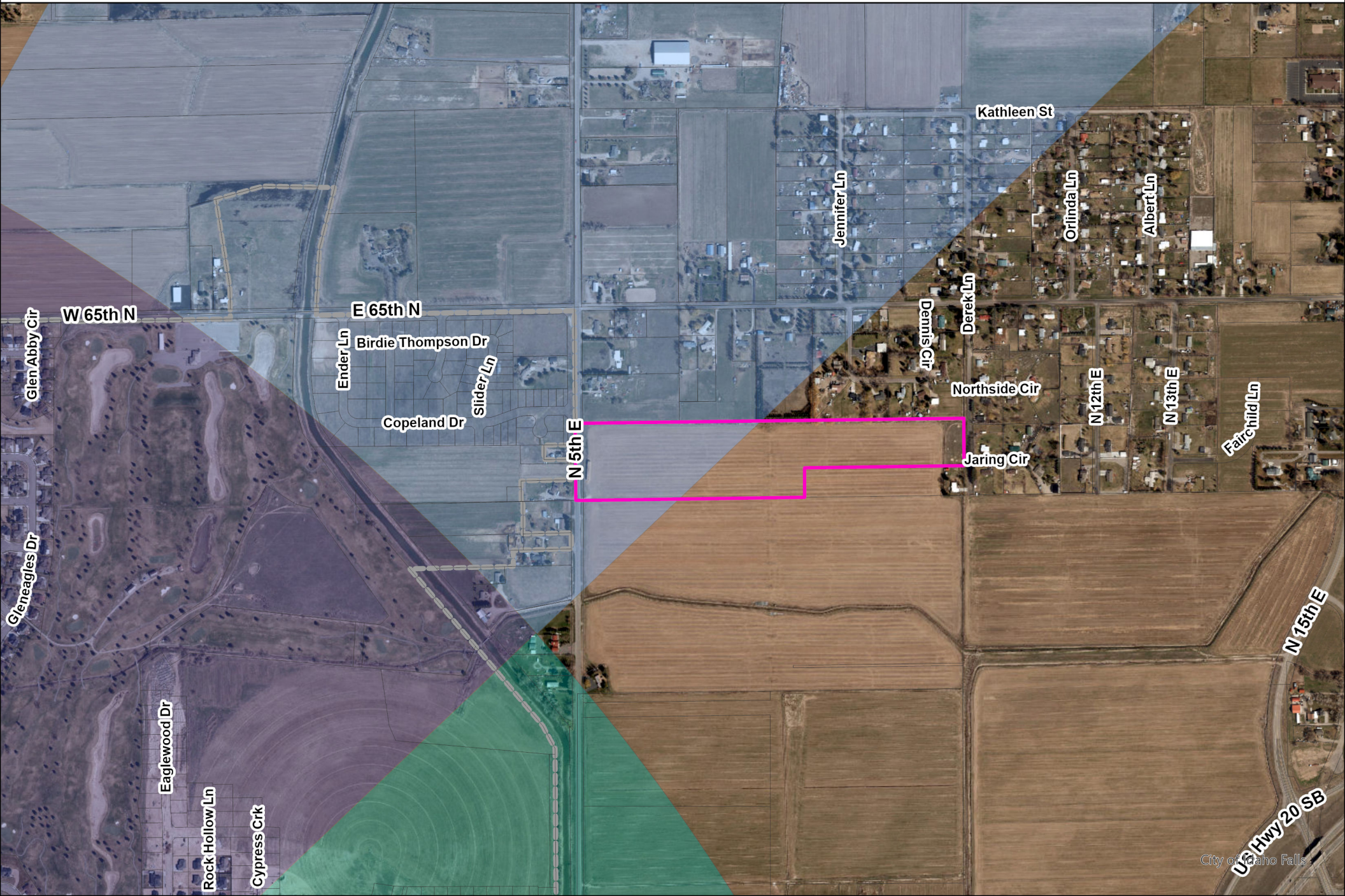
- Approach Surface

Controlled Development Approach Surface

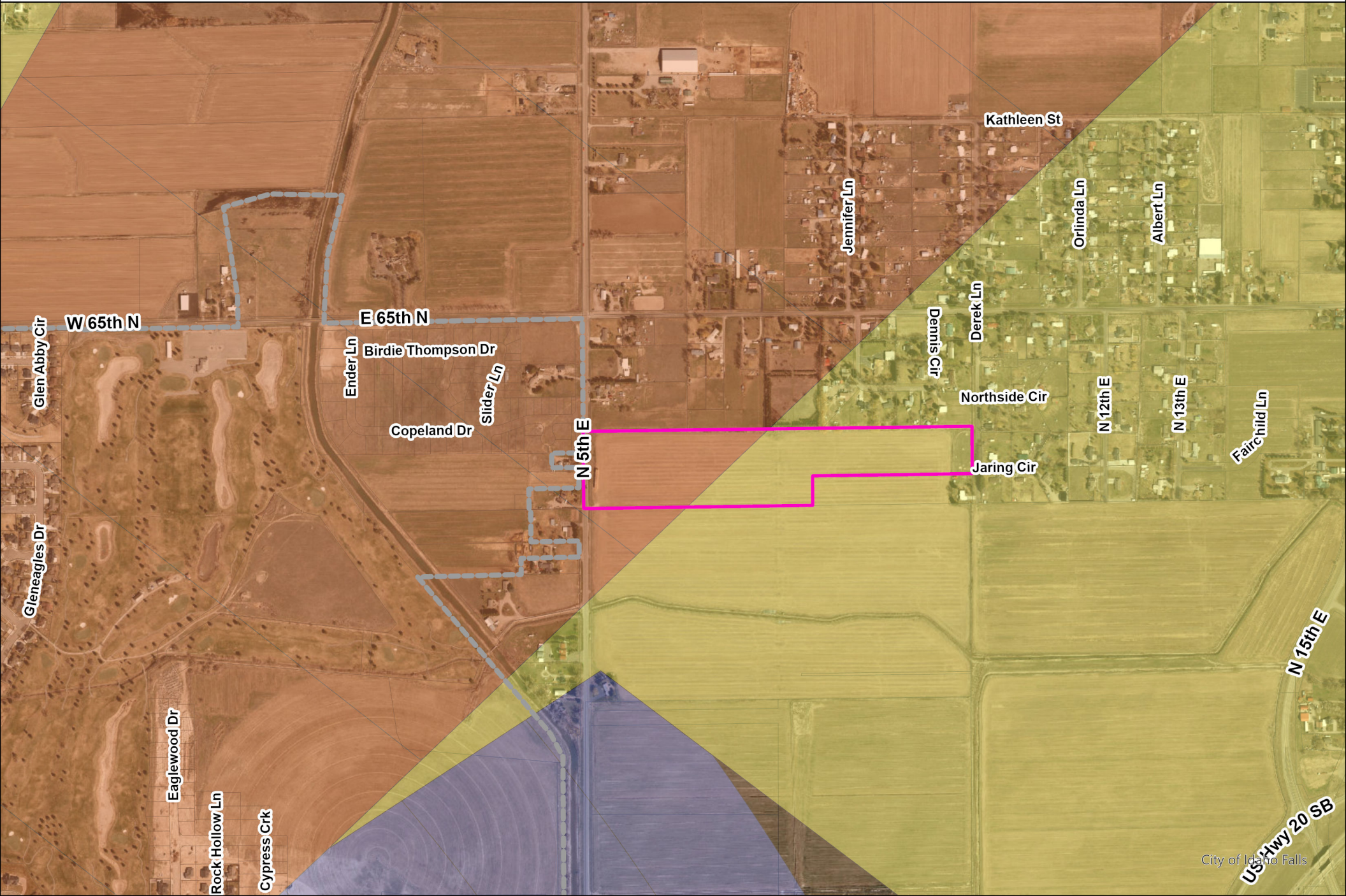
Limited Development Approach Surface
- Controlled Development

Limited Development

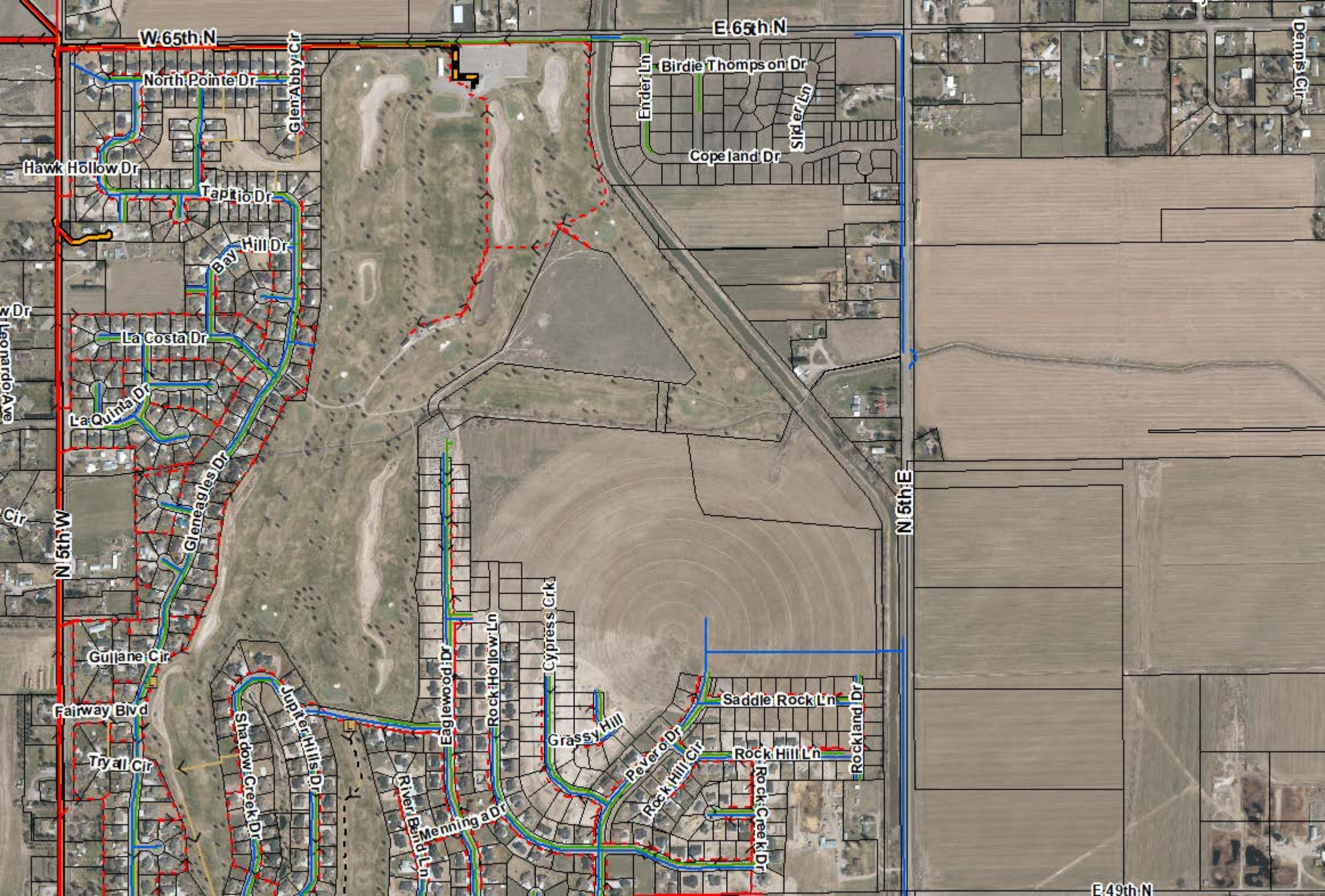
No Development











W 65th N

E 65th N

North Pointe Dr

Hawk Hollow Dr

Taptio Dr

Bay Hill Dr

La Costa Dr

La Quinta Dr

Gleneagles Dr

Gullane Cir

Fairway Blvd

Trial Cir

Jupiter Hills Dr

Shadow Creek Dr

River Bend Ln

Menninga Dr

Eaglewood Dr

Rock Hollow Ln

Cypress Crk

Grassy Hill

Pevero Dr

Rock Hill Cir

Saddle Rock Ln

Rock Hill Ln

Rock Creek Dr

Rockland Dr

Ender Ln

Birdie Thompson Dr

Copeland Dr

Slider Ln

N 5th E

N 5th W

E 49th N



April 19, 2022

7:00 p.m.

Planning Department

City Annex Building

**MEMBERS PRESENT:** Commissioners Brent Dixon, Joanne Denney, Margaret Wimborne (via Webex), Arnold Cantu (via Webex) George Morrison (via Webex)

**MEMBERS ABSENT:** Lindsey Romankiw

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler; planner Brian Stevens, Naysha Foster, Anas Almassrahy and interested citizens.

**CALL TO ORDER:** Joanne Denney called the meeting to order at 7:00 p.m. (Technical difficulties)

**CHANGES TO AGENDA:** None.

Commissioner Morrison asked to speak about misinformation that was published in the Post Register about the Commission operating quietly in the night, implying that they are doing something secretive. Morrison takes exception to that comment. Morrison stated that they do meet in the night – at 7:00 p.m. so public has time to get home from work and then come to the meeting. Morrison stated that they conform to the open meeting rules, and they are not doing anything secretive. Morrison is not quiet, he is yelling.

**MINUTES:** None.

**Public Hearing(s):**

**3. ANNEX 22-004: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R3.**

Denney opened the public hearing.

**Applicant: Kurt Roland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho.** Roland stated that this ground is near the intersection of E 65<sup>th</sup> North and the Lewisville Hwy. Roland stated that they would like to annex the 27-acre piece of ground. Roland stated that this property is near Teton View Estates. Roland stated that the property is currently zoned Ag-1 in the County, and they are requesting R3.

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

Wimborne asked how the Airport Overlay will impact the R3 zone.

Foster indicated that they do not allow residential dwellings in the purple. Foster stated that the blue area is the Approach surface zone and residential is allowed in that zone with height restrictions. Foster stated that the same uses allowed in the airport overlay land use table are in the land use table. Beutler clarified that the purple area does allow residential development, but the further to the south approach surface area in orange that is outside of the map that wouldn't allow residential, but purple area has aircraft high enough that residential is ok.

Dixon asked about the classifications for N 5<sup>th</sup> E and E 65<sup>th</sup> N. Foster stated that the Comprehensive Plan calls this area out for mixed use centers and corridors. Dixon asked if the roads are major arterials etc. Foster stated that E 65<sup>th</sup> N is classified as a collector and N 5<sup>th</sup> E is



a principle arterial. Dixon asked if E 65<sup>th</sup> N will be the tie in to the I-15 Interchange. Naysha stated that it is a mile north of E 65<sup>th</sup> N.

### **Support/Opposition**

**Dan Hiatt, 6129 N 5<sup>th</sup> E, Idaho Falls, Idaho.** Hiatt stated that the roads are busy already and it can take him 5 minutes to get out on his driveway. Hiatt asked if there are plans to curb traffic. Foster stated that she cannot answer questions, but the applicant could address that in his rebuttal.

**Mark Anderson, 6055 N. 5<sup>th</sup> E, Idaho Falls, Idaho.** Anderson asked about the impact traffic plan and asked how many more cars are expected to be on the highway. Foster stated that with an annexation it wouldn't have a traffic study, and that would take place during the platting process. Anderson asked if there is a possibility of stop lights to help with traffic, as there have been several accidents. Foster stated that it will be addressed by the City Engineer during the Plat. Anderson feels like they get everything approved and then go back to see if it will really work. Denney clarified that this is just an annexation, and no plat has been presented.

Dixon stated that one of the things that would be involved in the development would be enough property along the right of way for widening of a road to be appropriate to the level that it is classified. Dixon stated that principal arterials that have been fully developed in the City are all at least 2 lanes each direction and a turn lane. Dixon stated that this is the beginning of the process to get the roads developed. Dixon stated that 65<sup>th</sup> N is a collector and there might be a light at that intersection eventually like where 25<sup>th</sup> intersects with Holmes. Dixon stated that city limits speed limits are not usually 55 mph.

**Applicant: Kurt Rolland, Eagle Rock Engineering, 1331 Fremont Ave, Idaho Falls, Idaho.** Rolland indicated that they would have to do a traffic study when they do a preliminary plat. Rolland stated that the traffic study will determine what they need to do.

Denney closed the public hearing.

Dixon doesn't have a problem with the higher density near a major road but is concerned that the property is ½ mile long and in that length, you have moved away from major roads and into the core of what could eventually be neighborhoods. Dixon stated that the Comprehensive Plan tends to reflect that when they move away from the intersection of the County roads, you go from the darkest color, to orange, to yellow, and yellow is suburban which is lower density. Dixon stated that making the entire thing R3 is too much and suggests where the property narrows down, they go to R1 for the lower density.

Morrison agrees with Dixon.

Denney re-opened the public hearing.

**Applicant: Kurt Rolland, 1331 Fremont Ave., Idaho Falls, Idaho.** Rolland indicated that even though they are asking for R3 on the property, with the development they are trying to do, there is no way to get 35 units an acre on the property, and the most they can get on the property is 12-16 units per acre.

**Mark Anderson, 6055 N 5<sup>th</sup> E, Idaho Falls, Idaho.** Anderson asked about the terminology being used for "unit" and asked if that is houses, townhouses, apartments. Foster stated that a



“unit” is a living unit, so it could be single family, multi-family, townhomes. Anderson asked if they could have the developer say what they are going to build. Foster stated it is not appropriate at this time, as it is just the annexation and initial zoning. Anderson stated so it could be anything.

Denney closed the public hearing.

Dixon stated that at 14 units per acre, it is 377 units and eyeballing the area above containing Jennifer Lane, has 12 lots on one side, 12 lots on the other side, and the next road over Derek has 12 lots for a total of 36 units, and that is approximately the same acreage as what is being presented, so the proposed property at 14 units per acre would be 10x the density of the surrounding area. Foster clarified that it is net density, so it doesn't include roads or dedicated right of way, setbacks, etc.

Wimborne asked for clarification on how he gets 10x the density.

Morrison feels that they are out of order because they are out of the public hearing and should only be talking about annexation and zoning.

Denney indicated they are talking about the density of the zoning.

Dixon stated that in the packet you can find Jennifer Lane to the north of the property and there are 12 units on each side of Jennifer, and one half block further east the west side of Derek has 12 lanes for a total of 36 units, and that is about the same amount of acreage, so the development could potentially have 377 units which would be 10x the nearby developments.

Dixon stated that the eastern side of the lot should not be that high of density.

**Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of approximately 26.920 acres in the N ½ of the NW ¼ of Section 32, T 3N R 38 E with R3 Multiple Dwelling Residential for the west portion of the lot and R1 for the narrower east portion of the lot and Limited Development Approach Surface Airport Overlay Zone for the entire parcel, Morrison seconded the motion. Denney called for roll call: Dixon, yes; Cantu, yes; Morrison, yes; Wimborne, no. The Motion passed 3-1.**

Wimborne voted against the motion because she doesn't get that much density when she eyeballs it, and the ordinance can outline what the density is, but each property is unique and this piece of property especially the strip on the eastern side is not going to get 35 units in that area, and the developer has said as much. Wimborne feels the motion doesn't have enough detail to determine where the two zones start and stop, and she feels it is problematic and would feel more comfortable leaving it as R3.

Denney called a recess until 9:00 pm.

Denney called the meeting back to order.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 27.207 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:



- 1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;
- 2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and
- 3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.



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

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

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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton, City Clerk

(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; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 27.207 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

---

Kathy Hampton, City Clerk

(SEAL)



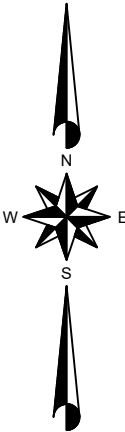
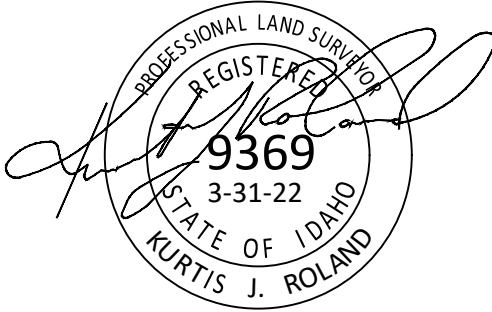
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LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 3  
NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO

A PARCEL OF LAND BEING SITUATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 32 AND THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN AND IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

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**SUBJECT TO: EXISTING EASEMENTS OF RECORD.**

CONTAINING 27.207 ACRES


$$1'' = 200$$


# EAGLE ROCK ENGINEERING

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IDAHO FALLS (208) 542-2665      REXBURG (208) 359-2665

## OFFICES AT:

1331 Fremont Ave.  
Idaho Falls, Idaho 83402

310 N 2nd East, Suite 153  
Rexburg, Idaho 83440

DRAWN BY: MATT PATZER

APPROVED BY: KURT ROLAND

PROJECT NO.	21101
-------------	-------

SCALE: 1"=200'

DATE: MARCH 2022

CAD NAME: 21101 NELSON 5TH EAST\_ANNEX MAP.dwg



EXHIBIT "A"  
LEGAL DESCRIPTION (Page 1 of 1)

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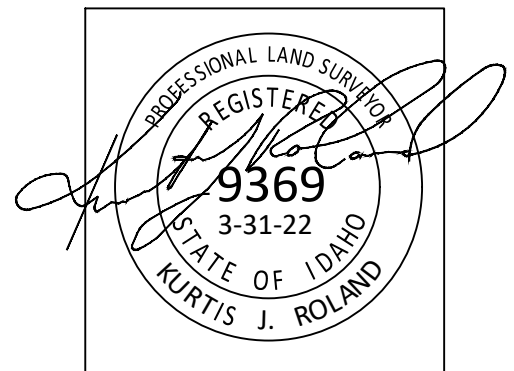
Firm Name: EAGLE ROCK ENGINEERING

Contact Name: KURT ROLAND

Phone Number: 208-542-2665

Email: kroland@erengr.com

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## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**ANNEXATION OF APPROXIMATELY 27.207 ACRES OF THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION 32, T 3N, R 38E, GENERALLY LOCATED NORTH OF E 49<sup>TH</sup> N, EAST OF N 5<sup>TH</sup> E, SOUTH OF E 65<sup>TH</sup> N, WEST OF US HIGHWAY 20.**

**WHEREAS**, the applicant filed an application for annexation on February 23, 2022; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on April 19, 2022; and

**WHEREAS**, this matter came before the Idaho Falls City Council during a duly noticed public hearing on May 26, 2022; 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 City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 27.207 acres generally located north of E 49<sup>th</sup> N, east of N 5<sup>th</sup> E, south of E 65<sup>th</sup> N, west of US Highway 20.
3. This property is contiguous to city limits along the west property.
4. The property is outside of, but contiguous to, the Area of Impact along the west property line.
5. The application is a Category “A” annexation.
6. The Comprehensive Plan designates this area as Mixed-Use Centers and Corridors, General Urban and Suburban.
7. Idaho Falls Planning and Zoning Commission recommended approval of annexation.

### **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

---

Rebecca Casper - Mayor





# Memorandum

**File #:** 21-501

**City Council Meeting**

**FROM:** Brad Cramer, Director  
**DATE:** Monday, May 16, 2022  
**DEPARTMENT:** Community Development Services

## Subject

Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3, Multiple Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East.

## Council Action Desired

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

1. Assign a Comprehensive Plan Designation of "Mixed Use Centers and Corridors, General Urban and Suburban" and approve the Ordinance establishing the initial zoning for R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3, Mixed Dwelling Residential, R2, Mixed Residential, and Approach Surface Airport Overlay Zone which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 27.207 Acres, North ½ of the Northwest ¼ of Section 32, Township 3 North, Range 38 East. On April 19, 2022, the Planning & Zoning Commission recommended approval of the annexation with the initial zoning of R3 on the west portion of the property, R1 of the east portion and the Approach Surface Airport Overlay Zone of the property to the Mayor and City Council. Voting was 3-1. The applicant, who originally requested the entire property be zoned R3, is requested the eastern portion of the property be zoned R2, rather than R1. Staff concurs with this request as it R2 is a common transition between lower density and higher density development.

## Alignment with City & Department Planning Objectives





Consideration of initial zoning must be consistent with the principles of the Comprehensive Plan which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

#### **Interdepartmental Coordination**

The initial zoning legal description has been reviewed by the Survey Division.

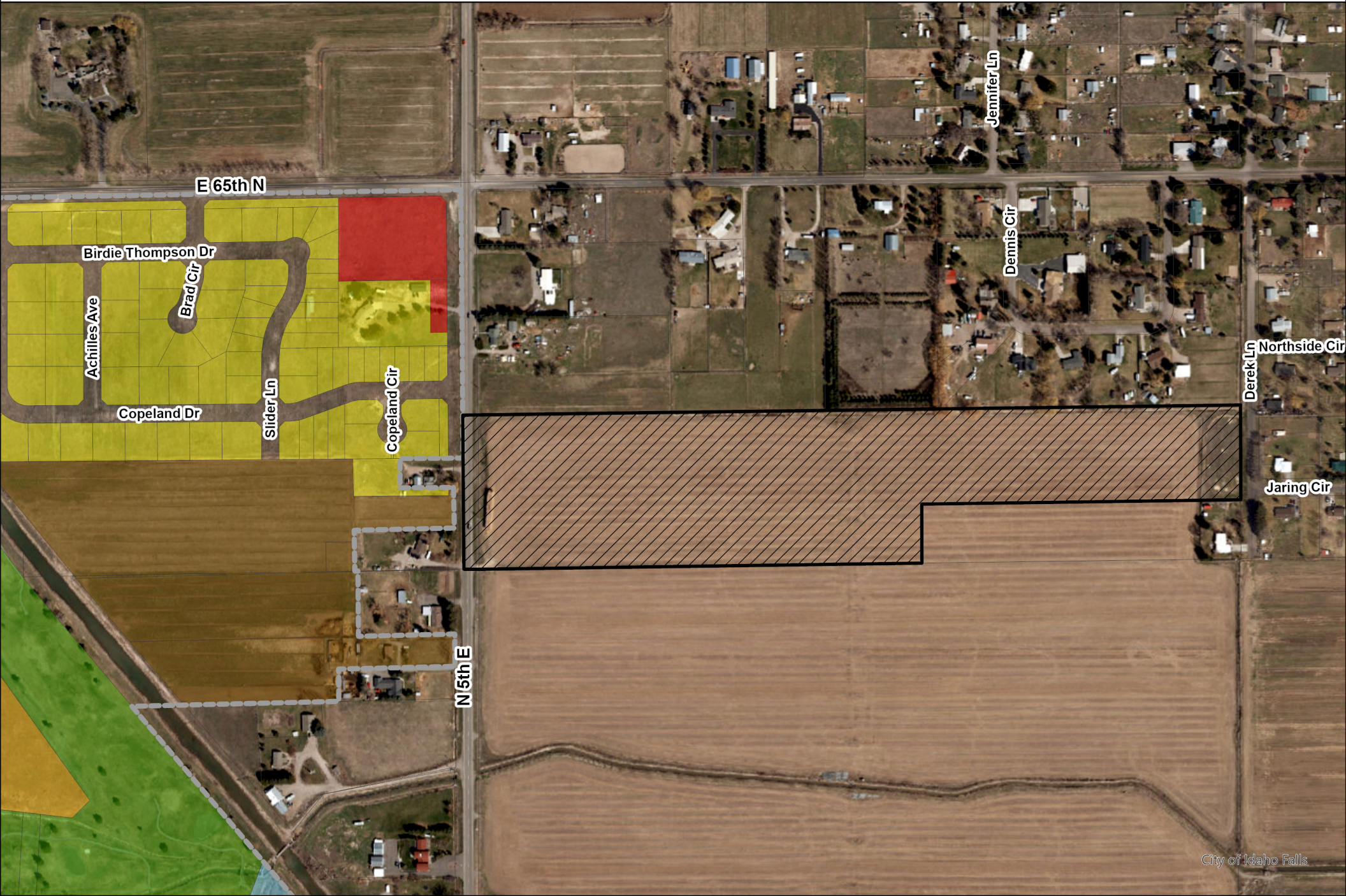
#### **Fiscal Impact**

NA

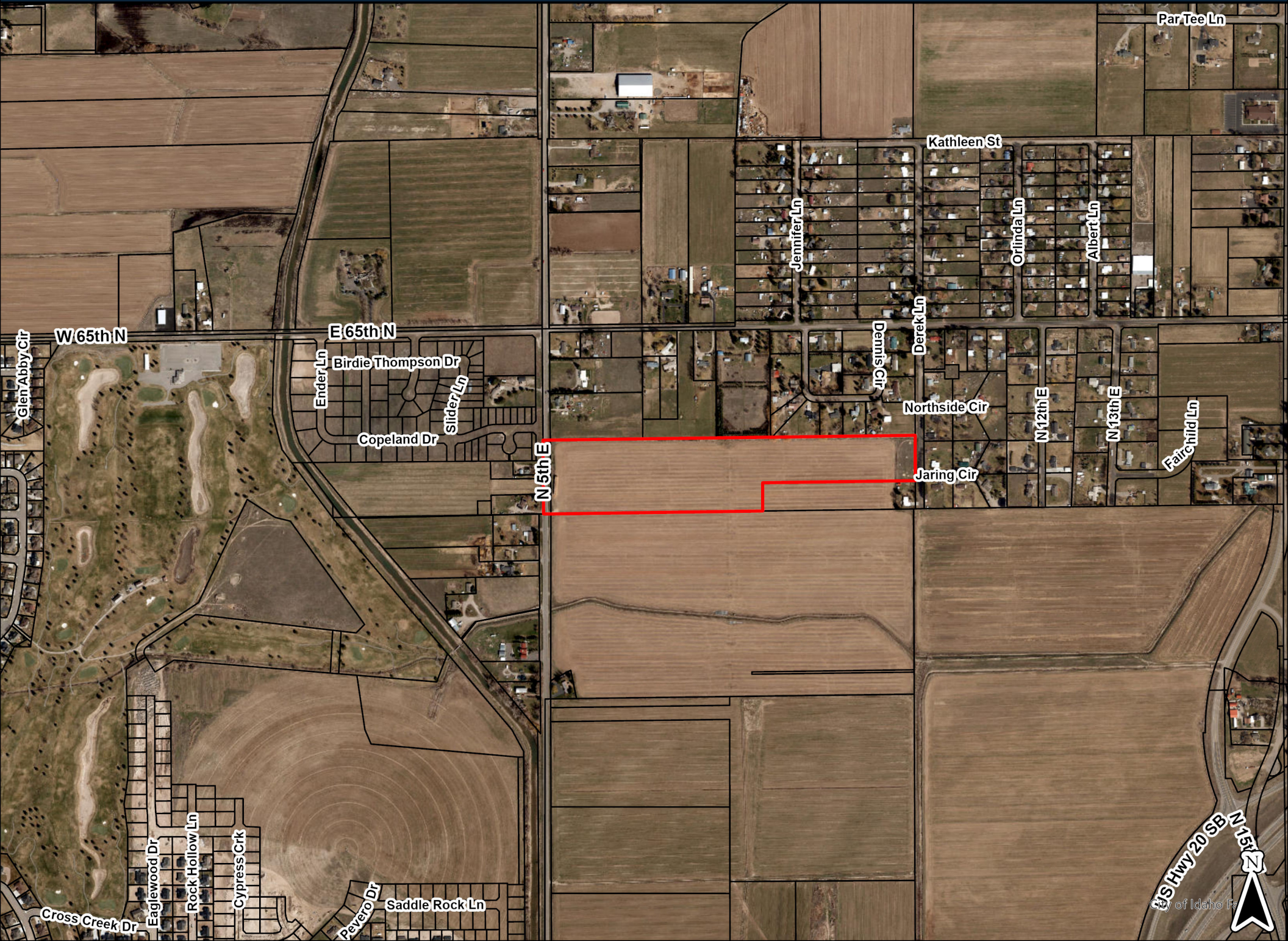
#### **Legal Review**

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



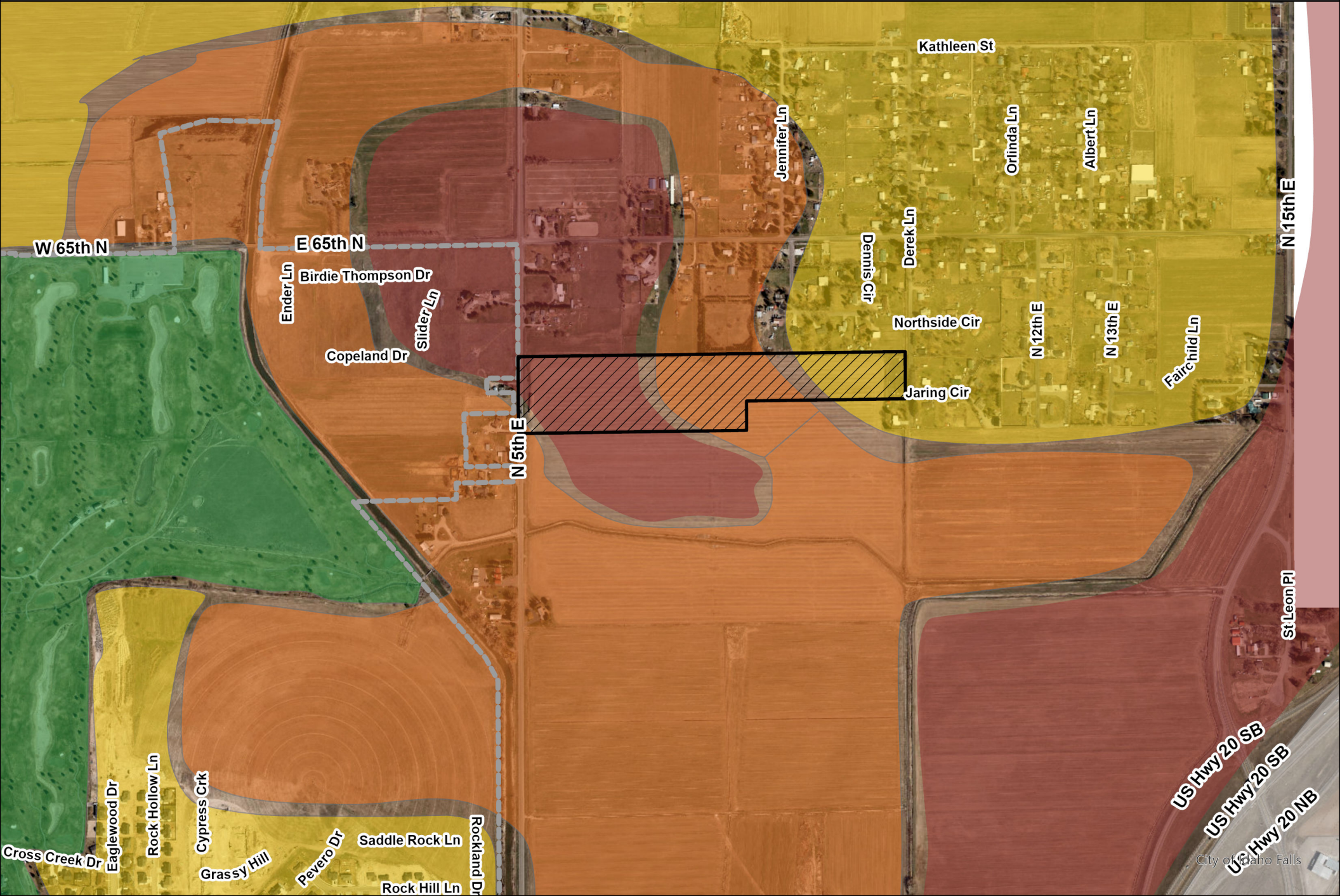








- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban





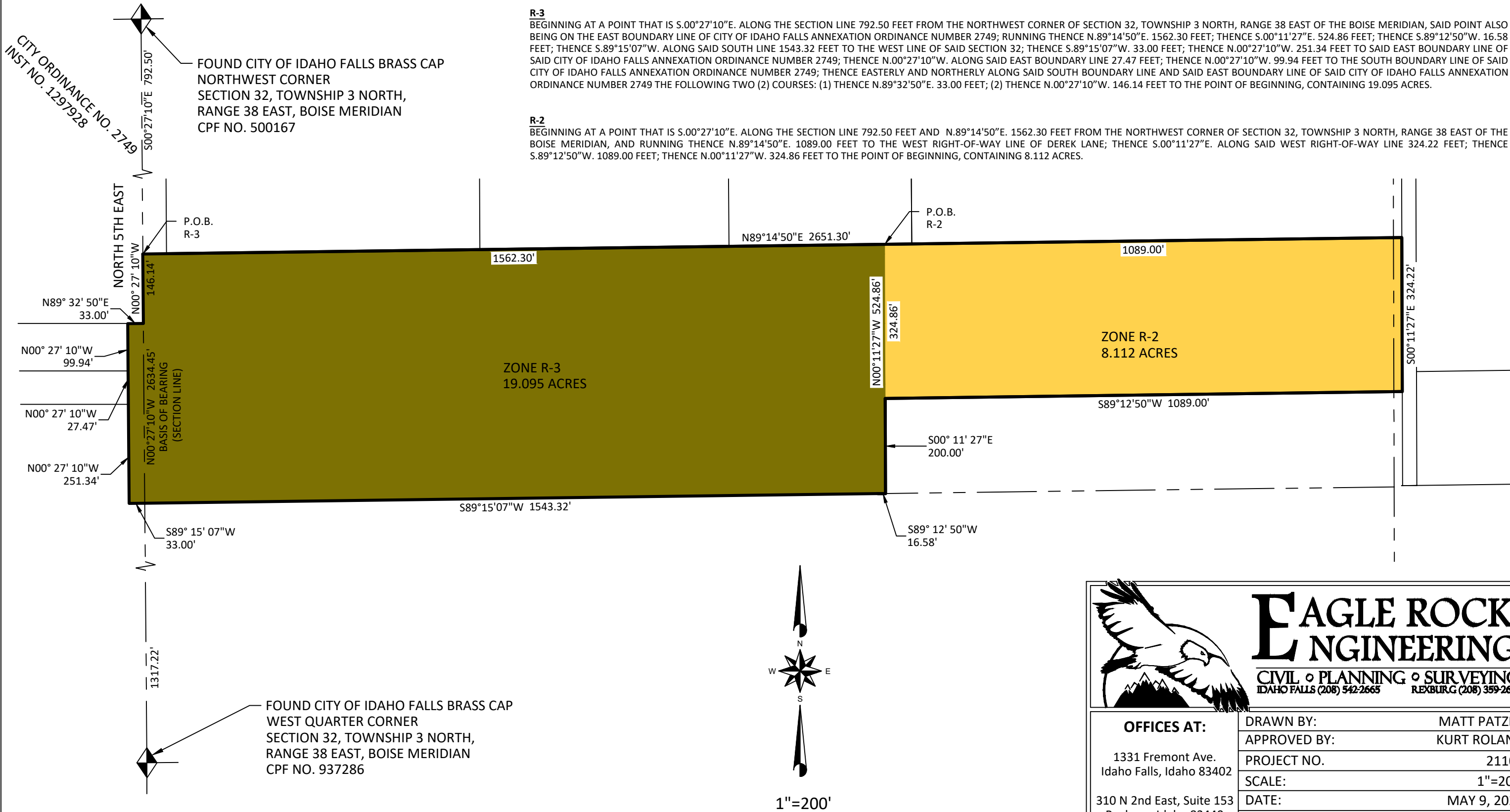
# REZONE MAP


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**R-2**  
BEGINNING AT A POINT THAT IS S.00°27'10"E. ALONG THE SECTION LINE 792.50 FEET AND N.89°14'50"E. 1562.30 FEET FROM THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN, AND RUNNING THENCE N.89°14'50"E. 1089.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF DEREK LANE; THENCE S.00°11'27"E. ALONG SAID WEST RIGHT-OF-WAY LINE 324.22 FEET; THENCE S.89°12'50"W. 1089.00 FEET; THENCE N.00°11'27"W. 324.86 FEET TO THE POINT OF BEGINNING, CONTAINING 8.112 ACRES.





# EAGLE ROCK ENGINEERING

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<b>OFFICES AT:</b>  1331 Fremont Ave. Idaho Falls, Idaho 83402  310 N 2nd East, Suite 153 Rexburg, Idaho 83440	<b>DRAWN BY:</b>	MATT PATZER
	<b>APPROVED BY:</b>	KURT ROLAND
	<b>PROJECT NO.</b>	21101
	<b>SCALE:</b>	1"=200'
	<b>DATE:</b>	MAY 9, 2022
<b>CAD NAME:</b>		21101 NELSON 5TH EAST_ANNEX MAP.dwg



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 27.207 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3, MULTIPLE RESIDENTIAL DWELLING, R2 MIXED RESIDENTIAL AND APPROACH SURFACE AIRPORT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is R3, Multiple Residential, R2, Mixed Residential Dwelling and Approach Surface Airport Overlay Zone, for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation “Mixed Use Centers and Corridors,” “General Urban,” and “Suburban;” and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as “Mixed Use Centers and Corridors,” “General Urban,” and “Suburban;” and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on April 19, 2022, and recommended approval of zoning the subject property to R3 Zone and R1 on the eastern portion of the property with the Approach Surface Airport Overlay Zone; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on May 26, 2022.

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

**SECTION 1:** Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of Mixed Use Center and Corridors, General Urban, and Suburban.

**SECTION 2:** Legal Description. The lands described in Exhibit B are hereby zoned as R3 Zone and R2 Zone with the Approach Surface Airport Overlay Zone.

**SECTION 3.** Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned “R3 Zone” and “Approach Surface” the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.



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

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF IDAHO FALLS, IDAHO

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

ATTEST:

\_\_\_\_\_  
Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO                    )  
  ) ss:  
County of Bonneville            )

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO  
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That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 27.207 ACRES DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS R3 AND R2 ZONE WITH THE APPROACH SURFACE OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

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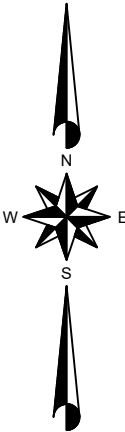
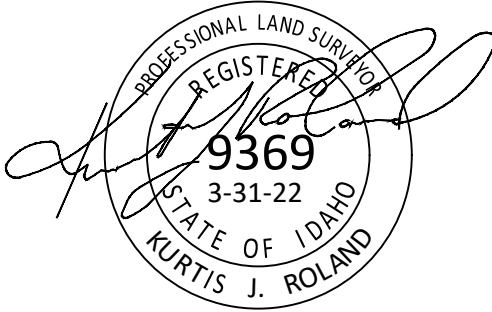
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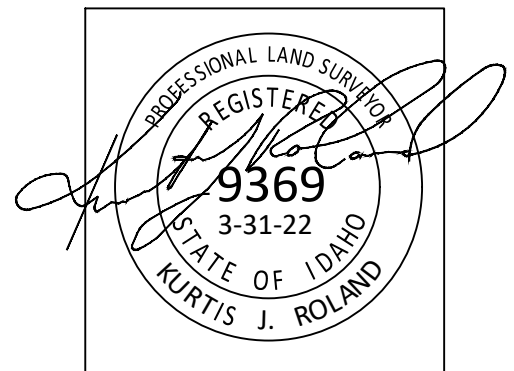
Firm Name: EAGLE ROCK ENGINEERING

Contact Name: KURT ROLAND

Phone Number: 208-542-2665

Email: kroland@erengr.com

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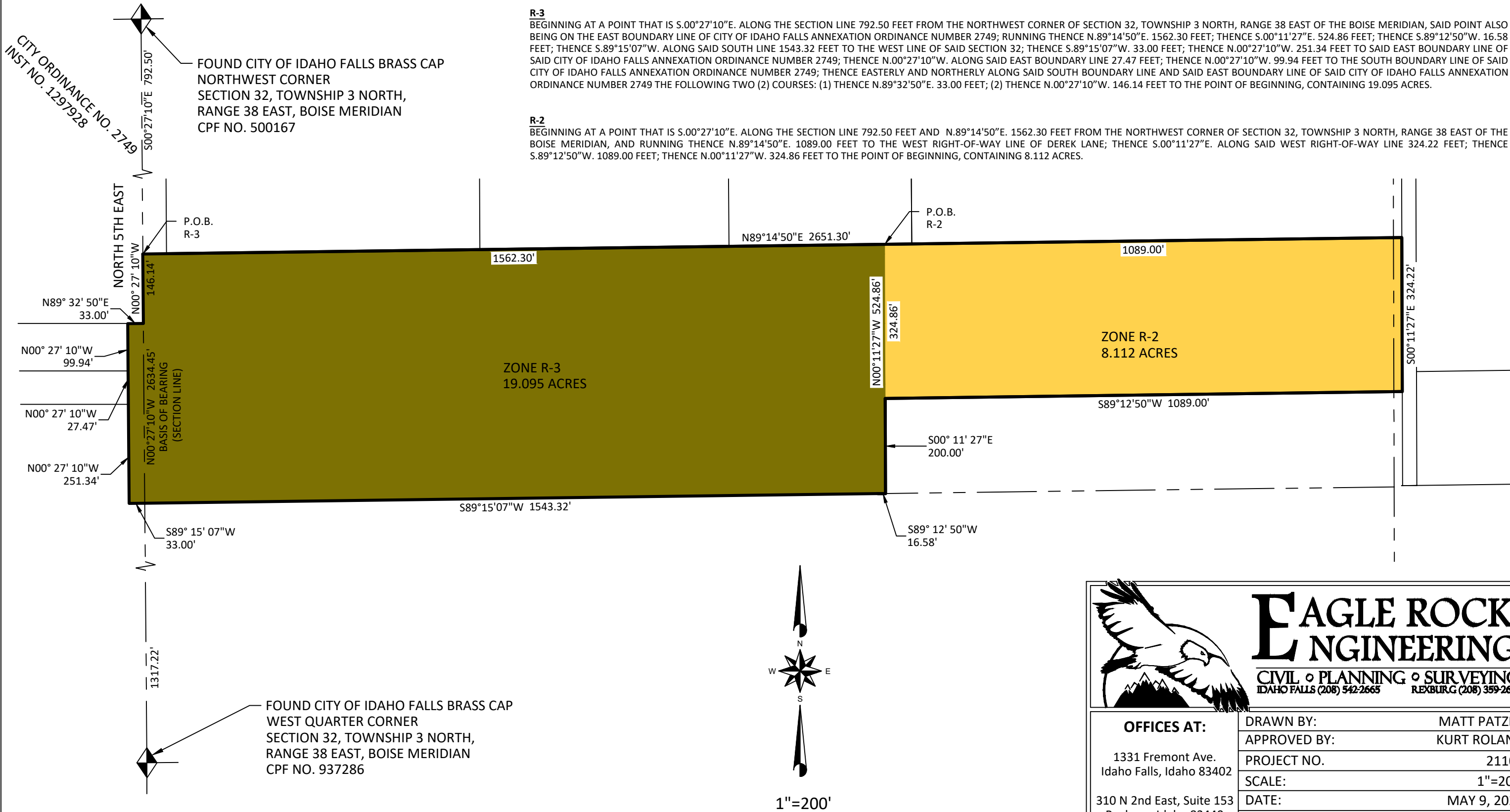
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LOCATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 3  
NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO

A PARCEL OF LAND BEING SITUATED IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN AND IS MORE SPECIFICALLY DESCRIBED AS FOLLOWS.

**R-3**  
BEGINNING AT A POINT THAT IS S.00°27'10"E. ALONG THE SECTION LINE 792.50 FEET FROM THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN, SAID POINT ALSO BEING ON THE EAST BOUNDARY LINE OF CITY OF IDAHO FALLS ANNEXATION ORDINANCE NUMBER 2749; RUNNING THENCE N.89°14'50"E. 1562.30 FEET; THENCE S.00°11'27"E. 524.86 FEET; THENCE S.89°12'50"W. 16.58 FEET; THENCE S.89°15'07"W. ALONG SAID SOUTH LINE 1543.32 FEET TO THE WEST LINE OF SAID SECTION 32; THENCE S.89°15'07"W. 33.00 FEET; THENCE N.00°27'10"W. 251.34 FEET TO SAID EAST BOUNDARY LINE OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NUMBER 2749; THENCE N.00°27'10"W. 99.94 FEET TO THE SOUTH BOUNDARY LINE OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NUMBER 2749; THENCE EASTERLY AND NORTHERLY ALONG SAID SOUTH BOUNDARY LINE AND SAID EAST BOUNDARY LINE OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NUMBER 2749 THE FOLLOWING TWO (2) COURSES: (1) THENCE N.89°32'50"E. 33.00 FEET; (2) THENCE N.00°27'10"W. 146.14 FEET TO THE POINT OF BEGINNING, CONTAINING 19.095 ACRES.

**R-2**  
BEGINNING AT A POINT THAT IS S.00°27'10"E. ALONG THE SECTION LINE 792.50 FEET AND N.89°14'50"E. 1562.30 FEET FROM THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 3 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN, AND RUNNING THENCE N.89°14'50"E. 1089.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF DEREK LANE; THENCE S.00°11'27"E. ALONG SAID WEST RIGHT-OF-WAY LINE 324.22 FEET; THENCE S.89°12'50"W. 1089.00 FEET; THENCE N.00°11'27"W. 324.86 FEET TO THE POINT OF BEGINNING, CONTAINING 8.112 ACRES.





# EAGLE ROCK ENGINEERING

CIVIL • PLANNING • SURVEYING  
IDAHO FALLS (208) 542-2665    REXBURG (208) 359-2665

<b>OFFICES AT:</b>  1331 Fremont Ave. Idaho Falls, Idaho 83402  310 N 2nd East, Suite 153 Rexburg, Idaho 83440	<b>DRAWN BY:</b>	MATT PATZER
	<b>APPROVED BY:</b>	KURT ROLAND
	<b>PROJECT NO.</b>	21101
	<b>SCALE:</b>	1"=200'
	<b>DATE:</b>	MAY 9, 2022
<b>CAD NAME:</b>		21101 NELSON 5TH EAST_ANNEX MAP.dwg



## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**INITIAL ZONING OF R3 MULTIPLE DWELLING RESIDENTIAL, R2 MIXED RESIDENTIAL AND APPROACH SURFACE AIRPORT OVERLAY ZONE, APPROXIMATELY 27.207 ACRES IN THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION 32, T 3N, R 38E, GENERALLY LOCATED NORTH OF E 49<sup>TH</sup> N, EAST OF N 5<sup>TH</sup> E, SOUTH OF E 65<sup>TH</sup> N, WEST OF US HIGHWAY 20.**

**WHEREAS**, the applicant filed an application for annexation on February 23, 2022; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on April 19, 2022; and

**WHEREAS**, this matter came before the Idaho Falls City Council during a duly noticed public hearing on May 26, 2022; 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 City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 27.207 acres generally located north of E 49<sup>th</sup> N, east of N 5<sup>th</sup> E, South of E 65<sup>th</sup> N, and West of US Highway 20.
3. The Comprehensive Plan designates this area as Mixed Use Centers and Corridors, General Urban and Suburban.
4. The proposed zoning of R3 and R2 Zone is consistent with the Comprehensive Plan map and policies and existing zoning and land uses in the area.
5. The Approach Surface Airport Overlay Zone allows the same land uses as the R3 and R2 Zones.
6. Idaho Falls Planning and Zoning Commission recommended approval of zoning the west portion of the property to R3 and the east portion of the property where it narrows to R1 and Approach Surface Airport Overlay.
7. Staff recommended R2 on the eastern portion rather than R1 because it is a common transition between lower density development and higher density development.

### **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

---

Rebecca Casper - Mayor



# Memorandum

File #: 21-517

City Council Meeting

**FROM:** Randy Fife  
**DATE:** Thursday, May 19, 2022  
**DEPARTMENT:** City Attorney

## Subject

Restated Joint Agreement, Technology Park Project with Bonneville County, City, and Regional Development Alliance (RDA)

## Council Action Desired

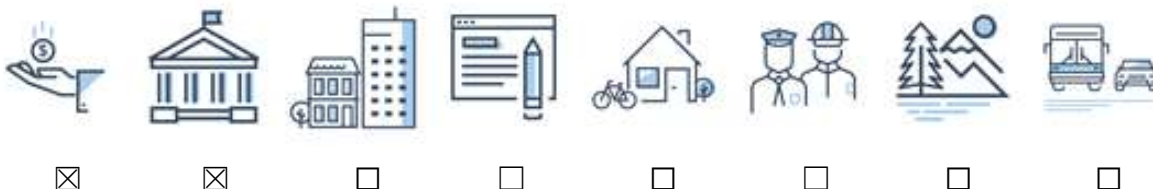
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc.)

Approve the Restated Joint Agreement, Technology Park Project Between Bonneville County, City of Idaho Falls, and Regional Development Alliance, Inc., and authorize the Mayor and City Clerk to sign and execute all necessary associated documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

An Economic Development Act grant was awarded in 1994 for purposes of retraining the community's work force. The award was the result of a Joint Agreement (JA) between the County, City, and the Idaho Innovation Center, Inc. EDA grant monies were expended to acquire land, install public improvements, construct a facility, and administer a training program and a revolving loan fund. RDA (successor to IIC) received permission to redirect remaining funds for uses consistent with the original grant purposes. The parties agree that the College of Eastern Idaho will continue the grant programs effectively. The Restated JA resets the relationships of the parties to ensure continued program success. Each party has or will ratify the Restated JA as required by their respective laws or requirements.

## Alignment with City & Department Planning Objectives



Promotes fiscal responsibility and good governance through the mutual cooperation of the County, RDA, City, and CEI to leverage existing Federal and local grant funding in order to extend the purposes of the original project.

## Interdepartmental Coordination



Bonneville County, RDA, College of Eastern Idaho, Municipal Services, Mayor's office, Community Development Services, and City Attorney Department.

**Fiscal Impact**

None

**Legal Review**

Reviewed by City Attorney Department



**REINSTATED JOINT AGREEMENT, TECHNOLOGY PARK  
PROJECT, BETWEEN BONNEVILLE COUNTY; CITY OF IDAHO  
FALLS; AND REGIONAL DEVELOPMENT ALLIANCE, INC.**

THIS REINSTATED JOINT AGREEMENT, TECHNOLOGY PARK PROJECT, BETWEEN BONNEVILLE COUNTY; CITY OF IDAHO FALLS; AND REGIONAL DEVELOPMENT ALLIANCE, INC.; (“Agreement”), is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between Bonneville County, Idaho, 605 North Capital, Idaho Falls, Idaho 83402 (“COUNTY”), the City of Idaho Falls, Idaho, a municipal corporation of the State of Idaho, P.O. Box 50220, Idaho Falls, Idaho 83405 (“CITY”), and Regional Development Alliance, Inc., 2300 N Yellowstone, Idaho Falls, ID 83401 (“RDA”).

**W I T N E S S E T H:**

WHEREAS, COUNTY, CITY, and Idaho Innovation Center, Inc. (“IIC”), entered into a Joint Agreement (“JA”) in support of the Bonneville County Technology Park Project grant in October of 1993 (collectively “Parties”); and

WHEREAS, the Parties received a grant under Title IX of the Physical Facilities and Economic Development Act (“EDA Grant”) of approximately four million five hundred thousand dollars (\$4.5 million) for sudden and severe economic dislocation for the implementation of the “Bonneville County Technology Park Project” (“Project”); and

WHEREAS, the EDA Grant’s purpose was to provide retraining of the community workforce that was displaced by termination of job opportunities at the Idaho National Laboratories; and

WHEREAS, in 2003, the Parties entered into a Modification Agreement which substituted the Regional Development Alliance, Inc. (“RDA”), for IIC in the Project; and

WHEREAS, the Parties, in 2005, entered into a Restated Modification Agreement, which slightly altered the JA; and

WHEREAS, by this Restated JA, the Parties confirm the receipt of the EDA Grant monies and the successful completion of and adherence to all EDA Grant conditions; and

WHEREAS, the Parties now desire to leverage the property and buildings that were acquired through the EDA Grant, and the capitalization, funds, and expertise collected in behalf and as a result of the Technology Park Project and EDA Grant funds to develop and sustain the Eastern Idaho Work Force Training Center (“EIWFT Center” or “Center”) and its attendant programs; and

WHEREAS, on April 26, 2021, EDA released its federal interest in the EDA funds that comprised a Revolving Loan Fund (“RLF”) managed by RDA; and



WHEREAS, the RLF as released by EDA can be used for any one or more activities that carry out the economic development purposes of the Public Works and Economic Development Act of 1965 (“PWEDA”) (42 U.S.C. § 3121 et. seq.); and

WHEREAS, the parties agree that the proposed EIWFT Center is in furtherance of economic development purposes of the PWEDA; and

WHEREAS, COUNTY has entered into an agreement to transfer ownership of the Technology Park property and other resources referred to in this Restated JA: and

WHEREAS, CEI, with the EIWFT Center and the funds provided pursuant to this Reinstated JA, will provide class room, educational, and hands-on training to Center participants based upon an ongoing assessment of community work force training needs and requests; and

WHEREAS, CITY agrees to the transfer by RDA of up to the amount of CITY’s original five-hundred fifty thousand dollar (\$550,000) contribution to the RLF for use by CEI for maintenance and operations of the Center; and

WHEREAS, the parties have determined that there is no further need for a loan fund to be maintained and that the RLF monies would be better utilized to further the EIWFT Center; and

WHEREAS, RDA has completed its management of the RLF and will turn over the remaining balance of the RLF totaling seven hundred twenty-seven thousand eight hundred sixty-five dollars and seventy-three cents (\$727,865.73) to the CEI who has been designated as the operator of the EIWFT Center and after transferring the RLF monies the RDA will have no further involvement or responsibility related to the RLF.

NOW, THEREFORE, be it agreed, for and in consideration of the mutual covenants and promises between the Parties hereto, as follows:

## **I.**

Parties mutually agree to:

Cooperate in good faith to continue expectations and commitments contained in Joint Agreement, Technology Park Project, dated October 26th 1993, as modified by the Modification Agreement dated July 25, 2003, and the Restated Modification Agreement dated April 15, 2005.

## **II.**

COUNTY shall convey the Bonneville County Technology Center to CEI by quit claim deed for the purposes of an Eastern Idaho Workforce Training Center subject to revisionary right retiring the property to Bonneville County should property not be used as a Workforce Training Center.

## **III.**



CITY shall agree to the transfer by RDA of up to the amount of CITY's original five-hundred fifty thousand dollar (\$550,000) contribution to the RLF Fund ("RLF") to CEI for maintenance and operations of the Center

#### IV.

RDA has, collected, administered, and managed all loan accounts under the RLF, as formally approved by EDA. Currently RDA has a cash balance of six hundred seventy-seven thousand four hundred three dollars and eighty-five cents (\$677,403.85) remaining of the RLF and one (1) outstanding loan from the RLF in the amount of fifty thousand four hundred sixty-one dollars and eighty-eight cents (\$50,461.88). In order to bring closure and finality to the RLF, RDA will purchase the one (1) outstanding RLF loan for the outstanding balance of fifty thousand four hundred sixty-one dollars and eighty-eight cents (\$50,461.88) and the loan documents related to that loan will be assigned to the RDA. RDA will bear the sole responsibility for any default or non-collection issues related to this outstanding loan which will allow the RLF to be reduced to cash and transferred to CEI in furtherance of the EIWFT Center. The total amount to be transferred by the RDA after payoff of the one (1) outstanding loan will be seven hundred twenty-seven thousand eight hundred sixty-five dollars and seventy-three cents (\$727,865.73). At the request of CITY and COUNTY, RDA will transfer the seven hundred twenty-seven thousand eight hundred sixty-five dollars and seventy-three cents (\$727,865.73) to CEI pursuant to a separate Agreement Regarding Turnover of Funds which will require that CEI comply with the requirements of the PWEDA. Following the transfer of the RLF funds as described herein, RDA will have no further involvement or responsibility related to the restated JA.

#### V.

- A. No Joint Powers. This Restated JA shall not constitute a joint powers agreement (authorized by Idaho Code Title 67-2326 - 67-2333), but shall be a continuation of the original Joint Agreement, Technology Park Project of October 26, 1993, as modified by the Modification Agreement dated July 25, 2003, and the Restated Modification Agreement dated April 15, 2005.
- B. Termination of Agreement. This Restated JA shall remain in force unless the Center is returned to Bonneville County as a result of failure to utilize the building and real property as a Eastern Idaho Workforce Training Center.
- C. Extent of Agreement. This Restated JA may be amended only by written instrument signed by all Parties hereto.
- D. Compliance with Law. Parties shall, at all times during the term of this Restated JA, comply with all State of Idaho and federal laws, codes, and regulations.
- E. Jurisdiction and Venue. It is agreed that this Restated JA shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed



that proper venue shall be the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Bonneville.

F. Modification and Assignability of Agreement. This Restated JA, along with the agreements and documents referred to in this Restated JA, contains the entire agreement between the Parties concerning this subject matter, and no statements, promises, or inducements made by a Party, or agents of a Party, are valid or binding unless contained herein. This Restated JA may not be enlarged, modified, or altered except upon written agreement signed by the Parties hereto.

G. Non-discrimination. No Party shall discriminate against any person subject to the conditions of this Restated JA on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical or mental handicap, gender identity/expression, sexual orientation, veteran's status, or national origin.

IN WITNESS WHEREOF, the Parties hereto have caused this Restated JA to be executed as of the date indicated above.

“COUNTY”

“COUNTY”

By: \_\_\_\_\_  
Roger Christensen, Chair  
Bonneville County Commissioner  
District No. 1

By: \_\_\_\_\_  
Jonathan D. Walker  
Bonneville County Commissioner  
District No. 2

“COUNTY”

“CITY”

By: \_\_\_\_\_  
Bryon Reed  
Bonneville County Commissioner  
District No. 3

By: \_\_\_\_\_  
Rebecca L. Noah Casper, Ph.D., Mayor  
City of Idaho Falls, Idaho

“RDA”

By: \_\_\_\_\_  
Connie Chadwick, Director  
Regional Development Alliance, Inc.



[illegible]

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Roger Christensen, known to me to be a Commissioner for Bonneville County, Idaho, that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said County.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Jonathan D. Walker, known to me to be a Commissioner for Bonneville County, Idaho, that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said County.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Bryon Reed, known to me to be a Commissioner for Bonneville County, Idaho, that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said County.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, Ph.D., known to me to be the Mayor of the City of Idaho Falls, Idaho, a 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Connie Chadwick, known to me to be the Director for **Regional Development Alliance, Inc.**, that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said organization.

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:\_\_\_\_\_



## **MEMORANDUM OF UNDERSTANDING (MOU)**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between BONNEVILLE COUNTY, IDAHO, a political subdivision (hereinafter referred to as “Bonneville County”), and COLLEGE OF EASTERN IDAHO, a governmental entity (hereinafter referred to as “CEI”), herein collectively referred to as “Parties”;

### **WITNESSETH:**

WHEREAS, BONNEVILLE COUNTY is the owner of certain property located at 101 Technology Drive, Idaho Falls, ID 83402, more particularly described on Exhibit “A” (the “Property”); and

WHEREAS, BONNEVILLE COUNTY now wishes to give the Property to CEI for the purpose of occupation and use as a workforce training center and uses which are consistent with a workforce training center; and

WHEREAS, CEI wishes to own, occupy and use said Property as a workforce training center and uses which are consistent with a workforce training center;

NOW THEREFORE, THE PARTIES HERETO DO HEREBY AGREE as follows:

1. BONNEVILLE COUNTY agrees to give the Property by quitclaim deed to CEI for the purpose of occupation and use as a workforce training center and uses which are consistent with a workforce training center. A copy of the quitclaim deed is attached hereto as Exhibit “B”.



2. BONNEVILLE COUNTY fully intends that this transaction be a gift to CEI, and that there be no other consideration intended other than the County's charitable motivation, which is adequate consideration.

3. CEI agrees to own, occupy and use the Property as a workforce training center and other uses which are consistent with a workforce training center.

4. CEI agrees that, if at any time it shall discontinue its occupation and use of the Property as a workforce training center, that the Property shall revert back to Bonneville County.

5. This MOU is subject to approval by BONNEVILLE COUNTY and CEI upon completion of the process set forth in Idaho Code §§ 67-2322 and 67-2323.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the dates as herein indicated.

BONNEVILLE COUNTY, IDAHO

COLLEGE OF EASTERN IDAHO

By: \_\_\_\_\_  
Roger Christensen  
Board of Commissioners, Chairman

By: \_\_\_\_\_  
Rick Aman  
President

Date: \_\_\_\_\_

Date: \_\_\_\_\_



STATE OF IDAHO            )  
                                      ) ss.  
County of Bonneville        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me,

\_\_\_\_\_, a Notary Public in and for said State, personally appeared ROGER CHRISTENSEN, known or identified to me to be the Chairman of the Board of Commissioners for Bonneville County, Idaho that executed the instrument or the person who executed the instrument on behalf of said County, and acknowledged to me that such County executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at:  
My Commission Expires:

STATE OF IDAHO            )  
                                      ) ss.  
County of Bonneville        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me,

\_\_\_\_\_, a Notary Public in and for said State, personally appeared RICK AMAN, known or identified to me to be the President of the College of Eastern Idaho that executed the instrument or the person who executed the instrument on behalf of said College, and acknowledged to me that such College executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at:  
My Commission Expires:



**Exhibit "A"**

**Legal Description**

Beginning at the South  $\frac{1}{4}$  Corner of Section 7, Township 2 North, Range 38 East of the Boise Meridian; running thence N.0°27'51"E. 2602.42 feet to the center of Said Section 7 being the TRUE POINT OF BEGINNING; running thence N.88°37'32"E. 1025.55 feet along the North line of the Southeast  $\frac{1}{4}$  of Section 7; thence S.0°27'51"W. 360.03 feet; thence S.88°37'32"W. 1025.55 feet; thence N.0°27'51"E. 360.03 feet to the TRUE POINT OF BEGINNING.

Contains 8.47 acres.



**Exhibit “B”**

**Quitclaim Deed**



## QUITCLAIM DEED

FOR VALUABLE CONSIDERATION RECEIVED, BONNEVILLE COUNTY, IDAHO, a political subdivision, Grantor, does hereby GIVE, REMISE, RELEASE and forever QUITCLAIM, unto COLLEGE OF EASTERN IDAHO, a governmental entity, Grantee, whose current address is 1600 S. 25<sup>th</sup> East, Idaho Falls, ID 83404, all of Grantor's right, title and interest in that certain real property located in Bonneville County, Idaho, more particularly described as follows:

Beginning at the South  $\frac{1}{4}$  Corner of Section 7, Township 2 North, Range 38 East of the Boise Meridian; running thence N.0°27'51"E. 2602.42 feet to the center of Said Section 7 being the TRUE POINT OF BEGINNING; running thence N.88°37'32"E. 1025.55 feet along the North line of the Southeast  $\frac{1}{4}$  of Section 7; thence S.0°27'51"W. 360.03 feet; thence S.88°37'32"W. 1025.55 feet; thence N.0°27'51"E. 360.03 feet to the TRUE POINT OF BEGINNING.

Contains 8.47 acres.

SUBJECT TO: All existing covenants, restrictions, reservations, liens and encumbrances of record; all existing easements or claims of easement, rights-of-way, applicable building and zoning ordinances, and use regulations and restrictions; all existing encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey, inspection of the premises or environmental assessment; and all accrued or accruing utilities, taxes and assessments.

FURTHER SUBJECT TO a right of reversion in favor of Bonneville County, Idaho; whereby title to the described real property shall revert to Bonneville County, Idaho in the event that College of Eastern Idaho, or its successor in interest, shall discontinue its occupation and use of the described property as a workforce training center.



TOGETHER, with all tenements, hereditaments and appurtenances  
thereunto belonging.

In construing this Deed and where the context so requires, the singular  
includes the plural and the masculine, the feminine and neuter.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BONNEVILLE COUNTY, IDAHO

By: \_\_\_\_\_  
Roger Christensen  
Commissioner

STATE OF IDAHO            )  
                                      ) ss.  
County of Bonneville        )

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me,  
\_\_\_\_\_, a Notary Public in and for said State, personally  
appeared ROGER CHRISTENSEN, known or identified to me to be the Chairman of the  
Board of Commissioners for Bonneville County, Idaho that executed the instrument or  
the person who executed the instrument on behalf of said County, and acknowledged to  
me that such County executed the same.

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

S  
E  
A  
L

\_\_\_\_\_  
Notary Public for Idaho  
Residing at:  
My Commission Expires:



## AGREEMENT REGARDING TURN OVER OF FUNDS

THIS AGREEMENT is entered into between the Regional Development Alliance, Inc., an Idaho non-profit corporation (“RDA”), Bonneville County (“County”), the City of Idaho Falls, a municipal corporation of the State of Idaho (“City”) (collectively the RDA, the County, and the City are referred to as the “EDA Grant Recipients”), and the College of Eastern Idaho, an Idaho non-profit corporation (“CEI”).

### RECITAL

WHEREAS in 1993 the EDA Grant Recipients obtained a grant under Title IX of the Physical Facilities and Economic Development Act (“EDA Grant”).

WHEREAS as part of the EDA Grant, a Revolving Loan Fund (“RLF”) was created.

WHEREAS RDA was the administrator of a RLF awarded pursuant to the EDA Grant.

WHEREAS the EDA Grant Recipients have obtained a release from the United States Department of Commerce, Economic Development Administration (“EDA”) to release the federal interest in the RLF. A copy of the April 26, 2021, letter from the EDA approving the release of the RLF is attached hereto as **Exhibit “A”** and is referred to herein as the “EDA Release Letter and Agreement”. This release of the RLF by the EDA is sometimes referred to as defederalizing the RLF

WHEREAS the EDA Grant Recipients are willing to commit a portion of the defederalized RLF funds to be used to create a workforce training center in Bonneville County, Idaho.

WHEREAS CEI has been designated as the operator of the Eastern Idaho Work Force Training Center (“EIWFT Center”).

WHEREAS the parties desire to enter into an agreement acknowledging turnover of the RLF funds and have CEI confirm how those funds will be used.

### AGREEMENT

NOW THEREFORE, the parties hereby agree as follows:

1. **Turnover of Funds.** Upon execution of this Agreement, RDA, on behalf of the EDA Grant Recipients, will issue a check to CEI in the amount of \$727,865.73 representing all the remaining portion of the defederalized RLF funds. CEI acknowledges receipt of these funds.
2. **Use of Funds.** CEI acknowledges that the RLF funds that it has received are to be used exclusively to fulfill the mission of the EIWFT Center. Furthermore, CEI acknowledges that



the funds are subject to restriction imposed by EDA as part of the defederalization of those funds and CEI agrees to comply with those restrictions. CEI agrees that the funds shall be used to carry out the economic development purposes of the Public Works and Economic Development Act of 1965 ("PWEDA") (42 USC § 3121 et seq.). In particular, CEI agrees as follows:

a. CEI shall not use the RLF Funds to construct schools, community centers, municipal buildings, or otherwise uses the RLF Funds to carry out activities outside of the economic development purposes of PWEDA, nor shall CEI use the RLF Funds to pay general costs of government.

b. CEI shall not transfer the RLF Funds to a natural person, for-profit entity, or other entity ineligible for award under sections 3(4) and 209 of PWEDA (42 U.S.C. § 3122(4) and § 3149). For the sake of clarity, the RLF Funds may be used to contract with for-profit entities for goods and services for one or more activities that continue to carry out the economic development purposes of PWED.

c. The RLF Funds must be used in a manner consistent with EDA's non-relocation policy. Specifically, CEI shall not use the RLF Funds to induce the relocation of existing jobs within the U.S. that are located outside of a jurisdiction to within that jurisdiction in competition with other U.S. jurisdictions for those same jobs.

d. The RLF Funds must be used in accordance with section 602 of PWEDA (42 U.S.C. § 3212). Specifically, CEI shall ensure that all laborers and mechanics employed by contractors or subcontractors on projects assisted by the RLF Funds shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor as provided by section 602 of PWED or as it may be amended in the future.

e. CEI shall use the RLF Funds in accordance with applicable federal, state, and local law, including applicable non-discrimination law. CEI may not use the RLF Funds for any purpose that would be prohibited by the Establishment Clause of the U.S. Constitution if the RLF Funds were expended directly by the Federal Government.

f. CEI shall provide timely and accurate responses to the EDA Grant Recipients and/or direct EDA inquiries regarding CEI's use of the RLF Funds.

g. CEI agrees to fully comply with any and all requirements set forth in the EDA Release Letter and Agreement.

3. **Enforcement.** In the event the EDA Grant Recipients or EDA determines that the RLF Funds have been used in a manner inconsistent with this Agreement, the EDA Grant Recipients or EDA may require CEI, to return the misspent portion of the RLF Funds to the federal government which may include the establishment of a debt with the U.S. Department of the Treasury.

4. **Indemnification.** CEI agrees to indemnify and hold the EDA Grant Recipients harmless from and against all liability that the EDA Grant Recipients may incur as a result of



releasing these funds to CEI. In the event the EDA Grant Recipients or EDA determines that the Award Funds have been misspent, CEI agrees to indemnify the EDA Grant Recipients for any and all liability.

5. **Binding Effect.** The provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, and the successors and assigns of the parties.

6. **Pronouns.** Any masculine personal pronoun shall be considered to mean the corresponding feminine or neuter personal pronoun, as the context requires.

7. **Law Governing.** This Agreement shall be governed by and construed in accordance with the laws of the State of Idaho, United States of America.

8. **Titles and Captions.** All section titles or captions contained in this Agreement are for convenience only and shall not be deemed part of the context nor effect the interpretation of this Agreement.

9. **Presumption.** This Agreement or any section thereof shall not be construed against any party due to the fact that said Agreement, or any section thereof was drafted by said party.

10. **Further Action.** The parties hereto shall execute and deliver all documents, provide all information and take or forbear from all such action as may be necessary or appropriate to achieve the purposes of the Agreement.

11. **Parties in Interest.** Nothing herein shall be construed to be to the benefit of any third party, nor is it intended that any provision shall be for the benefit of any third party.

12. **Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the subject matter of this Agreement and supersedes all prior agreements and negotiations between the parties. There are no representations, warranties, understandings or agreements other than those expressly set forth herein.

13. **Severability.** If and to the extent that any court of competent jurisdiction holds any provision or any part of this Agreement to be invalid or unenforceable, such holding shall in no way affect the validity of the remainder of this Agreement.

14. **Attorney's Fees.** In the event there is a default under this Agreement, and it becomes necessary for either party to employ the services of any attorney in connection therewith, either with or without litigation, the losing or breaching party to the controversy arising out of the default shall pay to the prevailing party a reasonable attorney's fee and, in addition, such costs and expenses as are incurred in enforcing this Agreement.

15. **Survival.** Any of the terms and covenants in this Agreement which require the performance of either party after Closing shall survive the Closing.



16. **Modification of Agreement.** This Agreement shall only be modified by an instrument in writing, signed on behalf of each party.

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

REGIONAL DEVELOPMENT  
ALLIANCE, INC.

COLLEGE OF EASTERN IDAHO

By \_\_\_\_\_  
Connie Chadwick  
Its: Executive Director

By \_\_\_\_\_  
\_\_\_\_\_  
Its \_\_\_\_\_

BONNEVILLE COUNTY

By \_\_\_\_\_  
Roger Christensen, Chair  
Bonneville County Commissioner  
District No. 1

By \_\_\_\_\_  
Jonathan D. Walker  
Bonneville County Commissioner  
District No. 2

By \_\_\_\_\_  
Bryon Reed  
Bonneville County Commissioner  
District No. 3

CITY OF IDAHO FALLS

By \_\_\_\_\_  
Rebecca L. Noah Casper, Ph.D., Mayor  
City of Idaho Falls





**U.S. DEPARTMENT OF COMMERCE**  
Economic Development Administration  
Jackson Federal Building, Room 1890  
915 Second Avenue  
Seattle, Washington 98174  
Phone: (206) 220-7660  
Fax: (206) 220-7657

April 26, 2021

Ms. Bonnie Chadwick  
Executive Director  
Regional Development Alliance, Inc.  
2300 N. Yellowstone Hwy.  
Idaho Falls, ID 83401

RE: Request for RLF De-Federalization  
Award Numbers: 07-49-03417  
RUN number: 8399BON

Sent via Email

Dear Ms. Chadwick:

In response to Regional Development Alliance Incorporated's request dated February 1, 2021, the Economic Development Administration (EDA) has agreed to a release of the federal interest in the Capital Base of your Revolving Loan Fund (RLF) Award.

Enclosed is a signed copy of the Agreement to Release the Federal Interest in Revolving Loan Fund Award. This document finalizes the release of EDA's interest in the RLF award with no continued EDA monitoring or oversight. Please sign and return a copy of the Agreement to Jeff Goldsberry, Program Analyst, at [jgoldsberry@eda.gov](mailto:jgoldsberry@eda.gov).

If you have any follow-up questions regarding continuing requirements on the de-federalized monies, please contact Jeff Goldsberry at [jgoldsberry@eda.gov](mailto:jgoldsberry@eda.gov) / (206) 276-2618.

Sincerely,

*Maiea Sellers* Maiea Sellers  
2021.04.26  
11:22:25 -05'00'

Maiea Sellers  
Acting Regional Director

CC: Carleen Herring, EDA  
Jeff Goldsberry, EDA

**EXHIBIT**  
**"A"**



**AGREEMENT TO RELEASE THE EDA FEDERAL INTEREST IN A  
REVOLVING LOAN FUND AWARD**

THIS AGREEMENT is between the United States Department of Commerce, Economic Development Administration (EDA) and Regional Development Alliance, Inc. (Recipient).

WHEREAS, EDA, pursuant to its authority under the Public Works and Economic Development Act of 1965 (PWEDA) (42 U.S.C. § 3121 *et seq.*), awarded to Recipient one or more grants to capitalize a Revolving Loan Fund (RLF) bearing EDA award number(s) 07-49-03417 (the Award).

WHEREAS, EDA retains a federal interest in the Award and Recipient has submitted a written request that EDA release its federal interest in the Award consistent with the requirements of the Reinvigorating Lending for the Future Act (Pub. L. 116-192), attached hereto as Appendix A (the Request).

WHEREAS, EDA and Recipient agree that the current value of the RLF capital base is \$736,622.80 the federal investment rate is 72%, and the federal share of the RLF capital base is \$530,368.42.

WHEREAS, EDA has determined that 1) more than seven years have passed since the final EDA disbursement to Recipient of funds under the Award, 2) Recipient has complied with the terms and conditions of the Award, and 3) Recipient proposes to use the Award Funds for one or more activities that continue to carry out the economic development purposes of PWEDA.

WHEREAS, EDA agrees herein to release its federal interest in the Award and Recipient agrees herein to use Award Funds for one or more activities that continue to carry out the economic development purposes of PWEDA.

NOW THEREFORE, EDA and Recipient agree as follows:

1. EDA's Release. EDA agrees to release its federal interest in the Award. EDA's reversionary interest in the Award will cease to exist as of the effective date of this agreement.
  - a. Recipient's use of Award Funds no longer needs to comply with, among other things, the following authorities:
    - i. OMB regulations at 2 CFR part 200, including the Compliance Supplement at Appendix XI.
    - ii. EDA regulations at 13 CFR chapter III, including the RLF-specific regulations at part 307, subpart B (including the requirement at 13 CFR § 307.14 to submit Form ED-209 RLF Financial Report to EDA).
    - iii. The terms and conditions attached to the Award, including the Department of Commerce's Standard Terms & Conditions, the EDA RLF Standard Terms & Conditions, and any Special or Specific Award Conditions.



- iv. The EDA-approved RLF plan or any related document governing administration of the Award.
  - b. This release of the EDA federal interest in the Award does not extend to or include a release of any other entity's interest in the RLF capital base, including another federal agency's interest in the RLF capital base. More specifically, if Community Development Block Grant funds from the U.S. Department of Housing and Urban Development (HUD) or funds from the U.S. Department of Agriculture (USDA) were used as local share under the Award, this release of the EDA federal interest does not extend to or include a release of any HUD or USDA federal interest in the RLF capital base. If Recipient seeks a release of another entity's interest in the RLF capital base, including another federal agency's interest in the RLF capital base, Recipient must negotiate such a release with the other entity and EDA will not participate in that negotiation.
- 2. Recipient's Use of Award Funds. Recipient agrees to use Award Funds for one or more activities that continue to carry out the economic development purposes of PWEDA.
  - a. Recipient shall not use Award Funds to construct schools, community centers, municipal buildings, or otherwise use Award Funds to carry out activities outside of the economic development purposes of PWEDA, nor shall Recipient use Award Funds to pay general costs of government.
  - b. Recipient shall not transfer Award Funds to a natural person, for-profit entity, or other entity ineligible for award under sections 3(4) and 209 of PWEDA (42 U.S.C. § 3122(4) and § 3149). For the sake of clarity, Award Funds may be used to contract with for-profit entities for goods and services for one or more activities that continue to carry out the economic development purposes of PWEDA and to operate an RLF that makes loans to for-profit organizations.
  - c. Award Funds must be used in a manner consistent with EDA's non-relocation policy. Specifically, Recipient shall not use Award Funds to induce the relocation of existing jobs within the U.S. that are located outside of a jurisdiction to within that jurisdiction in competition with other U.S. jurisdictions for those same jobs.
  - d. Award Funds must be used in accordance with section 602 of PWEDA (42 U.S.C. § 3212). Specifically, Recipient shall ensure that all laborers and mechanics employed by contractors or subcontractors on projects assisted by Award Funds shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor as provided by section 602 of PWEDA or as it may be amended in the future.
  - e. Recipient shall use Award Funds in accordance with applicable federal, state, and local law, including applicable non-discrimination law. Recipient may not use Award Funds for any purpose that would be prohibited by the Establishment Clause of the U.S. Constitution if the Award Funds were expended directly by the Federal Government.
  - f. Recipient is not required by the terms of this Agreement to seek EDA approval or permission to use Award Funds for one or more activities that continue to carry



out the economic development purposes of PWEDA but that differ from the activities described in the Request, attached hereto as Appendix A.

- g. Recipient shall provide timely and accurate responses to EDA inquiries regarding Recipient's use of the Award Funds. Following the release of EDA's federal interest, EDA remains interested in working with Recipient to promote Recipient's RLF or other activities that continue to carry out the economic development purposes of PWEDA.
3. Enforcement. In the event that EDA determines that Award Funds have been used in a manner inconsistent with this agreement, EDA may require Recipient to return the misspent portion of the Award Funds to the Federal Government, which may include the establishment of a debt with the U.S. Department of the Treasury.
4. Indemnification. To the extent permitted by law, Recipient agrees to indemnify and hold the Federal Government harmless from and against all liabilities that the Federal Government may incur as a result of releasing EDA's federal interest in the Award.
5. Governing Law; Severability. This Agreement is governed by applicable federal law, if any, and if there is no applicable federal law by state law. The terms of this Agreement do not limit the rights EDA, its designees, successors, or assigns are entitled to under applicable federal or state law. In the event that any provision or clause of this Agreement conflicts with applicable law, such conflict shall not affect other provisions of this Agreement that can be given effect without the conflicting provision, and to this end the provisions of this Agreement are declared to be severable.
6. Entire Agreement. This Agreement contains the entire understanding of EDA and Recipient with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral or written, with respect to such matters.
7. Authority. Recipient represents that (a) it has the power and authority to execute and perform this Agreement, (b) the execution and performance of this Agreement by Recipient have been duly authorized by all necessary corporate or other actions, (c) Recipient has duly and validly executed this Agreement, and (d) this Agreement is a legal, valid and binding obligation, enforceable against Recipient.

[Remainder of this page intentionally left blank.]



IN WITNESS WHEREOF, EDA and Recipient have caused this Agreement to be duly executed by their respective officers as of the date indicated.

**DEPARTMENT OF COMMERCE,  
ECONOMIC DEVELOPMENT  
ADMINISTRATION**

By: Maiea Sellers  
Maiea Sellers  
Acting Regional Director  
Seattle Regional Office

4/26/21

Date

**REGIONAL DEVELOPMENT  
ALLIANCE, INC.**

By: Connie D. Chadwick  
Connie Chadwick  
Executive Director

4/26/2021

Date



Appendix A

[February 01,2021

Frank Wessbecher  
U.S. Department of Commerce  
Economic Development Administration  
915 Second Avenue, Rm 1890  
Seattle WA 98174

RE: Economic Development Administration (EDA) Revolving Loan Fund Program  
Project No: 07-49-03417  
Reporting Unit: 8399BON

Dear Frank;

As per request of the Economic Development Administration (EDA), please let this letter serve as written request for release of federal interest in EDA Revolving Loan Fund Grant #07-4903417. The original Grant was awarded in May 1994 to Bonneville County, City of Idaho Falls and the Idaho Innovation Center (IIC) for construction of a high technology incubator and to establish a business Revolving Loan Fund (RLF). The RLF was specifically designed to target new and emerging high technology businesses, especially those commercializing Idaho National Laboratory (INL) developed technologies. In April 2005, a Resolution was signed to substitute the Regional Development Alliance, Inc. (RDA) as a co-grantee in place of the IIC. This Resolution allowed the RDA to undertake and manage the terms of the Technology Park Project (TPP) Joint Agreement.

The funds awarded came in three (3) initial parts, technology center, technical assistance, and the revolving loan fund. The scope of work and all tasks associated with the Grant were completed by September 1997. All funds have been disbursed for the construction of the incubator, which is now called the Bonneville County Technology Center (BCTC), all technical assistance tasks have been satisfied through support services and programs (for incubator tenants and affiliates) and the RLF program continues to support businesses by providing capital to businesses located in Bonneville County. Currently the RLF has cash available for lending in the amount of \$484,292.08. The RLF currently has three (3) active loans for a total principal outstanding of \$252,330.72.

If approved for De-Federalizing, the attached is a proposal for activities in the above referenced Grant Award. This proposal will continue to carry-out the economic development purposes of PWEDA and the operation of the RLF.



## **PROPOSAL:**

The Bonneville County Technology Center was built with EDA funds to support the technology industry in eastern Idaho. Traditionally it has been managed by the Idaho Innovation Center (IIC) and is currently leased to one contractor from INL for office space.

The building is very much underutilized. The RDA would like to propose that we utilize the BCTC facility and the RLF funds and create a Training Facility for Workforce Development for the trade and construction industries.

The BCTC offers classroom space, wet labs, and high bay spaces with over 35,000 square feet. In total there are nine (9) modern high bays, four (4) lab spaces and a large reception and lobby area. The facility could easily be transformed into a Training/Learning Center to align workforce development initiatives with local trends. Training and recruitment programs must be tailored to fit the demand for workers specific to the jobs in our area. The Training Center would provide hands on training and development for employers and workers to develop the latest skills and knowledge for increased productivity and safety in the construction and trade industries. Eastern Idaho is very fortunate to have the Idaho National Lab (INL) in our backyard. Demand for construction in nuclear industry alone is projected to create over 5000 workers in construction and trade through the next decade.

In addition to the above, the center would provide classes to participate in programs such as commercial skills, business skills, computer and curriculum development. The Training Center gives us the opportunity to create and develop local talent to fill projected job openings in key industry sectors.

Currently, Bonneville County owns the BCTC and the land adjacent to the facility. Bonneville County has expressed interest in the proposal and would consider options for future development. This would allow room to grow the facility if necessary.

I would also include in this proposal that the RDA would continue to service the three (3) loans currently outstanding in the RLF. Two of three loans are projected to payoff within the next 12 to 18 months. These funds would continue to be collected and utilized in the economy of southeastern Idaho by providing financial assistance for job creation, business expansion and retention and new business relocation in the seven (7) counties we serve.

RDA appreciates your consideration for de-federalizing this Grant. Like the EDA, the RDA is committed to being a facilitator of economic growth and business development for Bonneville County and the surrounding area. As always, we thank EDA for your continued support. If you need any additional information or if you have questions or concerns, please give me call @ 208-528-9400.

Best Regards

Connie L. Chadwick  
Executive Director  
Regional Development Alliance, Inc.



**RESOLUTION OF  
THE REGIONAL DEVELOPMENT ALLIANCE, INC.  
BOARD OF DIRECTORS**

The following Resolutions were regularly presented and adopted by the Board of Directors of the Regional Development Alliance, Inc. ("RDA" herein):

RESOLVED that the RDA take all action necessary with the Economic Development Administration ("EDA") to seek release from the EDA of the federal interest in the Revolving Loan Fund (RLF Grant No. 07-4903417).

FURTHER RESOLVED that if the EDA releases its federal interest in Revolving Loan Fund Grant No. 07-4903417 that the RDA Board commits to using said released funds for one or more activities that continue to carry out the economic development purposes of the Public Works and Economic Development Act of 1965 ("PWEDA") (42 USC § 3121 et seq.) in compliance with the ongoing restrictions required by PWEDA as articulated in any release agreement assigned with EDA.

FURTHER RESOLVED that the RDA Board authorizes its Executive Director, Connie Chadwick, to sign any and all documents necessary to request that EDA release its federal interest in the RLF Grant No. 07-4903417.

FURTHER RESOLVED That EDA is authorized to rely on this Resolution.

**CERTIFICATION**

I HEREBY CERTIFY That the foregoing is a true and correct copy of a resolution regularly presented to and adopted by the Board of Directors of the Regional Development Alliance, Inc. at a meeting duly called and held at Idaho Falls, Idaho on the 30<sup>th</sup> day of March, 2021, at which a quorum was presented and voted, and that such resolution is duly recorded in the Minutes of this Corporation.

REGIONAL DEVELOPMENT ALLIANCE, INC.

By \_\_\_\_\_

  
Brent Mendenhall, Secretary





## BONNEVILLE COUNTY COMMISSIONERS

ROGER S. CHRISTENSEN, CHAIRMAN, DISTRICT #1  
JONATHAN D. WALKER, DISTRICT #2  
BRYON REED, DISTRICT #3

605 NORTH CAPITAL AVE., SUITE 102  
IDAHO FALLS, ID 83402  
PHONE: (208) 529-1360

Ruby Strong, Admin. Asst.  
Kayla Lawrence, Admin. Sec.

Email: [commsec@co.bonneville.id.us](mailto:commsec@co.bonneville.id.us)  
Website: [www.co.bonneville.id.us](http://www.co.bonneville.id.us)

March 24, 2021

Frank Wessbecher  
Economic Development Specialist  
U.S. Department of Commerce  
Economic Development Administration  
915 Second Avenue, Rm. 1890  
Seattle, WA 98174

Mr. Wessbecher;

It is with pleasure to write in support of release of federal interest in EDA Revolving Loan Fund (RLF) Grant# 07-4903417. The recently enacted Reinvigorating Lending for the Future Act (the Act) opens many opportunities by De-federalizing these funds.

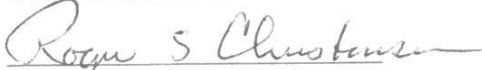
As you may know, the Regional Development Alliance, Inc. (RDA) has been managing the above referenced EDA Grant Award for many years. Through the direction of the RDA Board of Directors and economic development partnerships, the RDA commits to utilizing the released funds for activities that continue to carry out the economic development purposes of the Public Works and Economic Development Act of 1965 (PWEDA).


Along with the support of De-federalizing the Grant Award, Bonneville County would also support using the existing funds to develop and create a Work Force Training Center located at the very facility built with EDA funds. The Training Center would provide hands on training and development for the construction and trade industries. Employers and workers will be able to develop the latest skills and knowledge for increased productive and safety. Training and recruitment programs can also be tailored to fit the demand for workers specific to jobs in our area.

Like the EDA, Bonneville County is committed to being a facilitator of economic growth and job creation in our area. We are confident that a Work Force Training Center will be a major contributor to this future growth and job creation. We continue to value the EDA's support and dedication and look forward to a strong relationship with EDA moving forward.

Sincerely,

BONNEVILLE COUNTY BOARD OF COMMISSIONERS

  
Roger S. Christensen, Chairman

  
Bryon L. Reed, Member





March 2021

Frank Wessbecher  
Economic Development Specialist  
U.S. Department of Commerce  
Economic Development Administration  
915 Second Avenue, Rm. 1890  
Seattle, WA 98174

RE: Economic Development Administration Revolving Loan Fund Program  
Project No: 07-49-03417  
Reporting Unit: 8399BON

Dear Mr. Wessbecher,

The Regional Development Alliance, Inc., located in Idaho Falls, Idaho, has requested the release of federal interest in EDA Revolving Loan Fund Grant #07-49-03417. As a co-grantee at the original date of the award (May 1994), the City of Idaho Falls agrees with and supports this request.

The original EDA grant was awarded for the construction of the Bonneville County Technology Center, as well as the establishment of a business revolving loan fund. The scope of work was satisfied, and all tasks associated with the grant were completed in September 1997. The current request to de-federalize the revolving loan fund will allow the Bonneville County/Idaho Falls community to carry out further economic development activity in line with PWEDA purposes.

It is proposed, per the Regional Development Alliance's request letter dated February 1, 2021, that the de-federalized funds would be used to create a workforce training facility in the building that was constructed using the original EDA grant, known as the Bonneville County Technology Center (BCTC). The BCTC facility is currently underutilized, and transitioning the space to a workforce training facility would allow curriculum and programs to be offered that would meet the high demand of regional employers for qualified and skilled talent.

Establishment of a workforce training facility would benefit the Eastern Idaho region, and provide the opportunity to develop employees that could fill projected job opportunities in several key industry sectors. The facility would promote learning, collaboration, and innovation, all critical components of economic growth and business development. The City of Idaho Falls supports the request for the Economic Development Administration to release federal interest in Revolving Loan Fund Grant #07-49-03417, and appreciates the consideration.

Thank you,

Rebecca L. Noah Casper, Mayor  
City of Idaho Falls



# Memorandum

File #: 21-520

City Council Meeting

**FROM:** Michael Kirkham, Assistant City Attorney  
**DATE:** Thursday, May 19, 2022  
**DEPARTMENT:** City Attorney

## Subject

Resolution - Amendment of Resolution 2021-11 Condemnation of Property for Expansion, Improvement, and Protection of the Idaho Falls Regional Airport.

## Council Action Desired

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

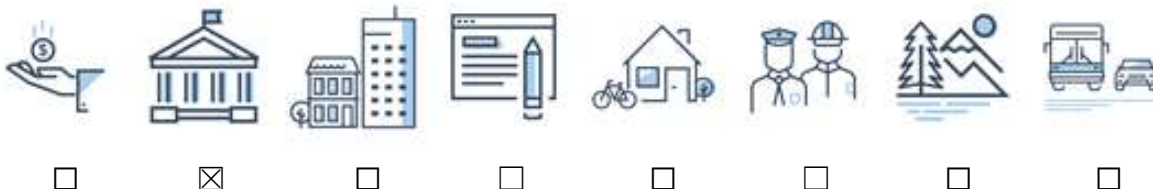
Approval of the resolution and authorization for Mayor and City Clerk to sign the document (or take other action deemed appropriate).

## Description, Background Information & Purpose

On April 22, 2021, the City adopted Resolution No. 2021-11 to initiate legal proceedings to acquire property adjacent to the Idaho Falls Regional Airport ("Airport") for the expansion, improvement, or protection of the Airport. Resolution No. 2021-11 mistakenly made reference to Idaho Code § 50-320(A), which authorizes Idaho's cities to acquire property for cemeteries, instead of Idaho Code § 50-321, which authorizes Idaho's cities to acquire property for airport purposes.

The purpose of this amendment is to correct an obvious scrivener's error to Resolution No 2021-11, to clarify the City's legal authority, and does not substantively change any decision or action taken to date by Council.

## Alignment with City & Department Planning Objectives



This amendment promotes the good governance objective

## Interdepartmental Coordination

Idaho Falls Regional Airport and Legal



**Fiscal Impact**

No additional fiscal impact is anticipated by the adoption of the amendment.

**Legal Review**

Legal prepared the proposed resolution.



Randall D. Fife (ISB # 4010)  
Michael A. Kirkham (ISB # 8939)  
CITY OF IDAHO FALLS  
375 D. Street  
Idaho Falls, ID 83401  
Telephone: (208) 612-8178  
Facsimile: (208) 612-8175  
rfife@idahofallsidaho.gov  
mkirkham@idahofallsidaho.gov

Attorneys for Plaintiff

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE**

CITY OF IDAHO FALLS, an Idaho  
municipal corporation,

Plaintiff,

vs.

JOHNSON LEGACY, LLC, an Idaho  
Limited Liability Company, and all unknown  
lessees and tenants in possession of any or all  
of the property which is subject to this action,  
and any other person or entity who has or may  
have an interest in and to the property which  
is subject of this action, referenced for  
convenience by the fictitious designations of  
DOES I THROUGH 10,

Defendants.

Case No. CV10-21-2420

**PLAINTIFF'S MOTION FOR LEAVE  
TO FILE AMENDED VERIFIED  
COMPLAINT**

**[ORAL ARGUMENT REQUESTED]**

Plaintiff, the City of Idaho Falls, by and through its attorneys of record, hereby move this Court for leave to file an Amended Verified Complaint in this matter. The proposed Amended Verified Complaint is attached hereto as **Exhibit A** and a comparison document showing the proposed amendments is attached hereto as **Exhibit B**.



Rule 15(a) provides the Court with broad discretion to grant a motion for leave to file an amended pleading. “The Court should freely give leave when justice so requires.” Idaho R. Civ. P. 15(a)(2). Courts favor liberal grants of leave to amend to promote the interests of justice. *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997); *Wickstrom v. North Idaho College*, 111 Idaho 450, 453, 725 P.2d 155, 158 (1986). Granting the City’s Motion would allow it to correct a clerical error in the Complaint, and it would promote the interests of justice. Defendant will not suffer prejudice from the amending of the Complaint, and there is no undue delay, bad faith, dilatory motive, failure to cure deficiencies by prior amendments, or any other reason for the Motion to be denied. The City respectfully request the Court grant its Motion.

This Motion is supported by the Memorandum in Support of Motion for Leave to File Amended Verified Complaint submitted herewith and the pleadings and files on record with the Court in this case.

Oral argument is requested.

DATED this 19th day of May, 2022.

CITY OF IDAHO FALLS

By 

Michael A. Kirkham

Attorney for Plaintiff



### CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of May, 2022, I caused to be filed and served, via iCourt, a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kevin W. Roberts  
Roberts Freebourn, PLLC  
1325 W. 1st Ave. #303  
Spokane, WA 99201

David A. Johnson, Esq.  
David A. Johnson, P.A.  
477 Shoup Ave., Suite 205  
Idaho Falls, ID 83405-2251

- ☐ U.S. Mail
- ☐ Hand Delivered
- ☐ Overnight Mail
- ☒ Email/iCourt/eServe:  
kevin@robertsfreedom.com  
dave@attorneyidaho.com  
courts@attorneyidaho.com

*Attorneys for Defendants*

---

\*\*\*



# Memorandum

File #: 21-508

City Council Meeting

**FROM:** Michael Kirkham, Assistant City Attorney  
**DATE:** Wednesday, May 18, 2022  
**DEPARTMENT:** City Attorney

## Subject

Settlement Agreement for A-Core of Idaho, Inc. v. Thompson Paving, Inc.

## Council Action Desired

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

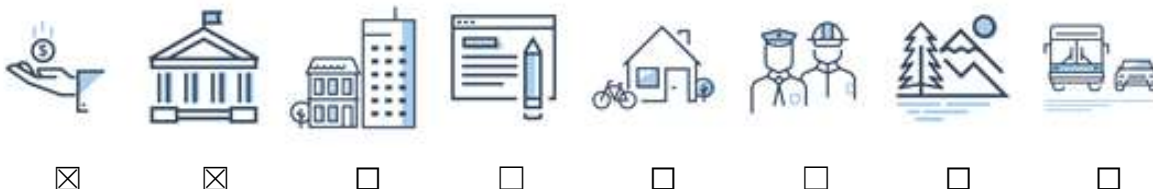
To approve the negotiated settlement agreement as presented and authorize the Mayor to execute the necessary documents (or take other action deemed appropriate).

## Description, Background Information & Purpose

In 2016, the City awarded the Eastside Greenbelt Pathway Project to Thompson Paving, Inc., as the City's general contractor. Thompson Paving, Inc. hired A-Core of Idaho, Inc. as a curb and gutter concrete work subcontractor for the project. After the project was completed, in 2017, A-Core of Idaho, Inc. sued Thompson Paving, Inc. Thereafter, in late 2019, Thompson Paving, Inc. sued the City. The City then counter-claimed against Thompson Paving, Inc.

The settlement agreement presented to Council here would require all parties to dismiss all claims arising and related to the Eastside Greenbelt Pathway Project in exchange of a total payment of \$45,000 to A-Core of Idaho, Inc. The City is funding \$40,000 of the settlement.

## Alignment with City & Department Planning Objectives



The settlement agreement is in support of the good governance community-oriented result by resolving a dispute involving the City.

## Interdepartmental Coordination

Public Works concurs with the settlement agreement.



**Fiscal Impact**

The City's negotiated settlement amount of \$40,000

**Legal Review**

The City Attorney's office prepared the settlement agreement.