



CITY COUNCIL MEETING

Thursday, May 10, 2018

7:30 p.m.

CITY COUNCIL CHAMBERS

680 Park Avenue

Idaho Falls, ID 83402

*Thank you for your interest in City Government. If you wish to express your thoughts on a matter listed below, please contact Councilmembers by email or personally **before** the meeting. Public testimony on agenda items will not be taken unless a hearing is indicated. Be aware that an amendment to this agenda may be made upon passage of a motion that states the reason for the amendment and the good faith reason that the agenda item was not included in the original agenda posting. Regularly-scheduled City Council Meetings are live streamed at www.idahofallsidaho.gov, then archived on the city website. If you need communication aids or services or other physical accommodations to participate or access this meeting, please contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.*

1. **Call to Order.**

2. **Pledge of Allegiance.**

3. **Public Comment.** *Members of the public are invited to address the City Council regarding matters that are **not** on this agenda or already noticed for a public hearing. When you address the Council, please state your name and address for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending before the Planning Commission or Board of Adjustment which may be the subject of a pending enforcement action, or which are relative to a City personnel matter are not suitable for public comment.*

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. Item from Public Works:

- 1) Bid Award – 8th & 9th Street Water Line Replacements

B. Items from the City Clerk:

- 1) Minutes from the April 12, 2018 Idaho Falls Power Board Meeting; April 14, 2018 Budget Workshop; April 23, 2018 Council Work Session and Executive Sessions; and, April 23, 2018 Council Meeting.
- 2) License Applications, including a Beer License to Hitt the Road, all carrying the required approvals.

RECOMMENDED ACTION: To 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) **Write-Off of Unpaid Piranhas Swim Team Account:** As reviewed during the City Council Work Session on Monday, April 23, 2018, Municipal Services and Parks and Recreation respectfully requests authorization to write-off the Piranhas Swim Team (PST) account balance owed of \$16,919.97 as uncollectible.

RECOMMENDED ACTION: To write-off the Piranhas Swim Team account balance owed of \$16,919.97 as uncollectible (or take other action deemed appropriate).

2) Bid IF-18-18, Maeck Education Center: It is the recommendation of the Municipal Services and Parks and Recreation Departments to accept the lowest responsive, responsible bid from Petra, Incorporated of Meridian, Idaho. Parks and Recreation is recommending awarding the base bid, plus alternatives 3, 4 & 5 for a total contact amount of \$968,039.00. The project includes a 4,500 square foot education center for the Idaho Falls Zoo to include multi-use classrooms, offices, storage, break room and restrooms.

RECOMMENDED ACTION: To accept the lowest responsive, responsible bid from Petra, Incorporated of Meridian, Idaho, for the Maeck Education Center for a total contact amount of \$968,039.00 (or take other action deemed appropriate).

B. Community Development Services

1) Ordinance Amending City Code Title 10, Chapter 4 Adopting New Language for Flood Damage Prevention: For consideration is an ordinance rescinding the current City Code language regarding flood damage prevention and adopting a new code based on a model ordinance provided by Idaho Department of Water Resources (IDWR). IDWR conducted a site visit and audit of the City's floodplain management program, including a review of the flood control ordinance. IDWR staff found the code needed to be updated to better reflect changes to Title 44 of the Code of Federal Regulations and the National Flood Insurance Program minimum standards. The City was given until May 31, 2018 to adopt a new ordinance.

RECOMMENDED ACTION: To approve the Ordinance amending Title 10, Chapter 4, adopting new language for flood damage prevention under the suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4: For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4. The Planning and Zoning Commission considered this item at its April 3, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. To approve the Development Agreement for Park Place Division No. 4, and give authorization for the Mayor and City Clerk to execute the necessary documents.
- b. To accept the Final Plat for Park Place Division No. 4, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat.
- c. To approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Park Place Division No. 4, and give authorization for the Mayor to execute the necessary documents.

3) Public Hearing – FY2018 Community Development Block Grant Annual Action Plan: Each year Idaho Falls receives an allocation from the Department of Housing and Urban Development (HUD) to fund the local Community Development Block Grant (CDBG) program. As part of the requirements for administration of this program the City must submit an Annual Action Plan to HUD outlining how that year's funds will be spent. To determine how to spend the funds, each year applicants submit requests for grant funding which are considered by the City Council. A public hearing must be held each year to hear the requests.

RECOMMENDED ACTION: No recommended action at this time.

4) Public Hearing – Ordinance Approving Amendments to Downtown Form-Based Code and Adopting the May, 2018 Edition of the Form Based Code: For consideration are three (3) changes to the Downtown Form-Based Code. First is a new map which more clearly shows the Subdistrict designations. Second is a change to the allowed building height in the Core A Subdistrict for Storefront Building Types. The final change is to increase the allowed maximum height for the Townhome Building Type in the Edge C Subdistrict from two (2) stories to three (3) stories only when located at least 100 feet from single story residential buildings. The Planning and Zoning Commission considered these changes at its April 3, 2018 meeting and recommended approval by unanimous vote. Because of the changes to the map, rather than modifying the December, 2017 version of the code, staff is recommending the adoption of a May, 2018 version.

RECOMMENDED ACTION: To approve the Ordinance amending Chapter 7 to Title 10, adopting the May 2018 edition of the Idaho Falls Form Based Code, under the suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).

6. **Adjournment.**

CONSENT

AGENDA:



MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Chris H Fredericksen, Public Works Director

DATE: May 2, 2018

RE: Bid Award – 8th and 9th Street Water Line Replacements

On Tuesday, May 1st, 2018, bids were received and opened for the 8th and 9th Street Water Line Replacements project. A tabulation of bid results is attached.

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, 3H Construction, LLC in an amount of \$356,326.00 and, authorization for the Mayor and City Clerk to sign contract documents.

2-38-19-1-WTR-2016-31
2018-39

City of Idaho Falls

Engineering Department Bid Tabulation

Project..... 8th & 9th Street Water Line Replacements

Number..... 2-38-19-1-WTR-2016-31

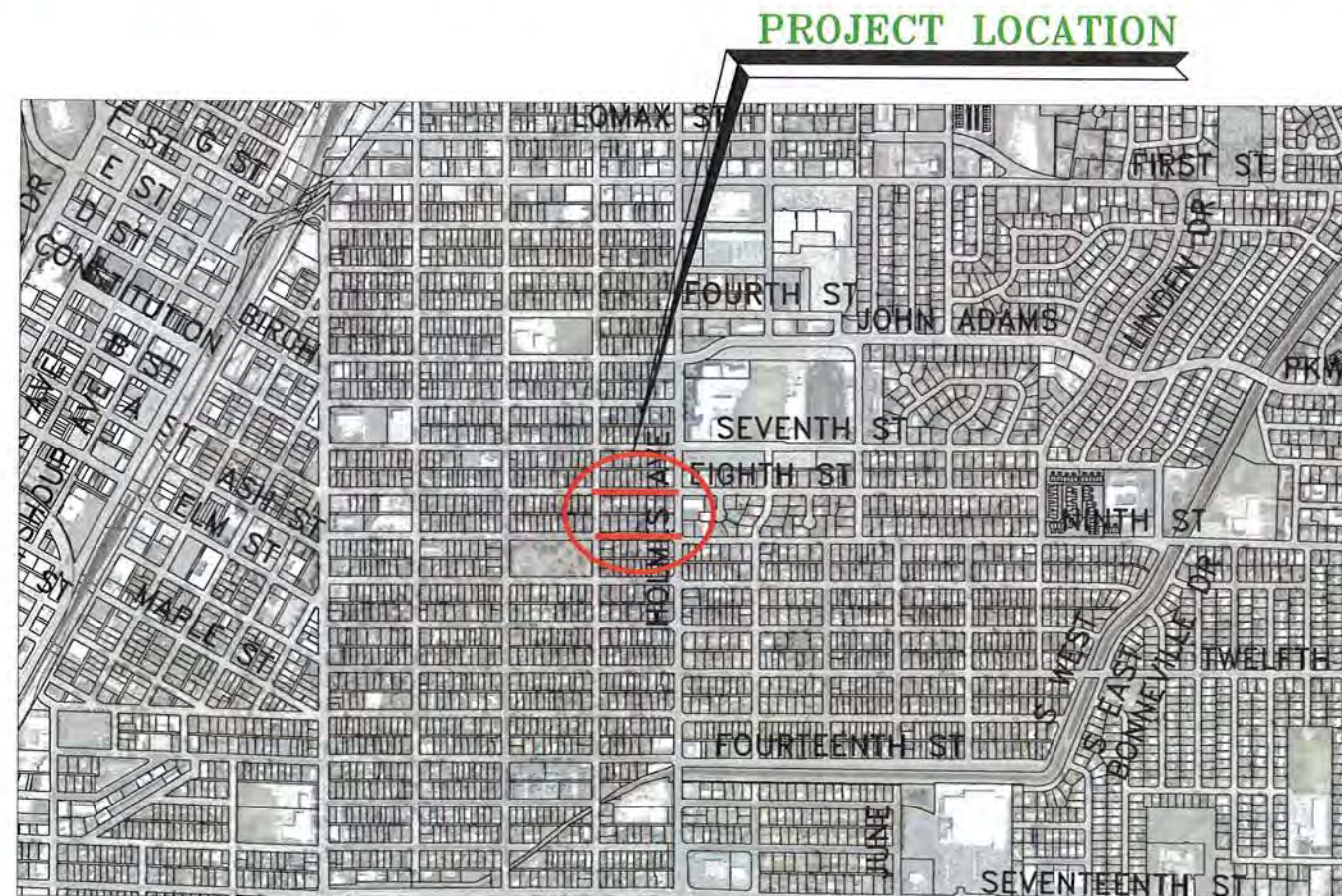
Submitted Kent J. Fugal, P.E., PTOE

Date..... May 1, 2018

				Engineer's Estimate		3H Construction, LLC		TMC Contractors, Inc.		Knife River Corporation - Mountain West		HK Contractors, Inc.	
Item Number	Description	Estimated Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
EARTHWORK AND BASES													
209.03.4	Removal of Curb and Gutter	789	L.F.	\$5.00	\$3,945.00	\$10.00	\$7,890.00	\$9.00	\$7,101.00	\$6.00	\$4,734.00	\$20.00	\$15,780.00
209.03.5	Removal of Sidewalk	220	S.Y.	\$10.00	\$2,200.00	\$20.00	\$4,400.00	\$19.50	\$4,290.00	\$15.00	\$3,300.00	\$70.00	\$15,400.00
INCIDENTAL CONSTRUCTION													
409.18.2	Casing Installation	20	L.F.	\$400.00	\$8,000.00	\$400.00	\$8,000.00	\$425.00	\$8,500.00	\$600.00	\$12,000.00	\$675.00	\$13,500.00
409.21.2	Repair Sprinkler Systems	1	L.S.	\$1,000.00	\$1,000.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00	\$6,250.00	\$6,250.00	\$5,450.00	\$5,450.00
PORTLAND CEMENT CONCRETE													
509.02.2	Combination Curb and Gutter - Type STANDARD	789	L.F.	\$30.00	\$23,670.00	\$38.00	\$29,982.00	\$33.50	\$26,431.50	\$41.50	\$32,743.50	\$52.00	\$41,028.00
509.03.2	4" Flatwork	220	S.Y.	\$60.00	\$13,200.00	\$126.00	\$27,720.00	\$94.00	\$20,680.00	\$68.00	\$14,960.00	\$150.00	\$33,000.00
WATER LINES													
609.01.2	Temporary Water Service	1	L.S.	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$10,900.00	\$10,900.00	\$26,000.00	\$26,000.00	\$34,500.00	\$34,500.00
609.02.2	6" Pipe	46	L.F.	\$10.00	\$460.00	\$16.00	\$736.00	\$11.00	\$506.00	\$36.00	\$1,656.00	\$10.75	\$494.50
609.02.2	8" Pipe	1118	L.F.	\$10.00	\$11,180.00	\$14.00	\$15,652.00	\$11.00	\$12,298.00	\$45.00	\$50,310.00	\$5.00	\$5,590.00
609.03.2	6" Gate Valve and Valve Box	2	EACH	\$50.00	\$100.00	\$400.00	\$800.00	\$660.00	\$1,320.00	\$460.00	\$920.00	\$525.00	\$1,050.00
609.03.2	8" Gate Valve and Valve Box	3	EACH	\$50.00	\$150.00	\$500.00	\$1,500.00	\$660.00	\$1,980.00	\$515.00	\$1,545.00	\$530.00	\$1,590.00
609.04.2	8" x 6" Tee	2	EACH	\$350.00	\$700.00	\$350.00	\$700.00	\$610.00	\$1,220.00	\$558.00	\$1,116.00	\$190.00	\$380.00
609.04.2	8" x 4" Reducer	1	EACH	\$350.00	\$350.00	\$200.00	\$200.00	\$265.00	\$265.00	\$175.00	\$175.00	\$750.00	\$750.00
609.04.2	8" x 6" Reducer	1	EACH	\$350.00	\$350.00	\$200.00	\$200.00	\$265.00	\$265.00	\$175.00	\$175.00	\$760.00	\$760.00
609.04.2	8" Sleeve	2	EACH	\$350.00	\$700.00	\$175.00	\$350.00	\$255.00	\$510.00	\$175.00	\$350.00	\$775.00	\$1,550.00
609.04.2	8" 90° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$435.00	\$870.00	\$450.00	\$900.00	\$175.00	\$350.00
609.04.2	4" 45° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$725.00	\$1,450.00	\$280.00	\$560.00	\$175.00	\$350.00
609.04.2	6" 45° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$725.00	\$1,450.00	\$280.00	\$560.00	\$175.00	\$350.00
609.04.2	8" 45° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$725.00	\$1,450.00	\$280.00	\$560.00	\$195.00	\$390.00
609.04.2	8" 22½° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$435.00	\$870.00	\$280.00	\$560.00	\$195.00	\$390.00
609.04.2	8" 11¼° Bend	2	EACH	\$400.00	\$800.00	\$250.00	\$500.00	\$435.00	\$870.00	\$280.00	\$560.00	\$195.00	\$390.00
609.04.2	4" Plug	28	EACH	\$300.00	\$8,400.00	\$200.00	\$5,600.00	\$290.00	\$8,120.00	\$280.00	\$7,840.00	\$175.00	\$4,900.00
609.05.2	Fire Hydrant	2	EACH	\$2,000.00	\$4,000.00	\$2,200.00	\$4,400.00	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00	\$2,000.00	\$4,000.00

Item Number	Description	Estimated Quantity	Unit	Engineer's Estimate		3H Construction, LLC		TMC Contractors, Inc.		Knife River Corporation - Mountain West		HK Contractors, Inc.	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
609.06.2	1" Service Line	852	L.F.	\$10.00	\$8,520.00	\$8.00	\$6,816.00	\$6.00	\$5,112.00	\$26.00	\$22,152.00	\$8.25	\$7,029.00
609.06.2	1½" Service Line	20	L.F.	\$10.00	\$200.00	\$20.00	\$400.00	\$6.00	\$120.00	\$25.00	\$500.00	\$9.00	\$180.00
609.06.2	2" Service Line	20	L.F.	\$10.00	\$200.00	\$25.00	\$500.00	\$6.00	\$120.00	\$31.00	\$620.00	\$9.50	\$190.00
609.06.3	1" Service Connection	35	EACH	\$450.00	\$15,750.00	\$400.00	\$14,000.00	\$375.00	\$13,125.00	\$175.00	\$6,125.00	\$650.00	\$22,750.00
609.06.3	1½" Service Connection	1	EACH	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$400.00	\$400.00	\$175.00	\$175.00	\$650.00	\$650.00
609.06.3	2" Service Connection	1	EACH	\$550.00	\$550.00	\$1,500.00	\$1,500.00	\$425.00	\$425.00	\$350.00	\$350.00	\$1,250.00	\$1,250.00
609.06.6	1" Meter Pit	35	EACH	\$400.00	\$14,000.00	\$400.00	\$14,000.00	\$340.00	\$11,900.00	\$480.00	\$16,800.00	\$225.00	\$7,875.00
609.06.6	1½" Meter Pit	1	EACH	\$600.00	\$600.00	\$1,000.00	\$1,000.00	\$360.00	\$360.00	\$480.00	\$480.00	\$450.00	\$450.00
609.06.6	2" Meter Pit	1	EACH	\$800.00	\$800.00	\$1,000.00	\$1,000.00	\$380.00	\$380.00	\$480.00	\$480.00	\$675.00	\$675.00
609.07.3	Salvage of Appurtenance - Type 4" Sleeve	1	EACH	\$200.00	\$200.00	\$200.00	\$200.00	\$255.00	\$255.00	\$385.00	\$385.00	\$350.00	\$350.00
609.07.3	Salvage of Appurtenance - Type 8" x 4" Reducer	1	EACH	\$200.00	\$200.00	\$200.00	\$200.00	\$255.00	\$255.00	\$385.00	\$385.00	\$350.00	\$350.00
609.07.3	Salvage of Appurtenance - Type 4" 45° Bend	2	EACH	\$200.00	\$400.00	\$200.00	\$400.00	\$255.00	\$510.00	\$385.00	\$770.00	\$350.00	\$700.00
609.08.2	Salvage of Appurtenance - Type Fire Hydrant	1	L.S.	\$600.00	\$600.00	\$1,200.00	\$1,200.00	\$255.00	\$255.00	\$700.00	\$700.00	\$950.00	\$950.00
SANITARY SEWERS AND STORM DRAINS													
709.02.2	12" Pipe	22	L.F.	\$30.00	\$660.00	\$30.00	\$660.00	\$25.00	\$550.00	\$53.00	\$1,166.00	\$100.00	\$2,200.00
709.02.2	12" D.I. Pipe (Installation Only)	16	L.F.	\$10.00	\$160.00	\$25.00	\$400.00	\$13.00	\$208.00	\$46.00	\$736.00	\$125.00	\$2,000.00
709.04.2	Inlet Box - Type 1	2	EACH	\$2,000.00	\$4,000.00	\$1,520.00	\$3,040.00	\$1,355.00	\$2,710.00	\$1,950.00	\$3,900.00	\$2,100.00	\$4,200.00
TRENCH EXCAVATION AND BACKFILL													
809.01.2	Trench Excavation and Backfill - Class I	148	L.F.	\$20.00	\$2,960.00	\$24.00	\$3,552.00	\$25.00	\$3,700.00	\$1.00	\$148.00	\$40.00	\$5,920.00
809.01.2	Trench Excavation and Backfill - Class II	1826	L.F.	\$25.00	\$45,650.00	\$28.00	\$51,128.00	\$30.00	\$54,780.00	\$1.00	\$1,826.00	\$48.00	\$87,648.00
809.02.2	Unsuitable Material Excavation	350	C.Y.	\$30.00	\$10,500.00	\$40.00	\$14,000.00	\$34.00	\$11,900.00	\$26.00	\$9,100.00	\$28.00	\$9,800.00
809.03.2	Rock Excavation	70	L.F.	\$150.00	\$10,500.00	\$70.00	\$4,900.00	\$175.00	\$12,250.00	\$133.00	\$9,310.00	\$110.00	\$7,700.00
809.04.2	Base Stabilization Material	350	C.Y.	\$30.00	\$10,500.00	\$25.00	\$8,750.00	\$16.00	\$5,600.00	\$25.00	\$8,750.00	\$40.00	\$14,000.00
809.10.2	Removal and Replacement of Landscaped Areas	213	L.F.	\$30.00	\$6,390.00	\$40.00	\$8,520.00	\$41.00	\$8,733.00	\$42.00	\$8,946.00	\$19.00	\$4,047.00
809.11.2	Removal and Replacement of Asphalt Plantmix and Aggregate Base	1710	L.F.	\$70.00	\$119,700.00	\$33.00	\$56,430.00	\$42.00	\$71,820.00	\$49.00	\$83,790.00	\$51.25	\$87,637.50
SPECIAL PROVISIONS													
SP - 1	Remove and Reset Sign	1	EACH	\$300.00	\$300.00	\$500.00	\$500.00	\$370.00	\$370.00	\$190.00	\$190.00	\$400.00	\$400.00
SP - 2	Mobilization	1	L.S.	\$34,704.50	\$34,704.50	\$29,100.00	\$29,100.00	\$45,000.00	\$45,000.00	\$92,500.00	\$92,500.00	\$62,250.00	\$62,250.00
TOTAL					\$381,749.50		\$356,326.00		\$370,184.50		\$441,058.50		\$513,144.00

8th & 9th ST WATER LINE REPLACEMENTS PROJECT # 2-38-19-1-WTR-2016-31



REVIEWED BY: WATER DIVISION

W. J. Fugal

DATE: 4-9-2018



MAYOR

REBECCA L. NOAH CASPER

CITY COUNCIL

MICHELLE ZIEL-DINGMAN
SHELLY SMEDE
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

2018

AS BUILT:			
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY			
ENGINEERING DIVISION			
<p>8th & 9th ST WATER LINE REPLACEMENTS TITLE SHEET</p>			
CHK BY:	Y.G.	DSG BY:	G.C.
FILE NO. 2-38-19-1-WTR-2016-31		DATE PLOTTED: 04/06/18	
DWG NO. WTR-2016-31 Titlepage		SHEET NO. 1 OF 7	

April 12, 2018 - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting (Idaho Falls Power Board), Thursday, April 12, 2018, at Idaho Falls Power Conference Room, 140 S. Capital, Idaho Falls, Idaho at 7:00 a.m.

Call to Order, Roll Call, and Announcements:

There were present:

Mayor Rebecca L. Noah Casper (by phone until 7:15 a.m.)
Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember John Radford
Councilmember Michelle Ziel-Dingman (departed at 9:40 a.m.)
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

Jackie Flowers, Idaho Falls Power Director
Bear Prairie, Idaho Falls Power Assistant Manager
Jace Yancey, Operations Technology Manager
Roger Timmerman, UTOPIA Fiber
Pamela Alexander, Municipal Services Director
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Mayor Casper stated following the audit presentation by Moss Adams at the April 6, 2018 Work Session, it is necessary for immediate action of a resolution. She then turned the discussion to Mr. Kirkham. Mr. Kirkham stated there is advice from the external auditors to close the weaknesses in the finance area. He indicated staff is working to implement the change immediately. He also stated there is preference from the financial institutions for a resolution adding the Municipal Services Director as an authorized personnel on all financial accounts. It then was moved by Councilmember Hally, seconded by Councilmember Francis, to amend the agenda in order to pass a resolution to include the Municipal Services Director, Pamela Alexander, as a signor to the City's general ledger accounts. The second signature does not currently exist and there is a considerable amount of money involved. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried. Mr. Kirkham briefly reviewed the resolution authorizing the Municipal Services Director to serve as a signor on all financial accounts and receive financial statements and investments. He reiterated the reason for the resolution is for financial institution policy. Director Alexander will be authorized to utilize the account on behalf of the City whereas the City Treasurer is currently the only authorized position. Councilmember Hally read the title of the resolution as follows:

RESOLUTION NO. 2018-06

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO AUTHORIZE THE MUNICIPAL SERVICES DIRECTOR TO BE A SIGNOR AND FULLY AUTHORIZED PERSON ON ALL FINANCIAL ACCOUNTS HELD BY THE CITY OF IDAHO FALLS ON BEHALF OF THE PUBLIC.

It was moved by Councilmember Freeman, seconded by Councilmember Hally, to pass the resolution. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

FY18Q1 Financial Report and Power Supply Forecast:

Director Flowers reviewed Q1 stating revenue and expenses were close in comparison. Expenditures = 21% of budget, revenue is on par with budgeted anticipation. She stated the demand charge on commercial accounts are being caught up. Payment in lieu of taxes (PILOT) = \$1.2m, which is approximately 1/12th payment. Fluctuations will be trued up at year end.

April 12, 2018 - Unapproved

Cash balance: Operating Cash = \$6,795,416
Electric Light Fund = \$7,561,315
Rate Stabilization Fund = \$19,122,905
Transmission and Distribution (T&D) Fund = \$8,099,909

Mr. Prairie reviewed Q1 Power Supply Report stating total expense = 21.53% of budget, total revenue = 128.78%. He indicated revenue surplus sales are set based upon a lower water scenario and not average water like expenses.

Mr. Prairie reviewed the following with general discussion throughout:

- Q1 Net Power Supply Cost = \$661,072, this is 11% lower from the previous year.
- Average Net Cost per megawatt per hour (MWh) = \$30.87, compared to \$34.81 in 2017.
- Transmission under Utah Associated Municipal Power Systems (UAMPS) = 282,830, compared to 84,000 in prior year. Increase is due to being charged for transmission from PacifiCorp for the Bulb Turbines.
- UAMPS energy expense = \$335,304, compared to \$1,115,000 in prior year. Mr. Prairie stated in-house staff has assisted with this reduced expense.
- Power Supply Revenue Year over Year (YOY) was up \$319,023. Average price Q1 = \$21.79, compared to Q1 17 = \$18.40. Mr. Prairie stated the increase reflects taking advantage of market prices and shaping the slice generation better.

Mr. Prairie briefly compared plant generation for October, November, and December. He reviewed Cost of Service vs Actual Retail Sales and Customers graph from October 2017-December 2017, stating customer growth continues to be strong. He also reviewed Heavy Load Hour (the middle 16 hours of the day) and Light Load Hour (the remaining hours of the day) Position graphs. He indicated July and August show more length on heavy load due to Bonneville Power Administration (BPA) purchase of 15 MW. He noted heavy load prices have remained stable. Light load is typical in having a lot of length still even though the load sold steadily through the winter as the snow piled up. Prices on light load were pretty steady.

Mr. Prairie reviewed Net Power Supply Cost graph stating FY2018 dropped slightly from the previous report due to water/generation increase.

Mr. Prairie reviewed weather outlook. He indicated there was colder weather the last two (2) months along with high precipitation. He noted cooler weather helps the runoff and stream flows. He also reviewed the water report stating there is high reservoir levels. Snow pack for the upper Snake River is 116-126% of average in the three (3) measurement zones.

- Dalles, April – September: average water = 119%, 90% water = 113% of average. Generation did not go up much to reflect the higher water due to the spill test.
- Upper Snake River, April – September: average water = 128%, 90% water = 115% of average.

Project Discussion:

Sandy Downs Substation – Director Flowers stated in 2008 property was acquired near Sandy Downs for a future substation site. Due to a subdivision developing in close proximity, IFP was approached by the Public Works Department for an alternative substation location. She indicated discussion had been, and is continuing to, occur with the Parks and Recreation (P&R) Department and the South Fork Archers regarding the current archery range. Director Flowers stated it has been proposed to move the archery range to the Gem Lake Kids Fishing Pond location. This would require implementation of a small professional services contract. A Conditional Use Permit (CUP) is the next step towards developing the substation at the current archery range location. Director Flowers indicated staff was going to proceed with the CUP submittal. It will be a few years before IFP would start construction on the substation at that site so the archers can continue to use the location as the City works with them on relocation prospects. Additionally, it was noted that York Road will eventually be widened due to its arterial status and in response to anticipated growth in the area. The proposed location of the substation will be more suitable to future road development needs.

April 12, 2018 - Unapproved

Heritage Park Line Relocation – Director Flowers stated generation along the Snake River has taken place since the 1940's. Discussion is occurring regarding how to navigate the power lines for Heritage Park with minimal impact. In 2009, Power Engineers was selected to complete the design of the river crossing project, which was constructed in 2010. Director Flowers reviewed the current 46kV power line infrastructure as well as the proposed pole relocation. She requested a General Services Agreement with Power Engineers for design associated with relocating the power lines for \$67,709. She indicated this agreement will be included on the April 12 Council Meeting agenda. Director Flowers confirmed that the IFP budget includes both expenditures and revenues for the Heritage Park line relocation, the costs will need to come from the project budget. In establishing the FY18 budget, the City Council opted not to include in-kind costs in the Payment in Lieu transfer and instead transfer all funds to appropriate in the budget process.

W. 17th S. Line Extension – Director Flowers stated the north side of this road is City residents and the south side is County residents. She reviewed the current pole configuration. She indicated there have been attempts for a joint pole use with Rocky Mountain Power (RMP) for the two (2) years. Assistance has been requested from RMP for the last easement. Director Flowers reviewed options to complete the easement, including a Joint Use Agreement with RMP; separate IFP line; and, separate IFP underground line. The most cost efficient is a standalone line for the City on the north end of the road but that will lead to two separate distribution lines on both sides of the road. The County right-of-way use requires joint use but given the north side of the road is in the City, the City process governs and there is no standard for joint use or underground in the City. IFP is waiting for one last legal response from RMP regarding joint use potential and acquisition of the last easement. Absent agreement, IFP will have to proceed with a standalone line on the north end of the road.

Rocky Mountain Power Coordination Projects:

Director Flowers briefly reviewed the Asset Purchase Agreements for Prestwich Estates and Jackson Hole Junctions. A portion of the buy out to be paid by Prestwich Estates customers will be collected through the consumptive use surcharge. Jackson Hole Junction will be responsible for 50% of the transfer fee which will be collected in conjunction with the line extension fees into this development. These agreements will be included on the April 12 Council Meeting agenda.

Director Flowers preferred to postpone the Eastern Idaho Grid discussion for a future meeting.

Operations Technology Overview:

Mr. Yancey stated he began at IFP as an intern in 2001 and has been employed since 2003. He reviewed the organization chart and staff for operation technologies.

Mr. Yancey stated IFP uses several technologies to function as a business. He reviewed the following with general discussion throughout:

Supervisory Control and Data Acquisition (SCADA)

- Monitors and controls devices at substations and power plants
- Implemented in 2009
- Monitored and used 24/7/365 by Electric Dispatchers
- Manage assets remotely
- Provides historical data from assets

Mr. Yancey reviewed the 10 Gig Fiber Ring, emphasizing the importance of the fiber ring for City operations, and in particular for electric operations.

Geographic Information Systems/Outage Management System (GIS/OMS)

- One (1) employee
- Environmental Systems Research Institute (ESRI) based system
- OMS is a FUTURA system

Mr. Yancey stated meters continue to be replaced to enable remote disconnect. Additionally, in large outages the remote meter notifications overwhelm the system. New meters hold their outage notification a bit longer to allow

April 12, 2018 - Unapproved

short duration outages (such as breaker operations) to clear before sending the notification and thereby not overwhelming the system. The City will continue to deploy these meters in the future.

Advanced Metering Infrastructure (AMI)

- Three (3) employees
- New meter installs, remote disconnect meter installation began in 2012
- Meter issues/troubleshooting
- Work very closely with Utility Division

Mr. Yancey reviewed the AMI and Fiber network map.

Traffic Network

- Controller and programming system to direct street lights in accordance with signal timing as set by the City's traffic engineer

Information Technology/Operations Technology (IT/OT)

- Merged within the last 5-6 years, the utility operates many sophisticated technology systems to support its operations. The IT/OT interface is critical as the City works to deploy more two-way communicable devices and integrate systems.

Cyber Security

- One (1) employee dedicated to cyber security
- Cyber security in one word would be described as a "culture"
- Began at IFP in 2007
- Initial limited personnel and budget

Mr. Yancey stated cyber security is very expensive, requiring constant investment but it is necessary. He reviewed the IFP Network Overview including firewalls and routers. He stated that the electric industry is the only industry with enforceable penalties and cyber security continues to be a focus area.

Network Communications

- Extensive system to all City-owned sites

Physical security

- Cameras, etc.

Idaho Falls Fiber Network Overview:

Director Flower indicated for more than 100 years, the City has provided its own public power. She stated cities traditionally provide infrastructure and services for growth including roads, airports, railroads, water, sewer, electric, and gas. New essential infrastructure for global competitiveness includes fiber optic broadband infrastructure. The catalyst: City's phone system no longer supported; replacement due by 2005; developed phone system using fiber; result – increased efficiency and cost savings to the City. The challenge is deciding to how proceed with existing State statutory authority. Mr. Yancey reviewed history of fiber from FY1999, which began as a joint City/County project, to FY2007. Director Flowers stated fiber service is restricted to City limits. She indicated businesses have developed inside City limits specifically for this service. Mr. Yancey stated the pricing structure has not changed since the ordinance was adopted in 2005. He reviewed fiber maps from Phase I to present, stating 130 miles of fiber have been added since 2004. Brief discussion followed regarding public/private partnerships and applicable fees. Mr. Yancey reviewed the 10 Gig fiber ring for City communications; traffic fiber map; and, fiber backbone map. He also reviewed the commercial wholesale customers and service providers; the remaining amortization amount for construction costs; and, fiber financials, stating initial payback was planned for 2023-2024.

Where to go from here:

- 2013-2014 – started realizing we were running out of fibers available for commercial lease
- 2015 – started process to identify what is the 'next step'

April 12, 2018 - Unapproved

- 2016 – identified a process to ‘reclaim’ 12 fibers to give/allow additional lease capacity
- 2016 – hired consulting and engineering firm to conduct a broadband feasibility study

Why broadband matters:

- Home broadband usage is doubling every three (3) years
- Economic benefits – higher property values, education, working at home/telecommuting, and economic development

Mr. Yancey reviewed speed test results, business plans that were considered, sensitivity analysis, financial findings, and, next steps. He also reviewed key findings through residential market survey and customer outreach. Community outreach included reaching out to existing service providers, four (4) neighborhood meetings, and, answering questions and concerns. Director Flowers briefly reviewed options for the expansion of Idaho Falls fiber network, indicating there was preference to explore the open access option given our rich network of providers and success to-date with that public-private partnership model. The two areas of concern for that model: anticipated subscription and cost. IFP has continued to explore ways to reduce the cost of the fiber build out, including coordinating with IFP infrastructure upgrades, using existing IFP electrical conduit to pull fiber into neighborhoods, and using IFP staff in a workforce transition plan (adding apprentices in anticipation of future lineman retirements). IFP is proposing to proceed with a pilot project to confirm pricing for fiber install in three (3) separate environments. Mr. Yancey reviewed maps identifying electrical conductors installed prior to 1998 and installed after 1998. It was estimated new underground construction = \$95,000 per mile, new aerial construction = \$36,000 per mile. It is believed the new underground cost can be reduced substantially if we are able to pull fiber through existing electrical conduit. Also, IFP has plans to add conduit to approximately half of the areas served by underground electrical infrastructure because they are direct buried and at risk for electrical faults that interrupt service. Mr. Yancey briefly reviewed price estimates for existing Internet Service Providers (ISP) and new ISP.

Utopia Fiber Presentation:

Mr. Timmerman stated UTOPIA is a Utah Interlocal Entity created in May 2002. UTOPIA designs, builds, and operates open-access community fiber networks. UTOPIA Fiber, in partnership, provides the largest peering exchange in the region.

Mr. Timmerman presented the following with general discussion throughout:

- Why cities desire open-access fiber: enables smart City applications; video surveillance; AMI; SDADA; smart irrigation; traffic control/monitoring; air quality monitoring; Wi-Fi solutions; City meeting broadcasting; disaster recovery; signage/information: indoor and outdoor; smart parking; and, smart municipal facilities.
- Municipal open-access fiber: industry term that means the operator of the network and the service provider are separate entities; sometimes referred to as a ‘wholesale model’ or ‘infrastructure model’; and is pro-private sector and pro-competition.
- Restrictions on municipal fiber, very difficult for municipalities to do alone: various barriers (including public hearings; feasibility consultants and studies; and rates and requirements); wholesale exemption.
- Why dedicated Ethernet: needs to ensure all customers can equally use fiber; never congested; supports carrier-class services to any address. Mr. Timmerman believes Ethernet is less expensive to use and the several benefits of Ethernet outweigh the problems.
- What about wireless: wireless is complimentary, not competitive to fiber; technologies have 3-5 year lifecycle; enables faster return on investment but worse long-term investment; problems with coverage, weather, reliability, performance; great for filling in gaps where fiber is not yet available.

Mr. Timmerman reviewed customer satisfaction survey of UTOPIA, including price, speed, and service. He indicated UTOPIA fiber is financially stable as UTOPIA is covering all operational expenses; UTOPIA Cities are paying for original UTOPIA bond obligations; covering all operational expenses and debt service; net revenues continue to grow; and rapid growth of 1000-1500 new homes each month (300-400 customers). He reviewed revenue vs debt service; combined monthly revenue; and residential sales from 2013 (613) - 2017 (3218).

- Potential partnership: municipality (individual or collectively) – pledge agreement based on ~30% take rate target.

April 12, 2018 - Unapproved

- UTOPIA/UIA: bonds for construction of project; infrastructure fees pay bond service, churn; receives portion of subscriber fees to cover operational expenses.

Mr. Timmerman reviewed current UTOPIA fiber residential offerings; revenue distribution; risks of take rate and City obligation associated with a partnership; interconnectivity (UTOPIA to Idaho Regional Optical Network (IRON) to IFP); Idaho specific options (including supermajority vote for bonds, property assessment, and lease structure).

Mr. Timmerman reviewed shared operations model example and the breakdown of fees within the typical \$23/month transport fee shared based on responsibilities.

- What are benefits: bring in top speeds, price, service, and value for telecommunications service to City; expected decreased cost of service for all residents; increased residential property values; better service and lower costs for businesses, schools, municipal services, other.
- Benefits of partnership with UTOPIA fiber: avoid startup costs; stable finances; no economy of scale issues; 25+ service providers in place; simple feasibility based on proven track record of expenses/revenues; lower project cost from UTOPIA volume materials and labor purchasing.

Mr. Timmerman reviewed typical next steps including community survey, trial network, feasibility study, partnership agreement, City Council vote, project build, and 3-year maturity of marketing to target take-rates.

Following general brief discussion, there was consensus to proceed forward with conversations regarding a trial area and to develop an agreement with UTOPIA.

There being no further business, the meeting adjourned at 11:03 a.m.

CITY CLERK

MAYOR

April 14, 2018 - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting (Budget Workshop/Discussion), Saturday, April 14, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:00 a.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember John Radford
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

Pamela Alexander, Municipal Services Director
Mark Hagedorn, Controller
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 8:03 a.m. There were no announcements.

It was then moved by Councilmember Freeman, seconded by Councilmember Hally, to move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The City Council will return and reconvene at the conclusion of the Executive Session. The Executive Session will be held in the City Annex Conference Room. Roll call as follows: Aye – Councilmember Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Saturday, April 14, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 8:04 a.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember Thomas Hally

Also present:

Michael Kirkham, Assistant City Attorney
Pamela Alexander, Municipal Services Director

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

There being no further business, the Executive Session adjourned at 8:52 a.m. and the Council reconvened into Budget Workshop/Discussion.

April 14, 2018 - Unapproved

Opening Remarks:

Mayor Casper stated this particular budget discussion is intended to identify the range of priority needs by Councilmembers as liaison to their departments. Next steps will include public feedback, conversations with department directors, and, a final decision made by the Council.

Councilmember Radford briefly reviewed the role as an elected official vs the administrative role. He reiterated the priority needs discussion including any potential donations for projects. He believes strategic planning will require additional discussion.

Budget Basics Workshop:

Director Alexander reviewed State Statute 50-208: identifies the treasurer to be the custodian of all moneys (the Treasurer's Report is posted on the Council Meeting agenda on a monthly basis); Government Finance Officers Association (GFOA) recommends, at a minimum, no less than two (2) months of the general fund balance be maintained; (average general fund expenditure = \$3.6m, minimum recommended = \$8m). Brief discussion followed regarding the recent low balance of the general fund. It was noted Bonneville County property taxes are received in January and June. Director Alexander stated the Investment and Finance Committee has been established to review City funds. She briefly reviewed City investments. Mr. Hagedorn stated City government is not designed for asset growth. General discussion followed regarding utility collection, Wildland Fire reimbursement, the Ambulance Fund (including Medicare/Medicaid payments and receivables), utility and ambulance write-offs, and the monthly Treasurer's Report.

Director Alexander stated a budget should be a blue print of a future plan, realizing there are changes on a yearly basis. She believes the budget should be transparent. She indicated a contingency fund has been created. Mr. Hagedorn stated Association of Idaho Cities (AIC) recently released the City Budgeting Manual for FY2018 for reference. Discussion followed regarding unused funds at the end of a budget year. There is preference to utilize current funds for current expenditures. Mr. Hagedorn reviewed budget and cash basis (static versus pro forma methodologies) and level of budget controls. He stated each level will be documented to outline the change of budget within the year. Brief discussion followed regarding anticipated grants and the spending authority. In the event a grant is not received Council should approve the expenditure of said funds. Director Alexander indicated there is preference for departmental short-term, mid-term, and long-term costs. This would include staff (as an ongoing cost) and/or projects. Mayor Casper briefly reviewed the 2018-2019 Budget Calendar including the schedule for Council, Departments, and the public. She indicated additional meetings could be scheduled if needed. General discussion and comments followed including the timeframe, tentative approval, and public input. Due to Idaho Consumer Owned Utilities Association (ICUA) meetings being held July 24-26, Council Meeting will be held the evening of Monday, July 30. This meeting will include the tentative approval of the budget and fees.

Mr. Hagedorn reviewed the following with general discussion throughout:

Funding Sources and Types:

- Taxes
 - Property – general fund revenue = 70% of property taxes (\$31m). There are a variety of taxes received and multiple sources of funding.
 - Franchise – exchange of utilities for Right-of-Way usage. The City currently has two (2) franchise agreements, with revenues allocated to the Street Fund.
- Intergovernmental – between government entities, most funding comes from State. 56.4% of taxes received are through State distribution, 43.6% of taxes received are through County distribution.

Mr. Hagedorn briefly reviewed contracts, grants, charges for services and fees, payment in lieu of taxes (PILOT), and contributions.

Property Taxes:

- Growth – added to the following year
- Annexation – added to the following year
- Statutory allowable – must be adopted by Council
- Foregone – savings created from not taking maximum 3% levy increase, current balance is ~\$6m
- Property tax collection – can take five (5) years to collect

April 14, 2018 - Unapproved

Mr. Hagedorn reviewed the calculation exercise related to any levy increase. The Certificate of Valuation, which determines the levy rate, is received from Bonneville County on an annual basis.

Expenditure Types:

- Expenditures – includes wages, benefits, operational costs, and capital costs (capital costs must be approved by Council)
- Municipal Equipment Replacement Fund (MERF) contributions
- Debt Service – repayment of debt incurred
- Transfers – elected by Council
- Inter-fund transfers – transfers between City departments. This includes reciprocal and non-reciprocal transfers with allocation, agreements, and cooperatives.

Director Alexander reviewed Priority Based Budgeting (PBB) overview of process with general discussion throughout:

- Development of community-oriented and governance results
- Program inventory
- Score to basic program attributes and community-oriented results (quartiles 1-4)
- Position, operating and revenue budget allocation to programs
- Peer review
- Quartile assignment based on scoring
- Review results and discussion

Community-oriented results include: safe and secure community; access to a variety of life-long learning opportunities; livable community; environmental sustainability; reliable public infrastructure and transportation; well-planned growth and development; economic growth and vibrancy; and, good governance (internal).

Director Alexander demonstrated the PBB platform. She believes the PBB will demonstrate to the public which services, with the allocated funds, are being provided. PBB has been developed over the course of the previous 2-3 years with an annual cost of ~\$20,000. Mayor Casper believes PBB will help guide the budget discussion and would set the goals for City strategic planning, which would then authorize spending. She also believes the community-oriented results may need reviewed/updated. Councilmember Hally believes PBB is a guide, not a decision-maker. Councilmember Radford believes there are both concerns and opportunities related to PBB.

Department and Liaison 2018-19 Budget Priorities:

Councilmember Radford believes revenues rely on a number of things, including changes to State law. He also believes operating budgets focus on short-term planning although the Council needs to consider long-term planning, including infrastructure and buildings. He indicated the Council is able to increase control and accountability of expenditures. There is also a need of strategic planning for future years and revenues should be saved for future Council, the MERF is good example. Councilmember Radford believes the Council needs to decide what's important to citizens and the related services which should all be related to comprehensive planning. He indicated AIC recommends the budget be used as a management tool and policy should be translated into the budget decisions regarding which services, or level of service, should be cut. He believes the conversation should include policy priorities including how to handle non-recurring revenue or to ensure recurring revenue is at top dollar. There should also be awareness of foregone. Councilmember Radford believes strategic planning should be discussed, with a possible consultant, as strategic planning helps make tough budget choices. He believes citizens need to be involved. He questioned if leftover revenues at the end of each fiscal year could be used. Mayor Casper stated previous administration advised against using the general fund. Mr. Hagedorn indicated leftover funds could be forecasted/anticipated. Councilmember Radford believes estimates need to be reviewed. Councilmember Hally indicated leftover money could be due to a number of reasons, such as un-received grants.

Airport, presented by Councilmember Dingman:

- Taxiway B relocation
- Runway 1735 safety improvement
- Purchase of snow/ice removal vehicle

April 14, 2018 - Unapproved

Councilmember Dingman stated the previous Airport Director preferred to wait for the new director to set the budget amount.

Community Development Services, presented by Councilmember Smede:

- Software upgrade of TRAKiT = \$25,000

Fire Department, presented by Councilmember Francis:

- Fleet - 5 vehicles out of date and replaced, not in MERF = \$265,000 (could be on a 2-3 year schedule)
- Add to MERF = \$40,000 (ongoing cost)
- Electrical generators for Station #4 and Station #5 = \$220,000
- Heated storage facility for trucks and trailers currently parked outside; for equipment inadequately stored inside; equipment stored outside of City limits; and, antique fire trucks = \$250,000
- New administrative position to support business licensing = \$60,000 (ongoing cost)
- Turnout replacement, two (2) sets per firefighter = \$162,000, begin MERF at \$45,000 (ongoing cost)
- Continued training = \$87,000 (Idaho Falls Power no longer participating)
- Accident on Duty and Sick Leave Analysis placeholder

Human Resources, presented by Councilmember Francis:

- Training for supervisors and managers consultant = \$75,000

Legal Department, presented by Councilmember Francis – there were no requests.

Library, presented by Councilmember Smede:

- Mae Nuber Foundation scanning/search project contribution = \$6,000 (ongoing cost)

Councilmember Smede stated discussion needs to occur regarding sales tax and property tax funding sources.

Municipal Services, presented by Councilmember Radford:

- Business Intelligence Analyst = \$92,000 (ongoing cost)
- Civic Center for the Performing Arts renovation donation match = \$350,000
- Cyber security appliance = \$80,000
- Technology Replacement Fund (placeholder)
- Americans with Disabilities Act (ADA) for City building upgrades = \$100,000 (ongoing cost)
- ADA all-access restroom = \$130,000
- Information Technology core storage upgrades = \$150,000
- Fleet maintenance mechanic = \$57,700 (ongoing cost)
- City infrastructure building funds = \$150,000 (ongoing cost)

Parks and Recreation (P&R), presented by Councilmember Dingman:

- Heritage Park power line burying = \$1.5m

Councilmember Dingman believes this is a convoluted conversation item, she does not believe this is priority item. She indicated there have been \$1m in donations, \$500,000 allocated from general fund, with possibility of additional \$250,000 from general fund. There was consensus for future discussion of the power line burial at Heritage Park.

- Tautphaus Park roadway repairs = \$100,000
- Idaho Canal Trail matching grants = \$35,000
- Playground replacement = \$50,000
- Sandy Downs renovations (electrical and lighting) = \$40,000
- Fence around the newly acquired 4-H property (P&R is anticipating to install the fence within the current budget)
- Funland purchase = \$100,000 (the current lease will expire January 2019)

Discussion followed regarding a splash pad in close proximity to the all-access playground as well as the Tautphaus Park Master Plan.

April 14, 2018 - Unapproved

- Furnishing for Zoo Education Center = \$60,000 (placeholder for potential grants)
- Heaters for primate building = \$20,000
- Weed Control Specialist = \$48,000 (ongoing cost) + \$30,000 vehicle

Councilmember Dingman indicated the canal maintenance may require additional equipment. Discussion will need to occur regarding Reinhart spray park and the Pinecrest Golf Course sprinkler system.

Police Department, presented by Councilmember Hally:

- 90 current officers, 4-year plan to hire 12 additional officers for total of 102
- 4 sworn officers, 1.5 animal control, 2 dispatch personnel, 1 records clerk = ~\$593,000 (ongoing cost), grants for requested staff = ~\$241,000 (ongoing cost)

Councilmember Hally indicated the staff request would be reduced if grants are not received. Discussion followed regarding vehicles for the additional staff request, including suggestion to lease vehicles. Mr. Kirkham indicated the Legal Department is not in favor of a lease option. Discussion followed regarding School Resource Officers.

- Training (includes new leadership) = \$190,000
- Equipment = \$48,000, \$55,000 MERF
- Specialty pay (hazard, bomb squad call out) = \$103,000
- Consultation and pre-design of law enforcement facility = \$100,000

Brief discussion followed regarding funding possibilities of a law enforcement facility.

Idaho Falls Power, presented by Councilmembers Hally and Radford:

- Bulb Turbine project = \$326,400 (2019)
- Gem State = \$348,500
- Transmission = \$6m, offset of \$5.5m
- Distribution = \$2.9m, offset of \$1.5m
- Customer Accounts (Metering) = \$620,000
- Operations Technology = \$510,000
- Traffic = \$690,000
- Administration & General = \$135,000
- Fiber = \$201,400

It was noted a Bonneville Power Administration (BPA) cost adjustment may occur.

Public Works (Enterprise Fund), presented by Councilmember Freeman:

No significant changes, similar to previous year.

- Engineering = \$10,000 laboratory remodel to office space
- Snow removal cap = \$1.25m, suggested by Public Works Director Chris Fredericksen
- Sanitation Division full-time employee = \$60,000 (ongoing cost)
- Sanitation Division Barrel Truck = \$165,000, \$29,000 MERF
- Building Design = \$50,000 Sanitation/\$50,000 Street
- Snow wing for loader = \$30,000 (grant)
- Water Division pickup = \$30,000
- Water Division forklift = \$50,000
- Wastewater full-time employee = \$60,000 (ongoing cost)

Bonneville Metropolitan Planning Organization (BMPO) – similar to previous year.

Targhee Regional Public Transportation Authority (TRPTA) – Councilmember Freeman recommended a 3% increase to the previous year of \$140,000. Brief discussion followed regarding public transportation.

There being no further business, the meeting adjourned at 4:18 p.m.

CITY CLERK

MAYOR

April 23, 2018 - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting (Council Work Session), Monday, April 23, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman
Councilmember John Radford (arrived at 3:03 p.m.)

Absent:

Councilmember Thomas Hally

Also present:

Kerry Beutler, Community Development Services Assistant Director
Lisa Farris, Grants Administrator
Pamela Alexander, Municipal Services Director
Bruce Young, Accountant II
Chad Ranstrom, Moreton & Company
Greg Weitzel, Parks and Recreation Director
Chris Fredericksen, Public Works Director
Rob Harris, Holden Kidwell Hahn & Crapo, PLLC
Ryan Tew, Human Resources Director
AJ Argyle, American Insurance
Randy Fife, City Attorney
Bud Cranor, Public Information Officer
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:01 p.m. with the following:

Acceptance and/or Receipt of Minutes:

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to receive recommendations from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Calendar, Announcements and Reports:

Mayor Casper briefly updated the Council on the Airport Director position. She then reviewed the calendar as follows:
April 24, Association of Idaho Cities (AIC) Spring District Meeting
April 26, City Council Meeting
April 27, Arbor Day, the City will recognize Arbor Day on May 8; City-wide budget priorities discussion with department directors
April 29, Earth Day activities; Workers Memorial Day
May 7, Idaho Falls Power (IFP) Media Day
DARE graduations will be held in the following weeks
October 5, Policeman's Ball – Save the Date

Mayor Casper briefly reviewed discussions from her recent attendance at the Energy Communities Alliance (ECA) meetings regarding Department of Energy (DOE) issues.

Liaison Reports and Concerns:

April 23, 2018 - Unapproved

Councilmember Dingman stated the month of May is National Bike Month, a variety of events will be occurring. She also stated the groundbreaking event and ceremony for the Maeck Education Center will be May 10.

Councilmember Radford commended IFP for the downtown lighting project.

Councilmember Freeman recognized the Water Conservation information recently distributed in the monthly utility bill. He stated the Pinecrest Golf Course pathway is progressing and, construction work is occurring on Elm Street (including Well 1) and Well 18.

Councilmember Smede stated the Bonneville County Library District is finalizing the contract for the Idaho Falls Library Board review. She also stated Community Development Services Department staff is currently attending a planning conference, information received will be forthcoming.

Councilmember Francis stated seven (7) recruits recently graduated from the Idaho Falls Fire Department (IFFD). He also stated the writing of a Police Department Personnel Manual has begun.

Community Development Block Grant (CDBG) Overview and Process:

Ms. Farris stated due to the approval of Department of Housing and Urban Development (HUD) funding, current projects will continue. She reviewed the CDBG process:

- May 10, 2018, Public Hearing at City Council Meeting

Ms. Farris stated the number of applicants has been reduced from previous years.

- May 11-June 10, 2018, 30-day public comment period
- June 11, 2018, final projects and activities selected at City Council Work Session
- June 14, 2018, Resolution at City Council Meeting to adopt the FY2018 CDBG Annual Action Plan
- June 18, 2018, FY2018 CDBG Annual Action Plan submitted to HUD for approval
- July/August 2018, HUD approves the FY2018 CDBG Annual Action Plan and allocation is sent
- August/September 2018, approved projects/activities may commit funding once the City completes environmental review, and applicable signed agreements

Ms. Farris indicated CDBG has received a significant increase, therefore all applicants should receive grant funding.

Hydroelectric Property Insurance Review:

Mr. Ranstrom stated this insurance policy is specifically for hydroelectric facilities. Coverage Summary includes: the City purchases property insurance for the hydroelectric facilities; \$100m loss limit per occurrence; includes coverage for damage arising out of earthquake, flood, and terrorism; and, deductible is \$250,000 except for flood (3% of total insured values or minimum \$500,000).

Mr. Ranstrom reviewed the policy structure with the various insurance companies, including Landmark and Insurance Company of the West; Aspen and Essex; and, Starr Tech. He reviewed the amounts of insurance coverage by each company. Mr. Ranstrom reviewed the historical values and premiums for the previous five (5) years. He noted in 2015-2016, \$50m was added in excess earthquake and flood coverage. The amount for 2018-2019 includes a mandatory \$7,625 engineering fee that was waived in the previous year. Mr. Ranstrom stated values are reviewed on an annual basis by IFP staff and conversations with IFP are ongoing. He indicated IFP is in agreement with the policy. Brief discussion followed regarding the insurance policy budget for IFP. Mr. Ranstrom stated this coverage is concentrated to the facility locations. Director Alexander stated the current policy expires April 29. This item will be included on the April 26 Council Meeting agenda.

Piranhas Swim Team Debt Request Discussion:

Director Alexander stated the Piranhas Swim Team, a non-profit organization, has approached the City to write-off the account balance owed of \$16,919.97 for Aquatic Center usage. The write-off request represents four (4) months of non-payment. Director Alexander indicated the Parks and Recreation (P&R) Department reviewed the financial documents and believes there are no viable financial resources to pay the debt. She believes the two (2) options are to assign the debt to a collection agency or to formally write-off the balance. Councilmember Smede questioned the debt history, as being as a parent to a swimmer, she stated all swim fees were required up front or there would be no participation. Councilmember Dingman believes the debt represents several months of swim fees not billed in the 30-day timeframe by the P&R department. Director Weitzel reviewed the billing history. He stated the swim team, as a 30-year swim team, repeatedly indicated they would pay the fees. He indicated the lack of payment has directly affected the Recreation Fund. Director Weitzel stated per the Controller's Office recommendation, the swim team

April 23, 2018 - Unapproved

financial account was reviewed, there were no obvious discrepancies. He also stated discussion has occurred regarding a policy similar to the internal utility payment policy, if payment is not made within the designated time frame, the use will not be allowed. He believes this policy is a move in the right direction to prevent a similar occurrence. He expressed his frustration for non-payment to the City. It was noted the Piranhas Swim Team has since dissolved. Discussion followed including the possibility for the board members to perform in-kind services to help with the debt payment. Mr. Fife indicated the City agreement would need reviewed. Councilmember Francis believes there should be a middle ground for payment. Director Alexander indicated non-payment will cause a deficit to the Recreation Fund which may delay any current anticipated projects. She also indicated the financial action needs resolved as soon as possible. Director Weitzel stated the Piranhas have been a good partner for several years, including their assistance with grants and purchase of equipment. Councilmember Freeman believes the swim team provided a valuable service for ~30 years, he is in favor of a write-off as he does not believe there is intent with the non-payment. Brief discussion followed regarding insurance, a policy, and the responsibility for the debt. Councilmember Dingman is not in favor of an individual liability action. Councilmember Smede concurred. Councilmember Radford believes a prepayment method may solve this issue. Director Alexander indicated inter-departmental committees have been established to help with these types of issues. Additional discussion and comments followed. This item will be included on a future Council Meeting agenda.

Water Mitigation Measures Update:

Director Fredericksen stated the City has the potential each year for senior water users to make a water call which could then require curtailment of water. He stated a long-term mitigation plan has been discussed over the course of several years with the assistance of Mr. Harris. Director Fredericksen is hopeful two (2) agreements can be solidified in the coming year, including the City's annual mitigation method as well as cities allocation amount.

Mr. Harris briefly reviewed the term sheet presented at the January 19, 2018 Work Session, stating the Idaho Ground Water Appropriators (IGWA) have agreed to the language – “During the term of this settlement agreement, IGWA waives its ability to assert a delivery call requesting priority administration against the Cities based on any of IGWA's and/or its member ground water districts' spring water rights.” He reiterated this is a long-term mitigation plan. Mr. Harris reviewed the annual water rights priority process, stating the challenge is recognizing the anticipated water supply for the City. He stated through negotiations, 7,650 acre feet of water will be provided to the service water coalition on an annual basis. This amount will be provided to all participating cities. He stated there are currently 16 represented cities, which have submitted pleadings before the Idaho Department of Water Resources (IDWR) to have the mitigation plan approved. The mitigation plan is structured so other cities could also join in. The more cities that join in, the obligation would decrease from the 7,650 acre fee. Brief discussion followed regarding the cities involved and the potential cities. Mr. Harris noted a provision states if the IGWA obligation exceeds 340,000 acre feet, the mitigation would increase to 9,640 acre feet per year. He stated this is a 35-year agreement which provides a term for certainty and allows cities to develop additional water up to 120,000 acre feet on a five-year average. Mr. Harris stated, per the agreement, all cities which divert water will be provided an opportunity to participate in this settlement agreement. The term for participation is undecided at this point. He stated the term sheet is a set of provisions for the framework and the actual agreement is in the process of being drafted. Brief comments followed.

Mr. Harris stated there will be no water mitigation in 2018 by the order of IDWR. He indicated this item could be revisited in July if the water supply shuts off, although this is unlikely due to the current snow pack.

Mr. Harris stated discussion needs to occur regarding how to allocate the amount of water between cities. He believes a portion should be based on the City's pumping and a portion based on priority rights. He prefers an intra-City agreement for allocation of the 7,650 acre feet. He indicated this obligation amount is recalculated every year. Mr. Harris reminded the Council, per the IGWA settlement agreement, the cities are not tied to the sentinel wells. He also indicated the City could potentially rent water from Pocatello, if needed, for mitigation obligations. To the response of Councilmember Radford, Director Fredericksen stated the City has the ability, on average, to push 60,000 gallons per minute through the system. Mr. Harris stated one acre foot is equivalent to 325,850 gallons of water. The City pumps approximately 27,000 acre feet per year. Director Fredericksen stated the goal is to look at actual usage. Brief general discussion followed. Mr. Harris anticipates 60-90 days for future discussion of the final agreement, if needed.

April 23, 2018 - Unapproved

Wages and Benefits Discussion, Part I:

Director Tew stated benefits offered to City employees, which are not paid-related, include: Medical, Dental, Life Insurance, Employee Assistance Program (EAP), PERSI, Telemedicine, Wellness Plan, and, Education Reimbursement. He noted the largest tax dollar amount of the benefit plan is spent on medical insurance. He then turned the presentation to Mr. Argyle.

Mr. Argyle stated American Insurance Service: is the current broker on the benefit package, has been in business since 1982; is the largest benefit brokerage in southeast Idaho; and, offers more services and has access to more resources than any other brokerage in southeast Idaho. American Insurance Service will be rebranding to GBS Benefits, Inc. in the near future. Mr. Argyle stated the City is fully insured on a one-way retention agreement. This agreement has the benefits of self-insurance without the risks. The City has saved millions of dollars with this agreement. The disadvantage is the premium tax, ~\$430,000.

Mr. Argyle reviewed the following with general discussion throughout:

- City Loss Ratio with Blue Cross of Idaho since 2008, overall average = 88.0.
- Trend line of claims

Mr. Argyle stated claims have been declining in the last several years, he believes this is due to demographics.

- Annual previous increase history
 - Overall average since 1992, 4.29%
 - 10-year average, 3.99%
 - 5-year average, .76%
 - Trend (medical inflation), generally between 8% and 12%
- Large claimant experience for previous six (6) years

Mr. Argyle stated 2.4% incurred 40% of claims during the 2017 calendar year.

- Annual premium increase history for the previous ten (10) years, 2017 = 0%

Mr. Argyle stated Health Savings Account (HSA) contributions are not covered in the total premium.

- Progression in increase of premiums for the previous ten (10) years
- Notable changes to the plan for the previous ten (10) years
- Reasons for moving to HSA and the large increase in deductible
- City contributions compared to national trends, including single and family coverage, deductibles, and, out of pocket maximum amounts
- National trend spouse coverage

Mr. Argyle indicated the City is considering the option to pay an employee not to offer coverage to spouse.

- HSA national trends
- Prescription national trends

Mr. Argyle stated 81% of plans had a three-tier or more drug formulary in 2015. Carriers are currently offering up to six-tier.

- Wellness trends, including the Healthy Measures process

Mr. Argyle stated the employee's annual deductible is reduced by half by participation in Healthy Measures.

- National trend, self-insured: 79% of large firms are self-insured, 61% of employees are self-insured

Mr. Argyle stated 30% reserve must be saved prior to moving to self-insured, which has been a goal of the City for numerous years. He indicated the City has approximately \$2.8m of \$3m needed to become self-insured.

- Teladoc, 63% of large firms offer Telemedicine

Mr. Argyle stated this benefit is mainly used by mothers. Brief comments followed regarding the use of Teledoc.

- March 2018 claims savings and utilization, total claims savings year-to-date = \$42,394
- Employee premium for the previous four (4) years for: employee; employee + spouse; employee + 1 child; employee + 2 + children; and, family
- Total premium and percentage paid by the City for the previous two (2) years

Mr. Argyle stated the City is currently paying ~90% of premiums. Director Tew noted there were no additional costs to premiums in the previous year.

- 2018-2019 renewal increase
 - Overall -4.85%

April 23, 2018 - Unapproved

- PPO -3.8%
- HSA -9.5%
- Vision -8.6%
- Overall savings = \$457, 795

Mr. Argyle stated although there is no increase to the medical benefits, the dental benefit is increasing 4%, which equals ~\$300,000. He indicated there has been no dental increase for the previous two (2) years. Brief discussion followed. Mr. Argyle recommended the difference between the overall benefit savings and the dental increase be applied to the self-insured fund.

Director Tew stated future discussions will include Cost of Living Adjustment (COLA) and, any recommendations for insurance and benefits. General comments and discussion followed regarding plan changes, the upcoming City benefit fair, and a benefit survey.

It was then moved by Councilmember Dingman, seconded by Councilmember Radford, to adjourn the meeting at 5:57 p.m. and move into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency; and, pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b). The Executive Sessions will be held in the City Annex Conference Room. The City Council will not reconvene at the conclusion of the Executive Sessions. Roll call as follows: Aye – Councilmember Dingman, Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Monday, April 23, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:03 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember John B. Radford
Councilmember Shelly Smede
Councilmember Jim Francis
Councilmember Jim Freeman
Councilmember Michelle Ziel-Dingman

Also present:

Randy Fife, City Attorney
Greg Weitzel, Parks and Recreation Director

This Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the Executive Session adjourned at 6:15 p.m.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Monday, April 23, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 6:15 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember John B. Radford
Councilmember Shelly Smede
Councilmember Jim Francis
Councilmember Jim Freeman

April 23, 2018 - Unapproved

Councilmember Michelle Ziel-Dingman

Also present:

Randy Fife, City Attorney

Jackie Flowers, Idaho Falls Power Director

This Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(j) to consider labor contract matters authorized under Idaho Code Section 74-206(1)(a) and (b).

There being no further business, the Executive Session adjourned at 6:47 p.m.

CITY CLERK

MAYOR

April 26, 2018 - Unapproved

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, April 26, 2018, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Councilmember John Radford
Councilmember Jim Freeman
Councilmember Shelly Smede
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman

Absent:

Councilmember Thomas Hally

Also present:

Randy Fife, City Attorney
Kathy Hampton, City Clerk
All available department directors

Pledge of Allegiance:

Mayor Casper invited Jackie Flowers, Idaho Falls Power Director, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items on the agenda or noticed for a public hearing. No one appeared.

Presentation – Extreme Blue Thunder Airshow Board of Directors:

Russell Johnson, Chairman of the Board of the Idaho Falls Airshow Inc. who organized the Extreme Blue Thunder Airshow in 2017, appeared. Mr. Johnson expressed his appreciation to the members of the Council in 2016-2017, Public Works Director Chris Fredericksen and staff, Fire Chief Dave Hanneman and staff, and, Police Captain Royce Clements and staff. He recognized assistance from the Airport staff as well. Mr. Johnson then presented Mayor Casper with a crystal award recognizing the City of Idaho Falls as the Extreme Blue Thunder Airshow of the Year 2017. He also stated \$120,000 of proceeds from the airshow were given to local non-profit organizations. Mayor Casper stated the proceeds amount is comparable to the amount of in-kind services donated from the City which in turn, was a benefit to many others.

Consent Agenda:

It was moved by Councilmember Radford, seconded by Councilmember Smede, to remove item 5.A.2) from the Consent Agenda with the good faith reason that the project needs re-bid. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to remove the item, Bid IF-18-19, Water Inventory, from the Council Meeting agenda with the good faith reason that the project needs re-bid. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried.

Municipal Services requested approval of Hydroelectric Property Insurance for Idaho Falls Power.

April 26, 2018 - Unapproved

Public Works requested approval of Bid Award – Water Line Replacements – 2018.

Idaho Falls Power requested approval of Facilities Removal and Indemnification Agreement with Rocky Mountain Power.

The City Clerk requested approval of minutes from the April 9, 2018 Council Work Session and Executive Sessions and, April 12, 2018 Council Meeting; and, license applications, including Beer Licenses to Black Bear Diner; City Bagels & Bakery; and, Sushi Time, all carrying the required approvals.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Regular Agenda:

Public Works

Subject: Idaho Transportation Department State/Local Agreement for the Thermoplastic and ADA Improvement Project

For consideration is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Thermoplastic and ADA Improvement project. This agreement requires City financial contribution toward the entire project with a match rate of 7.34% for an estimated total of \$27,085.00. Project development will be performed by City staff and will be treated as in-kind services applied towards the City's match requirement. The agreement requires a \$1,000.00 up front contribution.

Councilmember Freeman stated this project will include John Adams Parkway, Garfield Street, and, 25th Street. He believes this is a great leverage of tax dollars.

It was moved by Councilmember Freeman, seconded by Councilmember Dingman, to approve the State/Local Agreement with the Idaho Transportation Department, and accompanying Resolution, for the Thermoplastic and ADA Improvement project, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

RESOLUTION NO. 2018-07

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALL THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT OF A SAFETY PROJECT INCLUDING THERMOPLASTIC & ADA IMPROVEMENTS.

Subject: Idaho Transportation Department State/Local Agreement for the Lindsay Boulevard Curve Superelevation Project

For consideration is a State/Local Agreement with the Idaho Transportation Department and accompanying Resolution with respect to the Lindsay Boulevard Curve Superelevation project. This agreement requires City financial contribution toward the entire project with a match rate of 7.34% for an estimated total of \$34,865.00. Project development will be performed by City staff and will be treated as in-kind services applied towards the City's match requirement. The agreement requires a \$1,000.00 up front contribution.

Councilmember Freeman believes this is a dangerous curve. This curve is located near the elevated railroad tracks and the Snake River Animal Shelter.

April 26, 2018 - Unapproved

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the State/Local Agreement with the Idaho Transportation Department, and accompanying Resolution, for the Lindsay Boulevard Curve Superelevation project, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

RESOLUTION NO. 2018-08

WHEREAS, THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALL THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR DEVELOPMENT OF LINDSAY BOULEVARD CURVE SUPERELEVATION PROJECT.

Subject: Easement Vacation – Manual Solutions, aka MSRP, LLC

The City Attorney has prepared the documents to vacate a utility easement on Lot 8 Block 1 of the Channing Way Addition, Division No. 1 owned by Manual Solutions, aka MSRP, LLC. The owner is expanding its facility and the building will extend into the existing easement. The owner has agreed to pay to move the utilities that are in the current easement as well as relocate the storm line in the easement.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the Ordinance vacating a utility easement on Lot 8 Block 1 of the Channing Way Addition, Division No. 1, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3182

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

Subject: Easement Vacation – Sugarmill Substation

The City Attorney has prepared the documents to vacate a utility easement at the Sugarmill Substation owned by Rocky Mountain Power. The owner is expanding the present substation. Idaho Falls is not currently using the easement.

Councilmember Radford expressed his appreciation for the work with Rocky Mountain Power. It was noted this easement is twenty feet.

It was moved by Councilmember Freeman, seconded by Councilmember Francie, to approve the Ordinance vacating a utility easement at the Sugarmill Substation under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Smede, Dingman, Freeman, Radford, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3183

April 26, 2018 - Unapproved

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

Municipal Services

Subject: Bid IF-18-17, Remodel of Fire Station #5

It is the recommendation of the Municipal Services and the Fire Department to accept the lowest responsive, responsible bid from Alan Clark Construction, Idaho Falls, Idaho for a total amount of \$116,000.

Councilmember Radford reviewed the proposed remodel project. Councilmember Francis stated office space is currently being used as a dorm room. He indicated this has been a planned expansion and has been needed for some time. It was noted the bid is for construction only.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to accept the lowest responsive, responsible bid from Alan Clark Construction for a total amount of \$116,000 for Fire Station #5 remodel. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Radford. Nay – none. Motion carried.

Idaho Falls Power

Subject: Resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems; the initial Budget and Plan of Finance for the Project; and related matters

For consideration is a resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems (UAMPS); the initial Budget and Plan of Finance for the Project; and related matters. Idaho Falls Power staff recommends continuing participation in the project at the 10 megawatt subscription level. These items were covered in detail at a March 29 Special Meeting of the Idaho Falls City Council/Idaho Falls Power Board of Directors.

Mayor Casper acknowledged Doug Hunter, CEO of UAMPS; Chris Colbert, NuScale; and, Alan Gunn Department of Energy (DOE)-ID. Councilmember Radford stated this is a great milestone and expressed his appreciation to the gentlemen in attendance. Mayor Casper believes this is an opportunity to provide the City as a leader in the development of a new, safer application of current technology. She stated this project will take the City to 100% carbon free emissions. Councilmember Radford concurred, stating this is historic. Councilmember Francis stated this power is practical for a mid-size City, this is a big step. Councilmember Dingman stated this is an opportunity to educate the community, she is excited for the potential of carbon free power.

It was moved by Councilmember Radford, seconded by Councilmember Smede, to approve the Resolution authorizing and approving the Carbon Free Power Project Power Sales Contract with Utah Associated Municipal Power Systems; the initial Budget and Plan of Finance for the Project; and related matters, and authorize the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2018-09

A RESOLUTION AUTHORIZING AND APPROVING THE CARBON FREE POWER PROJECT POWER SALES CONTRACT WITH UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS; THE INITIAL BUDGET AND PLAN OF FINANCE FOR THE PROJECT; AND RELATED MATTERS.

Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Midwest Division No. 1

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Midwest Division No. 1. The Planning and Zoning (P&Z) Commission considered this item at its February 6, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this final plat is proposed to be platted into a single lot. Community Development Services Assistant Director Kerry Beutler stated the plat will line up with the existing street, which is appropriate for additional egress/access.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Development Agreement for Midwest Division No. 1, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Midwest Division No. 1, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Midwest Division No. 1, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman. Nay – none. Motion carried.

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards for Action Sports Addition, Division No. 2

For consideration is the application for Final Plat and Reasoned Statement of Relevant Criteria and Standards for Action Sports Addition, Division No. 2. The Planning and Zoning Commission considered this item at its September 5, 2017 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilmember Smede stated this property is currently undeveloped and is being used for storage. The proposed plat includes six (6) lots. There will be access to the property from Lincoln Road and Hollipark Drive, there is sufficient frontage along Lincoln Road to provide said access. The lots will be required to allow cross access between the lots. Assistant Director Beutler stated the canal trail will be protected.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to accept the Final Plat for Action Sports Addition, Division No. 2, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Action Sports Addition, Division No. 2, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Planned Unit Development and Reasoned Statement of Relevant Criteria and Standards for Midwest Townhomes

For consideration is the application for Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards for Midwest Townhomes. The Planning and Zoning Commission considered this item at its February 6, 2018 meeting and recommended approval by vote of 6-2. The Planning and Zoning Commission included the following conditions in their recommendation: A reduction in the side setback to six feet; tandem parking be allowed; a fence be provided along the south side of the development; the entrance to Skyline include three lanes for intake/left turn/right turn. It should be noted that since the Commission's recommendation the Zoning Ordinance has been amended and the six foot setback variance is not necessary. It should also be noted the developer has requested to reduce the rear setback for the internal units. The request is within the parameters of the PUD Ordinance. Staff concurs with the recommendation from the Planning and Zoning Commission and the requested varied items.

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

Assistant Director Beutler appeared with the following:

Slide 1 – Property under consideration in current zoning

Assistant Director Beutler stated although the zoning ordinance has recently changed, the current zoning for this property does not affect the proposed PUD.

Slide 2 – Aerial photo of property under consideration, currently vacant and undeveloped

Slide 3 – Additional aerial photo of property under consideration, includes approximately six (6) acres

Slide 4 – Proposed conceptual PUD

Assistant Director Beutler stated a PUD is approved through a Conditional Use Permit (CUP) process although the PUD acts as an overlay over the current underlining zone. He stated all rules and requirements would apply unless the applicant asks for the standards to be varied/adjusted. In this case, the applicant is also asking for private streets within the proposed property. Assistant Director Beutler stated this property includes 72 dwelling units with one (1) and two (2) bedroom units with attached garage. Standards requested include tandem parking – one (1) stall inside the single-car garage and one (1) space behind the stall in the driveway. The tandem parking would allow on-street parking for guests. Assistant Director Beutler indicated this will be the third PUD with tandem parking, he is not aware of any concerns or problems with previous tandem parking. Assistant Director Beutler stated there is a request to reduce the rear setbacks, this will not affect the perimeter setbacks. He noted the access to Skyline Drive will include three (3) lanes.

Slide 5 – Elevation drawings of the proposed PUD

Slide 6 – Photos of similar PUD developments

Slide 7 – Photo looking southwest from northeast corner

Slide 8 – Photo looking southeast from northwest corner

Assistant Director Beutler stated the development will include all improvements to the curb, gutter, and sidewalk.

Slide 9 – Photo looking northwest from southeast corner

Slide 10 – Photo looking west at south edge, noting the elevation change

Assistant Director Beutler stated the P&Z recommended a fence along the southern property line. He indicated the applicant expressed concerns with a fence at the southern location.

Assistant Director Beutler noted the P&Z commissioner's name was inadvertently omitted in the P&Z minutes, said minutes will be corrected.

To the response of Mayor Casper, Assistant Director Beutler stated the typical reason for a private street is to reduce the width of a street to save construction costs; to allow the development, as a whole, to have a similar appeal; and, to allow the developer to take on the ongoing maintenance. Councilmember Radford questioned the open space in middle of the development. Assistant Director Beutler stated the open space is a park space which is also part of the detention and drainage. He indicated the PUD must provide open space and some amenities. He noted the developer will provide picnic areas in the middle open space. Councilmember Francis questioned the elevation location. Assistant Director Beutler stated there would be a solid fence as a visual block.

April 26, 2018 - Unapproved

Mayor Casper requested public comment.

Blake Jolley, Connect Engineering, Idaho Falls, appeared. Mr. Jolley reiterated Assistant Director Beutler's presentation. He noted this will be the third project from the same developer. He briefly reviewed the previous similar projects stating all projects have been very successful. Mr. Jolley stated neighborhood meetings were held with neighbor interest and comments. He reiterated the request for no reductions in the outside setback, all setback reductions were in the center of the development. He also indicated the lease agreement will require the garage cannot be used for storage. He noted 20 guest parking spaces will be included. Mr. Jolley believes there is a balance of making a project feasible and functional. He reiterated the storm ponds will be located in the middle space. He noted the change in elevation was a main concern although he believes all concerns have been addressed, including the possibility of increased landscaping as an additional privacy buffer with the fence. Councilmember Francis questioned the three-lane request. Mr. Jolley stated there were no concerns.

Sue Hagrman, Carmel Drive, Idaho Falls, appeared. Ms. Hagrman expressed her concern with the traffic congestion at Carmel Drive and Skyline Drive. She believes a traffic survey was conducted. Assistant Director Beutler stated he was not aware of any results from a traffic survey. Ms. Hagrman also expressed her concern with the school children and the crosswalks at Broadway and Pantheri Drive. She questioned the capacity for the electrical grid, the stormwater requirements, and any potential sewage backup. Ms. Hagrman requested to decrease the number of townhouses and include a pedestrian crosswalk at Brentwood Drive for the school children living on the eastside of Skyline Drive. She prefers the property be rezoned to commercial.

Lisa Loret, Darah Street, Idaho Falls, appeared. Ms. Loret expressed her appreciation for the single level dwellings. She expressed concern for the fencing along the southern end of the property. She believes 72 units adds at least 144 cars into the area and this is a very busy area for the multiple schools. She is hopeful for sidewalks for the children. Ms. Loret believes this is too many units for the said acreage. She questioned the proposed parking area for the property.

Brad Cramer, Avalon Street, Idaho Falls, appeared. Mr. Cramer initially believed the houses on the north end of the property should be flipped to prevent the backyards from facing the street. He indicated one of the purposes of the PUD is to make sure the PUD is compatible with the adjacent neighborhood. However, following additional/further review of the design he believes this may be to the expense of the design for the rest of the PUD. Mr. Cramer referenced a small section of Castlerock Lane as an example of backyards facing the street. He indicated he is not opposed to the PUD and believes it adds value. He realizes more traffic comes with growth although this will also allow more opportunity for businesses. He indicated he is anxious to see the sidewalks constructed.

Mike Crowley, Carmel Drive, Idaho Falls, appeared. Mr. Crowley believes the backside of this housing facing Carmel Drive brings a distraction to the neighborhood. He also questioned the trash collection on the private street. Mr. Crowley believes the outside area needs to be appealing to those passerbys. He also believes this will be a very congested area, especially with the number of schools.

Mr. Jolley reappeared. Mr. Jolley stated the traffic congestion was addressed and will naturally come with growth and development. He indicated the multi-family/higher density developments are planned to be constructed along the arterial streets. He also indicated he has worked with City staff, noting the power grid and the Wastewater Treatment Plant have the capacity to service this area. Mr. Jolley stated the proposed units per acre are below the maximum allowance per acre, and all units are single-story. He believes in order to have a uniform project, it was better to have the units face inside the development. He is also anticipating additional landscaping to assist with the appearance. Mr. Jolley indicated the City will collect trash as with any other private street.

Councilmember Francis questioned the backside garbage. Mr. Jolley stated this issue, as well as the landscaping, will be maintained and governed by the Homeowners Association (HOA) to help alleviate any concerns. Mayor Casper closed the public hearing.

April 26, 2018 - Unapproved

Councilmember Smede stated PUD's began in the 1970's to allow developers to have more flexibility, along with the City's input. She indicated PUD's have extremely high standards for amenities, landscaping, and maintenance. She expressed her appreciation for the neighborhood meetings. She believes this PUD will allow infill, including gutters and sidewalks. Councilmember Freeman reviewed other locations with back-facing yards and he believes these neighborhoods are not a distraction. He also believes with the auto-load sanitation system, the garbage will not be an issue.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Planned Unit Development for Midwest Townhomes. Roll call as follows: Aye – Councilmembers Freeman, Francis, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Midwest Townhomes. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Freeman. Nay – none. Motion carried.

Mayor Casper stated a recent report on general economic conditions indicated housing is in short supply, particularly in the west. She believes the addition of housing is a positive step for the workforce.

It was then moved by Councilmember Radford, seconded by Councilmember Smede, to adjourn the meeting at 8:55 p.m. and moved into Executive Session. The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. The Executive Session will be held in the City Annex Conference Room. The Council will not reconvene at the conclusion of the Executive Session. Roll call as follows: Aye – Councilmembers Smede, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Special Meeting (Executive Session), Thursday, April 26, 2018, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 9:00 p.m.

There were present:

Mayor Rebecca L. Noah Casper
Councilmember Michelle Ziel-Dingman
Councilmember John B. Radford
Councilmember Jim Francis
Councilmember Shelly Smede
Councilmember Jim Freeman

Also present:

Randy Fife, City Attorney
Pamela Alexander, Municipal Services Director

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

There being no further business, the Executive Session adjourned at 9:20 p.m.

CITY CLERK

MAYOR

REGULAR

AGENDA:



MEMORANDUM

TO: Mayor and City Council

FROM: Municipal Services Department

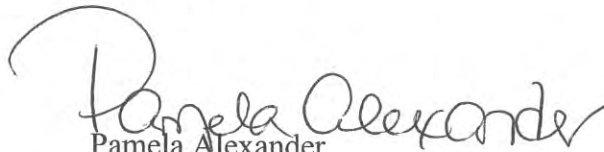
DATE: May 4, 2018

RE: Write-Off of Unpaid Piranhas Swim Team Account

As reviewed during the city council work session on Monday, April 23, 2018, Municipal Services and Parks and Recreation respectfully requests authorization to write-off the Piranhas Swim Team (PST) account balance owed of \$16,919.97 as uncollectible.

In September of 2017, the Piranhas Swim Team (PST) informed the Parks and Recreation Department the organization was dissolving and would no longer be using the Aquatic Center. PST acknowledged an unpaid balance of \$16,919.97 to the City of Idaho Falls for aquatic center usage and explained that they were working on paying all debts and would pay their debt as soon as possible. In December, an email was received by PST to the Parks and Recreation Department stating, *"As you know the Idaho Falls Swim Team Board of Directors decided to dissolve the team, a 501-c3 organization. We are in the final stages of completing this process. This process includes resolving outstanding debts and disposing of any and all assets. Currently, IFST has one remaining asset and no cash".* Upon review of the club financials for all of 2017, Parks and Recreation has determined PST has no cash or viable assets to pay off their debt to the City of Idaho Falls.

Respectfully,


Pamela Alexander
Municipal Services Director



MEMORANDUM

TO: Mayor and City Council

FROM: Municipal Services Department

DATE:

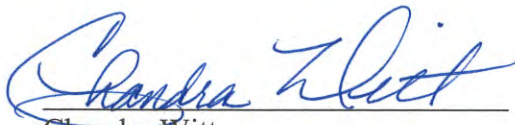
RE: Bid IF-18-18, Maeck Education Center

It is the recommendation of the Municipal Services and Parks and Recreation Departments to accept the lowest responsive, responsible bid from Petra, Incorporated of Meridian, Idaho. Parks and Recreation is recommending awarding the base bid, plus alternatives 3, 4 & 5 for a total contact amount of \$968,039.00. The project includes a 4,500 square foot education center for the Idaho Falls Zoo to include multi-use classrooms, offices, storage, break room and restrooms.

Funds for this project are budgeted within the Parks and Recreation 2017/18 Capital Improvement program.

Respectfully,


Pamela Alexander
Municipal Services Director


Chandra Witt
General Services Administrator

Bid IF-18-18, Maeck Education Center

Bidder	BID BOND	PW LICENSE	ADDENDUM 1, 2	BASE BID	ALT 1	ALT 2	ALT 3	ALT 4	ALT 5	PLUMBING SUB	HVAC SUB	ELECTRICAL SUB
BATEMAN-HALL, INC.	X	X	X	\$ 1,054,000.00	\$ 17,500.00	\$ 22,500.00	\$ 32,500.00	\$ 18,500.00	\$ 7,000.00	J&R Plumbing and HTG		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 1,112,000.00	Co	Lewis Corporation	Electric, Inc
CENTURY CONTRACTORS	X	X	X	\$ 998,949.00	\$ 26,270.00	\$ 25,116.00	\$ 56,500.00	\$ 19,824.00	\$ 6,493.00	Matthews Plumbing and		Nelson Electric,
Grand total of base bid and alternates 3, 4 & 5									\$ 1,081,766.00	Heating, Inc	Lewis Corporation	LLC
CR Clark Construction, LLC	X	X	X	\$ 948,700.00	\$ 17,800.00	\$ 19,300.00	\$ 34,500.00	\$ 18,700.00	\$ 5,800.00	Mountain West		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 1,007,700.00	Mechanical	Lewis Corporation	Electric, Inc
Eagle Rock Timber, Inc.	X	X	X	\$ 954,244.00	\$ 9,177.00	\$ 15,546.00	\$ 33,048.00	\$ 17,195.00	\$ 5,789.00	Mountain West		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 1,010,276.00	Mechanical	Lewis Corporation	Electric, Inc
Harper Construction, INC	X	X	X	\$ 959,000.00	\$ 13,000.00	\$ 10,500.00	\$ 37,000.00	\$ 23,000.00	\$ 7,275.00	Bundy Plumbing &		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 1,026,275.00	Mechanical, Inc.	Lewis Corporation	Electric, Inc
Ormond Builders, Inc	X	X	X	\$ 912,763.00	\$ 9,770.00	\$ 21,870.00	\$ 31,290.00	\$ 19,410.00	\$ 6,100.00	J&R Plumbing and HTG		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 969,563.00	Co	Lewis Corporation	Electric, Inc
Petra, Incorporated	X	X	X	\$ 910,659.00	\$ 14,282.00	\$ 24,114.00	\$ 32,100.00	\$ 19,280.00	\$ 6,000.00	Mountain West		Armstong
Grand total of base bid and alternates 3, 4 & 5									\$ 968,039.00	Mechanical	Lewis Corporation	Electric, Inc

Low Bid with recommended alternatives. Alternates 1 & 2 were not recommended for award by Parks and Recreation.



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: May 3, 2018

RE: Ordinance Amending City Code Title 10, Chapter 4 Adopting New Language for Flood Damage Prevention

Attached is an ordinance rescinding the current City Code language regarding flood damage prevention and adopting a new code based on a model ordinance provided by Idaho Department of Water Resources (IDWR). IDWR conducted a site visit and audit of the City's floodplain management program, including a review of the flood control ordinance. IDWR staff found the code needed to be updated to better reflect changes to Title 44 of the Code of Federal Regulations and the National Flood Insurance Program minimum standards. The City was given until May 31, 2018 to adopt a new ordinance. The attached ordinance is based on the Idaho Model Flood Damage Prevention Ordinance. It has been reviewed by Legal and Planning staff. Staff respectfully requests approval of the ordinance.

Attachments: Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING
TITLE 10, CHAPTER 4 BY RESCINDING CURRENT LANGUAGE AND
IMMEDIATELY REPLACING IT WITH A MODIFIED VERSION OF THE
IDAHO MODEL FLOOD DAMAGE PREVENTION ORDINANCE;
PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY
SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property; and

WHEREAS, the flood hazard areas of the City of Idaho Falls are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities; and

WHEREAS, local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management; and

WHEREAS, in order to accomplish its purpose, this Ordinance includes methods and provisions to require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction; restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion; control filling, grading, dredging, and other development which may increase flood damage or erosion; prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands; and preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

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

SECTION 1. Title 10, Chapter 4, of the City Code of the City of Idaho Falls, Idaho, is hereby repealed in its entirety and immediately replaced with the following language:

10-4-1 PURPOSE

Statement of Purpose

The purpose of this Chapter is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health, and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

10-4-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted according to the meaning they have in common usage and to give this Chapter it's most reasonable application.

Accessory Structure (appurtenant structure): a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

Appeal: a request for review of the Floodplain Administrator's interpretation of provisions of this Chapter or request for a variance.

Area of Shallow Flooding: a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: see Special Flood Hazard Area (SFHA).

Base Flood: the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

Basement: any area of the building having its floor sub grade (below ground level) on all sides.

Building: see Structure.

Critical Facilities: facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

Datum: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): the digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Elevated Building: for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation Certificate: The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Enclosure: an area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction: for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on October 15, 1982.

Existing Structures: see existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud

on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Elevation Study: See Flood Insurance Study (FIS)

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: any type of permit that is required in conformance with the provisions of this Chapter, prior to the commencement of any development activity.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term

describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

- a. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one and a half (1.5) feet of freeboard; and
- b. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least one and a half (1.5) feet above the highest adjacent grade.

Flood Protection System: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be one and a half (1.5) feet.

Functionally Dependent Use: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. by an approved state program as determined by the Secretary of the Interior, or
 - 2. directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. **Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
4. **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this Chapter.

Manufactured Home: a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle.”

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level: for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

New Construction: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Any construction started after October 15, 1982, and before the effective start date of this floodplain management Chapter is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community on October 15, 1982.

Post-FIRM: construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

Pre-FIRM: construction or other development for which the “start of construction” occurred before October 15, 1982, the effective date of the initial Flood Insurance Rate Map (FIRM).

Recreational Vehicle: a vehicle that is:

- a. Built on a single chassis, and
- b. 400 square feet or less when measured at the largest horizontal projection, and
- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway: See Floodway

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Chapter such ordinance or regulations, or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than one thousand dollars (\$1,000) each in any 10-year period since 1978.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this Chapter.

Temperature Controlled: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: a grant of relief by the governing body from a requirement of this Chapter.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Watercourse: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

10-4-3 GENERAL PROVISIONS

A. Lands to Which This Chapter Applies

This Chapter shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Idaho Falls. Nothing in this Chapter is intended to allow uses or structures that are otherwise prohibited by the City Zoning Ordinance.

B. Basis for Special Flood Hazard Areas

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for City of Idaho Falls, Bonneville County, Idaho, dated April 1982, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this Chapter. The FIS and the FIRM are on file at the office of the City Clerk.

C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section(4)(B) of this Chapter.

D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Chapter and other applicable regulations.

E. Abrogation and Greater Restrictions

This Chapter shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this Chapter and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

F. Interpretation

In the interpretation and application of this Chapter all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Idaho Falls or by any officer or employee thereof for flood damages that result from reliance on this Chapter or an administrative decision lawfully made hereunder.

H. Penalties for Violation

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this Chapter and other applicable regulations.

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than an amount allowed by the State of Idaho for a misdemeanor violation or an amount set from time to time by Resolution of the Council or imprisoned for not more than one hundred eighty (180) days, or a combination thereof. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful actions as is necessary to prevent or remedy any violation.

10-4-4 ADMINISTRATION

A. Designation of Floodplain Ordinance Administrator

The Assistant Planning Director, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this Chapter.

B. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Chapter have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Section (5)(E) of this Chapter are met.
6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section (4)(C)(3) of this Chapter.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section (4)(C)(3) of this Chapter.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section (4)(C)(3) of this Chapter.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section (4)(C)(3) and Section (5)(B)(2) of this Chapter.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Section (3)(B) of this Chapter, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to Section (5)(C)(2) of this Chapter, in order to administer the provisions of this Chapter.
12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Section (3)(B), obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this Chapter.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this Chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this Chapter and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Section (4)(D) of this Chapter.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Section (3)(B) of this Chapter, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

C. Floodplain Development Application, Permit, and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section (3)(B) of this Chapter, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section (3)(B) of this Chapter;
 - iv. the boundary of the floodway(s) or flood fringe area(s) as determined in Section (3)(B) of this Chapter;
 - v. the Base Flood Elevation (BFE) where provided as set forth in Section (3)(B); Section (3)(C); or Section (5)(C) of this Chapter;
 - vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Chapter are met. These details include but are not limited to:
 - i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section (5)(A)(8)(i-vi) of this Chapter when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 - e. Usage details of any enclosed areas below the lowest floor.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
 - h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section (5)(B)(5) and (6) of this Chapter are met.
 - i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - i. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- a. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).
 - b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article III, Section B.

- c. The Flood Protection Elevation required for the lowest floor and all attendant utilities.
- d. The Flood Protection Elevation required for the protection of all public utilities.
- e. All certification submittal requirements with timelines.
- f. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
- g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
- h. All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days. A floodplain development permit shall expire one hundred eighty (180) days after issuance unless the permitted activity has commenced as per the Start of Construction definition.
- i. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).
- j. A statement that all materials below BFE/FPE must be flood resistant materials.

3. Certification Requirements.

- a. Elevation Certificates
 - i. A Construction Drawings Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - ii. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these

photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

b. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six (36") inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section (5)(B)(3)(b).

d. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

- i. a description of the extent of watercourse alteration or relocation; and
- ii. a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
- iii. a map showing the location of the proposed watercourse alteration or relocation; and
- iv. an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.

e. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:

- i. Recreational Vehicles meeting requirements of Section (5)(B)(5)(a);
- ii. Temporary Structures meeting requirements of Section (5)(B)(6); and
- iii. Accessory Structures less than 200 square feet meeting requirements of Section (5)(B)(7).

4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this Chapter is required.

D. Corrective Procedures

1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- a. that the building or property is in violation of the floodplain management regulations;
- b. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this Chapter, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than

sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
 - a. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

E. Variance Procedures

1. The Board of Adjustment as established by the City, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this Chapter.
2. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. functionally dependent facilities, if determined to meet the definition as stated in Section 2 of this Chapter, provided provisions of Section 4(E)(9)(b), (c), and (d), have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. any other type of development, provided it meets the requirements of this Section.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Chapter, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;

- e. the necessity to the facility of a waterfront location as defined under Section 2 of this Chapter as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
4. The applicant shall include a written report addressing each of the above factors in Section (4)(E)(3)(a-k) with their application for a variance.
5. Upon consideration of the factors listed above and the purposes of this Chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Chapter.
6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
8. Conditions for Variances:
- a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:

- i. a showing of good and sufficient cause;
- ii. a determination that failure to grant the variance would result in exceptional hardship; and
- iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- a. The use serves a critical need in the community.
- b. No feasible location exists for the use outside the Special Flood Hazard Area.
- c. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation.
- d. The use complies with all other applicable Federal, State and local laws.

10. The City will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

11. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code.

10-4-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all Special Flood Hazard Areas the following provisions are required:

- 1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- 2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
- 3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
- 4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding

to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

a. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and

b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

i. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

iv. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Chapter, shall meet the requirements of “new construction” as contained in this Chapter.

10. Nothing in this Chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Chapter and located totally or

partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Chapter.

11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section (4)(E)(9) of this Chapter. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Section (4)(C)(3) of this Chapter.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

16. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section (3)(B), or Section (5)(D), the following provisions, in addition to the provisions of Section (5)(A) of this Chapter, are required:

1. Residential Construction. New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Section 2 of this Chapter.

2. Non-Residential Construction. New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Section 2 of this Chapter. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Section (5)(F)(2) of this Chapter. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section (4)(C)(3) of this Chapter, along with the operational plan and the inspection and maintenance plan.

3. Manufactured Homes.

a. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in Section 2 of this Chapter.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of Section (5)(B)(4).

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Additions/Improvements.

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- b. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a five (5) year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Chapter. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - ii. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
5. Recreational Vehicles. Recreational vehicles shall be either:
- a. Temporary Placement
 - i. be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Permanent Placement.
 - i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Section (5)(A) of this Chapter.
6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- a. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
- b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- c. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
- d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Section (4)(C)(3) of this Chapter, and the following criteria shall be met:

- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- b. Accessory structures shall not be temperature-controlled;
- c. Accessory structures shall be designed to have low flood damage potential;
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures shall be firmly anchored in accordance with the provisions of Section (5)(A)(1) of this Chapter;
- f. All service facilities, such as electrical, shall be installed in accordance with the provisions of Section (5)(A)(4) of this Chapter; and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Section 5 A(8)(b)(i-vi) of this Chapter.

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500) or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Section (5)(B)(2) of this Chapter.

8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
- b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- c. Not elevated above-ground tanks, that do not meet the elevation requirements of Section (5)(B)(2) of this Chapter shall be permitted in flood hazard

areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

- d. Tank inlets, fill openings, outlets and vents shall be:
 - i. at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - ii. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

9. Construction of Below-Grade Crawlspace.

- a. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
- b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

10. Other Development in regulated floodways and flood fringe.

- a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Section (5)(E) of this Chapter.
- b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Section (5)(E) of this Chapter.
- c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Section (5)(E) of this Chapter.
- d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Section (5)(E) of this Chapter.
- e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Section (5)(E) of this Chapter.
- f. Gravel and sand and their subsequent extraction on lands within the Special Flood Hazard Area that encroach into regulated floodways and flood fringe shall meet the limitations of Section (5)(E) of this Chapter. A Reclamation Plan Bond for LOMR shall be posted by the mine/property owner with the City to cover the

estimated costs of a Reclamation LOMR as determined by the mine/property owner and shall provide supporting documentation for the estimated LOMR cost. A Reclamation LOMR shall be completed within one year of the completion of mining. Upon failure of the property owner to obtain a Reclamation LOMR of the mining site within one (1) year, the Reclamation Plan Bond for LOMR will be forfeited. (OPTIONAL)

11. Subdivision plats.

Flood zones.

a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.

b. FEMA FIRM panel(s): #160xxxxxxC, and 160xxxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): AE _____.0 ft., etc.

Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by 10-1-5(0) of the City Subdivision Ordinance.

12. Critical Facilities:

As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the “500-year flood event”). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

In existing facilities that have not been substantially damaged, it may not be possible to floodproof or elevate to provide protection from the 0.2-percent-annual-chance flood event. In those instances, floodproofing or elevating as high as practical is recommended.

C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Section (3)(B) of this Chapter, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section (5)(A) of this Chapter, shall apply:

The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Chapter and shall be elevated or floodproofed in accordance with standards in Sections (5)(A) and (B) of this Chapter .
2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Sections (5)(B) and (E).
3. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section (3)(B) and utilized in implementing this Chapter.
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in Section 2 of this Chapter. All other applicable provisions of Section (5)(B) of this Chapter shall also apply.

D. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Sections (5)(A) and (B) of this Chapter; and
2. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

E. Standards for Floodways and Flood Fringe Areas

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Section (3)(B). The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section (5)(A) and (B), shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. If Section (5)(E)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Chapter.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. the anchoring and the elevation standards of Section (5)(B)(3) of this Chapter; and
 - b. the encroachment standards of Section (5)(E)(1) of this Chapter.

F. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in Section (3)(B) of this Chapter, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sections (5)A and (B) of this Chapter, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section (5)(F)(1) of this Chapter so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section (6)(C)(3), and Section (5)(B)(2) of this Chapter.
3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

10-4-6 LEGAL STATUS PROVISIONS

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This Chapter, in part, comes forward by re-enactment of some of the provisions included in the Flood Damage Prevention Ordinance enacted October 15, 1982, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Chapter shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Idaho Falls, Idaho, enacted on October 15, 1982, as amended, which are not reenacted herein are repealed.

B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Chapter. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Chapter.

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 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 May, 2018.

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,
AMENDING TITLE 10, CHAPTER 4 BY RESCINDING CURRENT
LANGUAGE AND IMMEDIATELY REPLACING IT WITH A MODIFIED
VERSION OF THE IDAHO MODEL FLOOD DAMAGE PREVENTION
ORDINANCE; PROVIDING SEVERABILITY, CODIFICATION,
PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: May 3, 2018






RE: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4

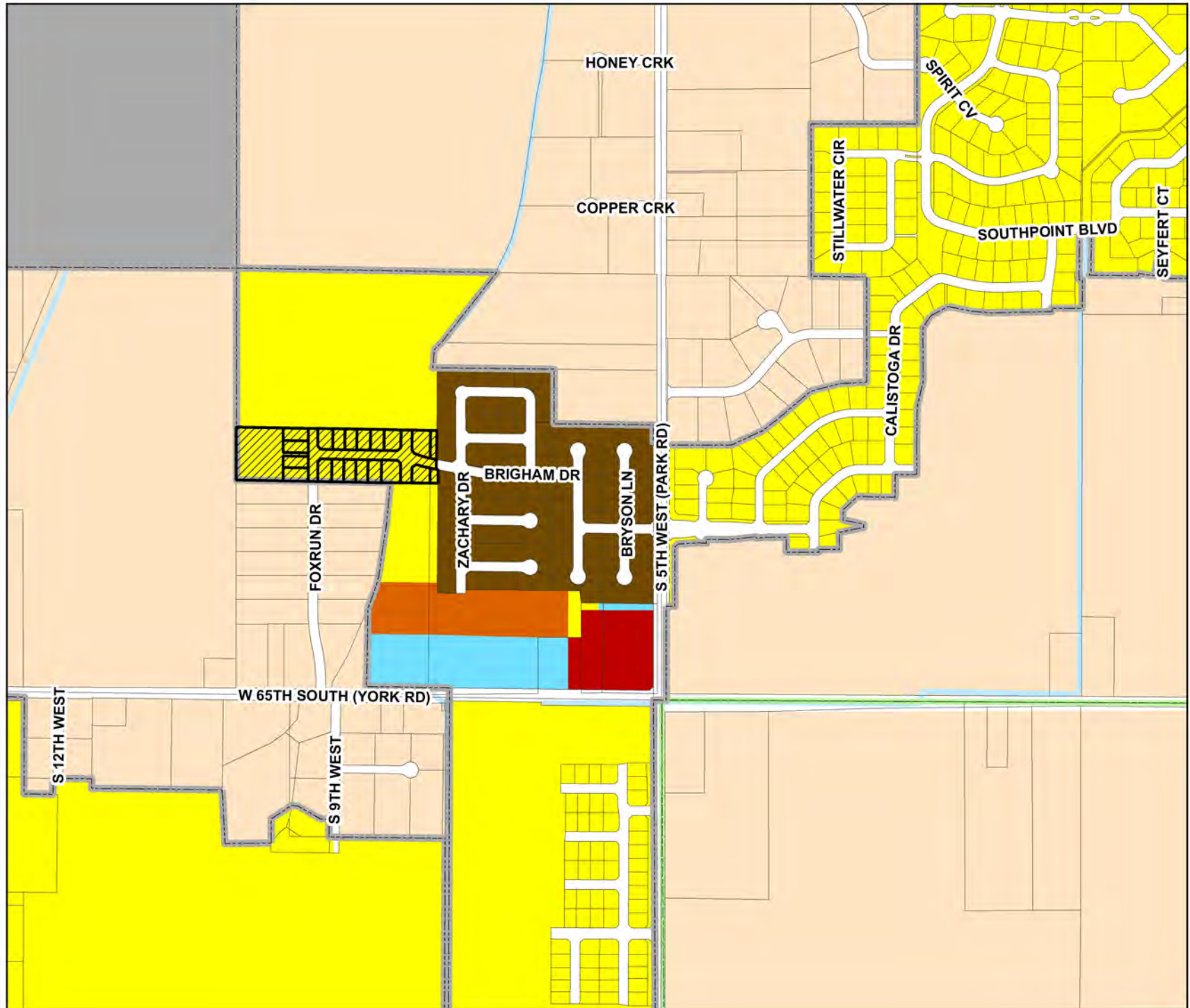
Attached is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 4. The Planning and Zoning Commission reviewed this application at its April 3, 2018 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation. This item is now being submitted to the Mayor and City Council for consideration.

Attachments:

- Vicinity Map
- Aerial Photo
- Final Plat
- Staff Report, April 3, 2018
- P&Z Minutes, April 3, 2018
- Reasoned Statement of Relevant Criteria and Standards
- Development Agreement

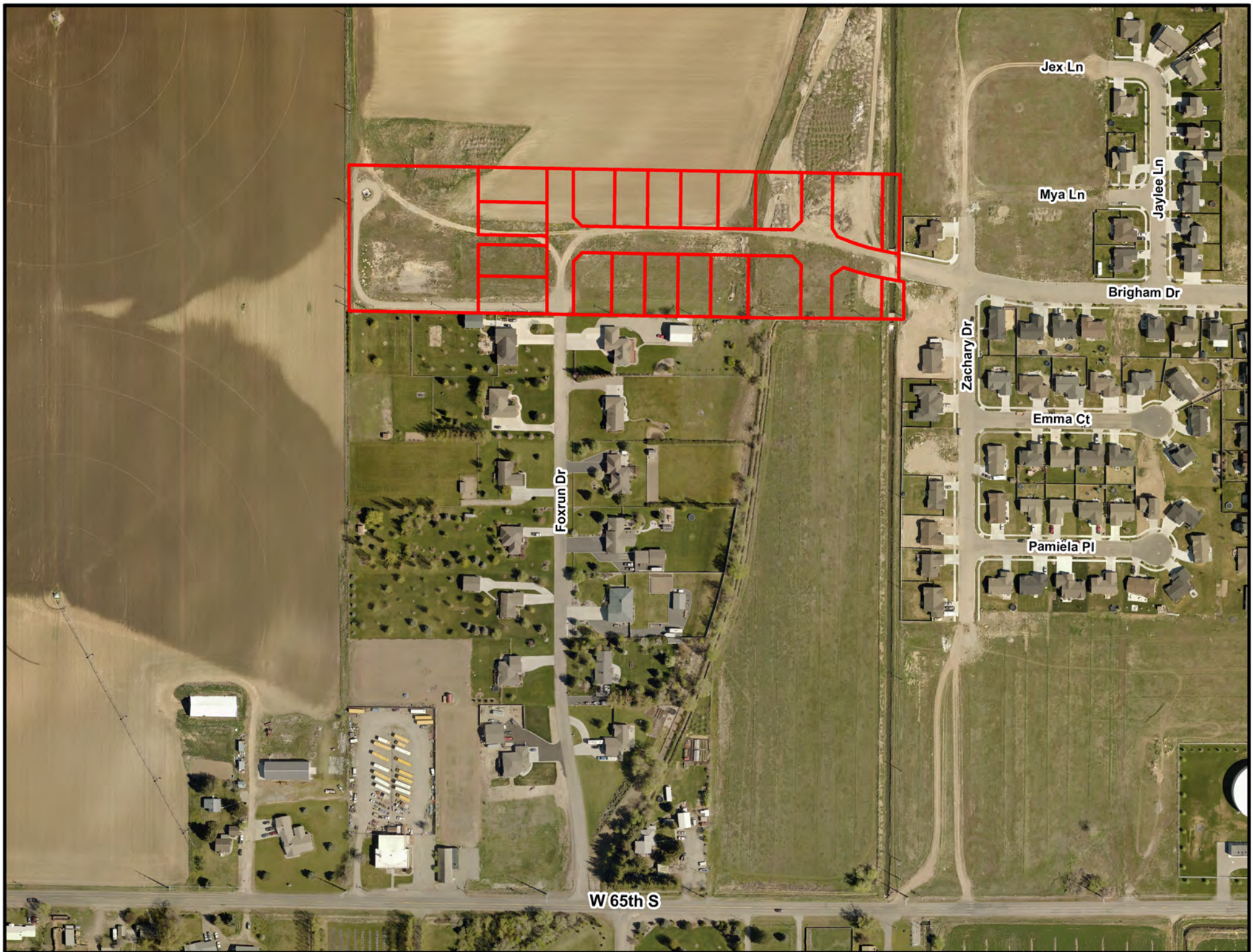
Legend

-  Site
-  RP
-  RP-A
-  R-1
-  R-2
-  R2A
-  R-3
-  R-3A
-  PB
-  MS
-  RSC-1
-  C-1
-  HC-1
-  CC-1
-  GC-1
-  R&D-1
-  M-1
-  I&M-1
-  I&M-2
-  RMH
-  PT-1
-  PT-2
-  PT-2 & T-1
-  PUD
-  T-1
-  T-2
-  30' Setback
-  50' Setback
-  City Limits
-  Area of Impact



IDAHO FALLS

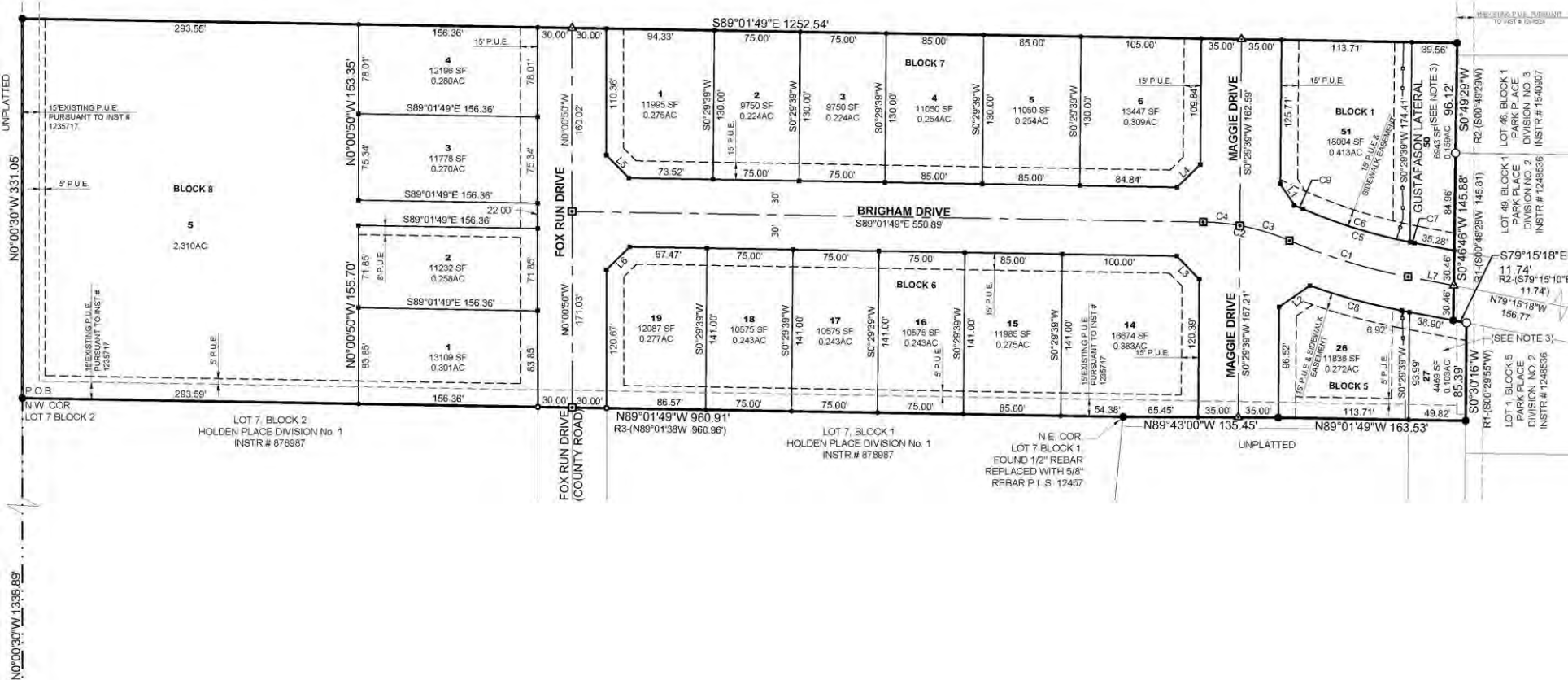




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108 DEC 1 1988



IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
Final Plat
Park Place Division No. 4
April 3, 2018



Community
Development
Services

Applicant: Horrocks Engineers

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

Size: Approx. 9.52 acres
Lots: 22
Buildable Lots: 18
Avg. Lot Size: 12,705 sq ft
Density: 3.6

Existing Zoning:

Site: R-1
North: R-1
South: R-1, County A-1
East: R-3
West: County A-1

Existing Land Uses:

Site: Vacant/Undeveloped
North: Vacant/ Undeveloped
South: Residential
East: Residential
West: Agricultural

Future Land Use Map:

Lower Density

Attachments:

1. Subdivision Information
2. Maps and Aerial photos

Requested Action: To **recommend** to the Mayor and City Council approval of the final plat for Park Place Division No. 4.

History: The Planning and Zoning Commission approved a revised preliminary plat for Park Place on January 9, 2018 requiring the connection to Fox Run Drive be an emergency access easement only. Bonneville County requested the Planning and Zoning Commission reconsider their decision regarding the Fox Run Drive connection. The Planning and Zoning Commission heard the reconsideration at its March 6, 2018 meeting and modified the approval of the preliminary plat, removing the requirement for the connection to Fox Run Drive be only an emergency access connection.

Staff Comments: The property is zoned R-1. The plat includes 18 buildable lots. All of the lots within the subdivision meet the minimum requirements of the R-1 Zone. The plat is consistent with the approved preliminary plat, including the modified decision to connect with Fox Run Drive to the south.

Access to this division will come from Brigham Drive to the east and Fox Run Drive to the south. Maggie Drive, at the Division's east end, will be a residential collector and will eventually connect with 65th South.

The plat includes a two acre storm pond on the Division's west end. This storm pond has been sized for the entire Park Place development. Within the storm pond parcel is also a sewer lift station. Access to the pond will come from Fox Run Drive.

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

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

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

Comprehensive Plan Policies:

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

Low density residential is development at densities of seven dwelling units or less per net acre. Most of the lands within the future land use map are designated low density residential. This reflects the existing pattern of development of Idaho Falls. Until the market dictates such lands are to be developed and annexed to the City, the goal is the land will be used for agricultural purposes, its historic land use. (p. 66)

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

Zoning:

10-3-10 R-1 RESIDENCE ZONE

(A) General Objectives and Characteristics.

The objective in establishing the R-1 Zone is to provide a residential environment within the City which is characterized by somewhat smaller lot widths, and a somewhat denser residential environment than is characteristic of the RP-A Residence Park Zone. Also characteristic of this Zone are residential amenities adequate to maintain desirable residential neighborhoods. The principle permitted uses in the R-1 Residence Zone shall be one (1) family dwelling and certain other public facilities which are necessary to promote and maintain stable residential neighborhoods.

In order to accomplish the objectives and purposes of this Zoning Code and to promote the essential characteristics of this Zone, the following regulations shall apply in the R-1 Zone:

(B) Use Requirements.

The following uses shall be permitted in the R-1 Zone:

- (1) Any use permitted in the RP Residence Park Zone, and in the RP-A Residence Park Zone.
- (2) Home occupations.
- (3) Cemeteries, when approved by the Planning Commission as a conditional use.
- (4) Day Care Centers when approved by the Planning Commission and City Council as a conditional use.
- (5) Single-family attached dwellings when found to be in accordance with the Special Provisions Regarding Single-Family Attached Dwellings subsection and approved by the Planning Commission and Council as a conditional use.

(C) Area Requirements.

An area of not less than six thousand square feet (6,000 ft²) shall be provided and maintained for each dwelling. No minimum area shall be required for other main buildings, except as may be required for conditional uses permitted in the Zone.

(D) Width Requirements.

The minimum of any building site for a dwelling shall be fifty feet (50') measured at the building setback line.

(E) Location of Buildings and Structures.

(1) Setback. All buildings shall be set back a minimum distance of thirty feet (30') from any public street, except as herein provided and required under the provisions of this Zoning Code.

(2) Side Yards. For main buildings there shall be a side yard of not less than eight inches (8") for each foot of building height, except that no side yard shall be less than seven feet (7') six inches (6"). Side yard requirements for accessory buildings shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building. Single-family attached dwellings shall have no side yard setback requirement at the property line separating the attached or party wall or walls; however, all accessory buildings shall comply with the setback requirements set forth above.

(3) Rear Yards. For main buildings there shall be a rear yard of not less than twenty-five feet (25') on both interior and corner lots. For accessory buildings, no rear yard shall be required, except where an alley is located at the rear of a lot, in which case a three foot (3') rear yard is required.

(F) Height Requirements.

No building shall be erected to a height of greater than two (2) stories. Roofs above the square of the building, chimneys, flagpoles, television antennas, church towers, and similar structures not used for human occupancy, are excluded in determining height.

(G) Size of Building.

No requirement.

(H) Lot Coverage.

The total area of structures on a lot shall not exceed forty percent (40%) percent of lot area.

(I) See Supplementary Regulations.

6. PLAT 18-006: FINAL PLAT. Park Place Division No. 4. Beutler presented the staff report, a part of the record.

Applicant: Laeth Sheets, 901 Pier View Drive, Idaho Falls, Idaho. Sheets stated that most of the comments on the preliminary plat pertain to this area with the connection to Fox Run Drive, and they've been accommodating and flexible to those needs. Sheets indicated that it will have a very large pond and green space to be irrigated and have grass. Sheets stated that there is a lift station and they will maintain access to the lift station for the City. Sheets clarified that it is a regional lift station with a large sewer line going to it. Sheets stated that the pond will accommodate the current storm water from the existing subdivision. Dixon asked if this development is owned by the same person that owns the stretch south along Maggie Drive down to Division 5. Sheets indicated that it is the same owner as this development. Sheets stated that his client will extend sewer to the undeveloped area, so they have access to sewer main and to the lift station.

Josephson moved to recommend to the Mayor and City Council approval of the Final Plat for Park Place Subdivision No. 4, Hicks seconded the motion.

Dixon indicated that he is considering an amendment that would say that no additional development north of this division can take place until the stretch of Maggie Drive that is between this development and Division 5 is completed, so they don't have the stretch not developed and then all the development north will funnel down Fox Run. Dixon stated that Maggie will be more expensive to develop because it's a wider street and it will be harder to make money off that division versus the other division. Dixon stated that City Council could consider restricting future development. Beutler stated that his concern is that it is outside of the boundary of the preliminary plat that was approved, and it is outside the boundary of this division. Beutler stated that it can be included as a comment or recommendation, but not a condition to approval. Dixon stated that they discussed the order of development should go from the south northward. Dixon stated that he understands that this needs to be approved so they can bring the utilities in.

Morrison called for a vote on the Motion. The Motion passed unanimously.

DEVELOPMENT AGREEMENT
PARK PLACE, DIVISION NO. 4

This DEVELOPMENT AGREEMENT, PARK PLACE, DIVISION NO. 4 (hereinafter called "AGREEMENT"), made this _____ day of May, 2018, by and between the CITY OF IDAHO FALLS, a municipal corporation of the State of Idaho, (hereinafter called "CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and Park Place Joint Venture, LLC an Idaho limited liability company (hereinafter called "DEVELOPER"), whose mailing address is P.O. Box 51298, Idaho Falls, Idaho 83405.

W I T N E S S E T H:

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

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

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

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

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

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

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

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

upon current CITY residents to accommodate the proposed Subdivision; and,

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

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

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

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

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

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

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

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

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

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

City Engineer for the Subdivision development.

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

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

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

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

6. Corrected Improvement Plans. Prior to acceptance of any phase or division of the Subdivision, DEVELOPER will file "As Constructed"/ "As Built" Improvement Plans (hereafter

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

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

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

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

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

11. Participation by CITY. The parties agree that those portions of the water main, the sanitary sewer line, storm drains and street section work (hereafter collectively referred to as the "Shared Work"), the cost of which CITY has expressly agreed to pay pursuant to the Special Conditions, including any water or sewer line or storm line extensions, increased line size or capacity and road width or thickness, are required because of future service needs originating from properties not owned by DEVELOPER and located within the vicinity of the Subdivision, and that sound planning requires construction thereof at the present time in order to accommodate future expansion and development. In recognition of the cost savings which can be accomplished by construction of such excess capacity and improvements concurrently with the facilities to be constructed for DEVELOPER's purposes, and the impracticality or impossibility of constructing such excess capacity and improvements separately or at a later time, DEVELOPER agrees to design and construct such facilities subject to CITY's agreement to reimburse DEVELOPER for a portion of such costs, all as set forth in the Special Conditions. Prior to the commencement of the Shared Work, DEVELOPER shall obtain and deliver to CITY three (3) independent bona fide bids for the performance of such work from qualified and responsible contractors. Such bids shall be solicited and itemized in a manner which allows clear and specific identification of that portion of the construction work for which CITY is responsible. CITY shall have no obligation to pay for any portion of the costs of the Shared work unless prior to the commencement of the work, the parties have expressly agreed in writing to a specific amount for which CITY will reimburse the DEVELOPER. Payment of such costs by CITY shall be due within thirty (30) days from acceptance of the Subdivision by CITY and delivery of an itemized statement to CITY setting forth in detail the total amount of the costs for which CITY is responsible.

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

13. Irrigation Facilities. DEVELOPER shall relocate or reconstruct, at DEVELOPER's

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

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

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

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

17. Occupancy. No building or structure within the Subdivision shall be used or occupied for any purpose other than for the construction of such building or structure, unless a final plat has been filed and approved and all public improvements within the plat have been completed and accepted by City Engineer. CITY may withhold Certificates of Occupancy until all such work has been completed. Nothing herein shall prevent the use of a model building for the purpose of DEVELOPER's sales promotional efforts provided the building is not occupied for commercial or industrial purposes.

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

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

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

C. Refuse to accept public ownership and maintenance of public improvements

within any phase or division of the Subdivision affected by such default and record a notice of such action with the Bonneville County Recorder's office;

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

E. Withhold reimbursement of Subdivision inspection fees collected pursuant to Section 10-1-19 of the Idaho Falls City Code; and

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

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

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

21. Irrigation District Release. Prior to the approval of the Subdivision plat, DEVELOPER shall obtain a certification upon the plat signed by any irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision. This certification shall state that the water rights for all property within the Subdivision have been transferred from the property and that all liens and assessments of such water delivery entity have been released.

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

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

the Improvement Plans, the terms of this AGREEMENT shall prevail.

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

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

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

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

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

ATTEST:

CITY OF IDAHO FALLS, IDAHO

Kathy Hampton, City Clerk

By _____
Rebecca L. Noah Casper, Mayor

PARK PLACE JOINT VENTURE, LLC

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

By: 
Cortney Liddiard, President

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2018, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that she is authorized to execute the same for and on behalf of said City.

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

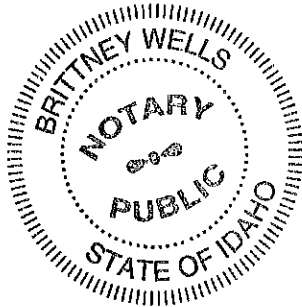
Notary Public of Idaho
Residing at: _____
My Commission Expires: _____

(Seal)

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 4 day of MAY, 2018, before me, the undersigned, a notary public, in and for said State, personally appeared Cortney Liddiard, known or identified to me to be the President of the Manager of Park Place Joint Venture, LLC, and whose name is subscribed to the within instrument and acknowledged to me that he is authorized to execute the same for and on behalf of said limited liability company.

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



Brittney Wells
Notary Public of Idaho
Residing at: Bonneville County, ID
My Commission Expires: 08-22-19

EXHIBIT "A"

Development Boundary

Park Place Final Plat - Divisions 4

A parcel of land located in Southeast Quarter of Section 1, Township 1 North, Range 37 East, Boise Meridian, Bonneville County, Idaho described as follows:

Commencing at the Southeast corner of said Section 1, monumented by a 2 inch aluminum cap stamped PLS 3842 as shown on Corner Perpetuation and Filing, Instrument No. 1284103; thence along the South line of said Section 1, North 89°14'35" West 2654.31 feet to the South Quarter corner of said Section 1 monumented by a 1 inch aluminum cap stamped PLS 842; thence along the Meridional Centerline of said Section 1, North 00°00'30" West 1338.89 feet to the Northwest corner of the Holden Subdivision, Instrument No. 878987, being the **Point of Beginning**; thence continuing along said Meridional Centerline, North 00°00'30" West 331.05 feet; thence South 89°01'49" East 1252.54 feet to the West line of Park Place Division No. 3, Instrument No. 1540907; thence along said West line South 00°49'29" West 96.12 feet to the Northwest corner of Park Place Division No. 2, Instrument No. 1248536, monumented by a 5/8 inch rebar with a cap stamped PLS 8795; thence along the West line of said Park Place Division No. 2 the following three (3) courses; (1) South 00°46'46" West 145.88 feet; (2) thence South 79°15'18" East 11.74 feet to a found 5/8 inch rebar with a cap stamped PLS 8795; (3) thence South 00°30'16" West 85.39 feet; thence North 89°01'49" West 163.53 feet; thence North 89°43'00" West 135.45 feet to a found 1/2 inch rebar with no cap being the Northeast corner of Holden Place Division No. 1, Instrument No. 878987; thence along the Northerly line of said Holden Place Division No. 1, North 89°01'49" West 960.91 feet to the **Point of Beginning**.

Parcel contains 9.52 acres, more or less.

EXHIBIT "B"

SPECIAL CONDITIONS

S-C 1.00. Arterial Street and Bridge Fee. The Bridge and Arterial Streets Fee for this Subdivision is Three Thousand Six Hundred Dollars (\$3,600). (18 Lots of R-1 Zone at \$200.00 per Lot), payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
Upon execution of this Agreement	\$ 360.00
August 1, 2018	\$ 810.00
November 1, 2018	\$ 810.00
February 1, 2019	\$ 810.00
May 1, 2019	<u>\$ 810.00</u>
TOTAL:	\$ 3,600.00

S- 2.00 Surface Drainage Fee. The Surface Drainage Fee for this Subdivision is One Thousand Six Hundred Sixty-Seven Dollars and Nine Cents (\$1,667.09) (222,279 square feet net area at \$.0075 per square foot), payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
Upon execution of this Agreement	\$ 166.71
August 1, 2018	\$ 375.09
November 1, 2018	\$ 375.09
February 1, 2019	\$ 375.09
May 1, 2019	<u>\$ 375.11</u>
TOTAL:	\$ 1,667.09

S-C 3.00 Construction of Water Lines. CITY acknowledges that an 8-inch water line is adequate to serve this Subdivision; however, sound planning requires construction of a larger diameter water main line to serve properties adjacent thereto. DEVELOPER agrees to design and construct five hundred eighty (580) linear feet of a 12-inch diameter ductile iron water line in Brigham Drive, inclusive of associated valve(s), within the street right-of-way, all as shown on the Improvement Plans. Subject to the limitations set forth in this AGREEMENT, CITY agrees to reimburse DEVELOPER for that portion of the material costs of constructing such 12-inch diameter water line, including valve(s), which exceeds the material costs for constructing an 8-inch diameter water line.

S-C 4.00 Storm Drainage and Retention Pond. DEVELOPER shall design and construct storm water drainage facilities as shown on the Improvement Plans and in compliance with specifications described therein. Pond shall include sod or seeding, trees and an Irrigation System

and parks amenities (e.g. park benches and a park shelter), or payment in the amount of Ten Thousand Dollars (\$10,000) in lieu of said park amenities only, subject to the approval of the Idaho Fall Parks and Recreation Department. Upon acceptance of the storm drainage pond by CITY, CITY will assume the responsibility to operate and maintain the pond. Concurrently with and as condition precedent to CITY's assumption of such maintenance, DEVELOPER shall dedicate the storm pond property to CITY via the final plat.

S-C 5.00 Traffic Signs. DEVELOPER agrees to install all street signs designating the names of all streets within the Subdivision. Such signs shall be installed in the manner and locations as directed by the City Engineer.

S.C. 6.00 Existing Infrastructure. When it is necessary to move or remove existing infrastructure not belonging to CITY and not within CITY Right-of-Way, DEVELOPER will coordinate such activities with the applicable owner, e.g. poles owned by PacifiCorp dba Rocky Mountain Power. Any existing electrical infrastructure owned by PacifiCorp dba Rocky Mountain Power will require a buy-out from the DEVELOPER prior to receipt of electrical service from CITY. Request for the buy-out is to be initiated by DEVELOPER after annexation through Idaho Falls Power.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF PARK PLACE DIVISION NO. 4 LOCATED GENERALLY SOUTH OF W 49TH S EXTENDED, WEST OF S 5TH W., NORTH OF W 65TH S AND EAST OF S 15TH WEST.

WHEREAS, the applicant filed an application for a final plat on February 21, 2018; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on April 3, 2018; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on May 10, 2018; and

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

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 9.52 acre parcel located Generally south of W 49th S extended, west of S 5th W., north of W 65th S and east of S 15th W.
3. The subdivision includes 54 single dwelling unit lots.
4. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance for the R1 Zone.
5. The Idaho Falls Planning and Zoning Commission recommended approval of this Final Plat as presented.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat of Park Place Division No. 4.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2018

Rebecca L. Noah Casper, Mayor



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: May 3, 2018

RE: FY 2018 CDBG Annual Action Plan

Each year Idaho Falls receives an allocation from the Department of Housing and Urban Development (HUD) to fund the local Community Development Block Grant (CDBG) program. As part of the requirements for administration of this program the City must submit an Annual Action Plan to HUD outlining how that year's funds will be spent. To determine how to spend the funds, each year applicants submit requests for grant funding which are considered by the City Council. A public hearing must be held each year to hear the requests. This year's hearing is scheduled for the May 10th City Council meeting. A table showing this year's requests is attached with this memo.

The Annual Action Plan is due to HUD on or before Jun 26, 2018. The full schedule for completing and submitting the FY 2018 CDBG Annual Action Plan is outlined below:

May 10:	City Council Meeting to hold public hearing. Applicants provide a brief description of their project and request
May 11-June 10:	30-day public comment period
June 11:	Council work session to finalize project awards
June 14:	Council adopts Annual Action Plan by resolution
June 18:	Annual Action Plan submitted to HUD
July-August:	HUD approves Annual Action Plan and money is allocated
August-September:	Approved projects and activities may proceed pending any necessary reviews and agreements

Attachments: Summary of Funding Applications

FY2018 CDBG Applications for Consideration

<i>PY 2018 CDBG Applicant</i>	<i>Activity/Project Description</i>	<i>Amount Requested</i>
<i>Public Service</i>	<i>15% Max allowed</i>	<i>\$58,000</i>
Idaho Legal Aid Idaho Falls Office	Legal Aid to victims of domestic violence.	\$10,000
CLUB, Inc. Crisis Intervention	Supportive Case Management for homeless at scattered site locations.	\$15,000
Behavioral Health Crisis Center of East Idaho	Case management services for housing resources.	\$25,000
Eastern Idaho Community Action Partners (EICAP)	Legal aid assistance for Grandparents Raising Grandchildren.	\$8,000
<i>Slum/Blight by Area</i>	<i>30% Max allowed</i>	<i>\$55,000</i>
Idaho Falls Downtown Development Corp.	(IFDDC) Façade Improvement Program	\$55,000
<i>LMI or Low Moderate Income</i>	<i>70% Min required</i>	<i>\$196,172</i>
City Public Works Department Phase 5 Curb/Gutter/Sidewalk	Replacements in LMI neighborhood in Bel Aire Subdivision.	\$50,000
Idaho Falls Sr. Citizen Community Center	Window replacement	\$25,000
Community Food Basket (Formally the IF(Community Food Bank)	Purchase a portable loading dock with leveler, channel rails and edge guards to increase capacity to receive, fresh and frozen food for individual and families struggling to meet basic needs.	\$12,000
Idaho Falls Soup Kitchen	Purchase of (2) Commercial Reach In Freezers with 3 Solid Doors.	\$13,000
Domestic Violence and Sexual Assault Center	Electrical upgrade to existing building by installing basement heaters and panel, breakers, thermostats and installation.	\$9172
Habitat for Humanity Idaho Falls (H4HIF)	Relocate and rehab a single family unit to Elmore Street to support LMI home ownership opportunity.	\$18,000
Targhee Regional Public Transportation Authority (TRPTA)	Purchase of (2) 30 ft. low floor ramp busses for the urban route or fixed route system providing public transportation. FTA requires 15% match per cost of each bus at \$230,000.	\$69,000
<i>Administration</i>	<i>20% Max allowed</i>	<i>\$67,302</i>
Administration of CDBG Program	Administration based on 20% of 2017 allocation of \$336,511	\$67,302
<i>Total \$ Amount</i>	<i>of Applications + Admin</i>	<i>\$376,474</i>



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: May 3, 2018

RE: Ordinance Approving Amendments to Downtown Form-Based Code and Adopting the May, 2018 Edition of the Form Based Code

Attached are three changes to the Downtown Form-Based Code. First is a new map which more clearly shows the Subdistrict designations. As staff has tried to apply the code, the original map has proven to be unclear and difficult to read.

Second is a change to the allowed building height in the Core A Subdistrict for Storefront Building Types. Staff is proposing to increase the maximum height from 5 stories to 6 stories. Within this is same Subdistrict the General Stoop Building Type is already allowed with a 6 story maximum height. Staff felt it would be appropriate to have the heights be the same.

The final change is to increase the allowed maximum height for the Townhome Building Type in the Edge C Subdistrict from 2 stories to 3 stores only when located at least 100 feet from single story residential buildings. This will be measured from the property line of the single story building to the nearest wall of the three-story building. The purpose of the change is to accommodate indoor parking on the main level of the building and allow two floors of residential use on the upper stories, but still avoid having three story structures immediately adjacent to single story.

The Planning and Zoning Commission considered these changes at its April 3, 2018 meeting and recommended approval by unanimous vote. Because of the changes to the map, rather than modifying the December, 2017 version of the code, staff is recommending the adoption of an May, 2018 version. Staff respectfully requests approval of the changes.

Attachments: Pages from Form Based Code
 Staff Report, April 3, 2018
 P&Z Minutes, April 3, 2018
 Ordinance Adopting Code Changes

IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT

Downtown Form Based Code Amendments
April 3, 2018



Community
Development
Services

Applicant: City
of Idaho Falls

Attachments:

1. Proposed
Amendment
Language

Staff Recommendation: To **recommend** to the Mayor and City Council approval of the amendment language to the Downtown Form Based Code.

Staff Comments: With all new codes there come minor adjustments as they are applied to real life situations. There are three proposed changes in the Downtown Form Based Code.

1. The original Regulating Map included in the code created uncertainties as it was applied to specific parcels. The proposed Regulating Map specifically identifies Subdistricts based on parcel lines. This clarifies what properties fall under what Subdistrict.
2. In Chapter 5 Buildings the Storefront Building (5.3) has a height restriction of 5 stories in the Core A Subdistrict. We propose to change the maximum height from 5 stories to 6 stories. In this same Subdistrict the General Stoop Building Type allows for a 6 story building. The intent of this change is to allow more Building Types for a 6 story building.
3. In Chapter 5 Buildings the Townhome Building (5.6) has a height restriction of 2 stories in the Edge C Subdistrict. We propose to change the maximum height from 2 stories to 3 stories if the only if it is located at least 100 feet from single story residential buildings. This will be measure from the property line of the single story building to the nearest wall of the three story building. The intent of this change is to allow for an additional story to accommodate parking, but still remain sensitive to the adjacent single unit residential subdivision.

3. PLAN 17-001: FORM BASED CODE. Revision of the City of Idaho Falls Form Based Code.

McLane presented the staff report, a part of the record. Romankiw asked about the difference between store front and stoop. McLane explained that a store front is like most shops downtown with full glass front whereas stoop has a different entrance with steps going up like the old post office. Dixon asked how tall the Bonneville is. McLane indicated it is 5 stories and there are no 6 story buildings Downtown. Black asked and McLane confirmed that if something built on the old DI lot it could go 6 stories high.

Morrison opened the public hearing.

Applicant: City

No one appeared in support or opposition to the application.

Morrison closed the public hearing.

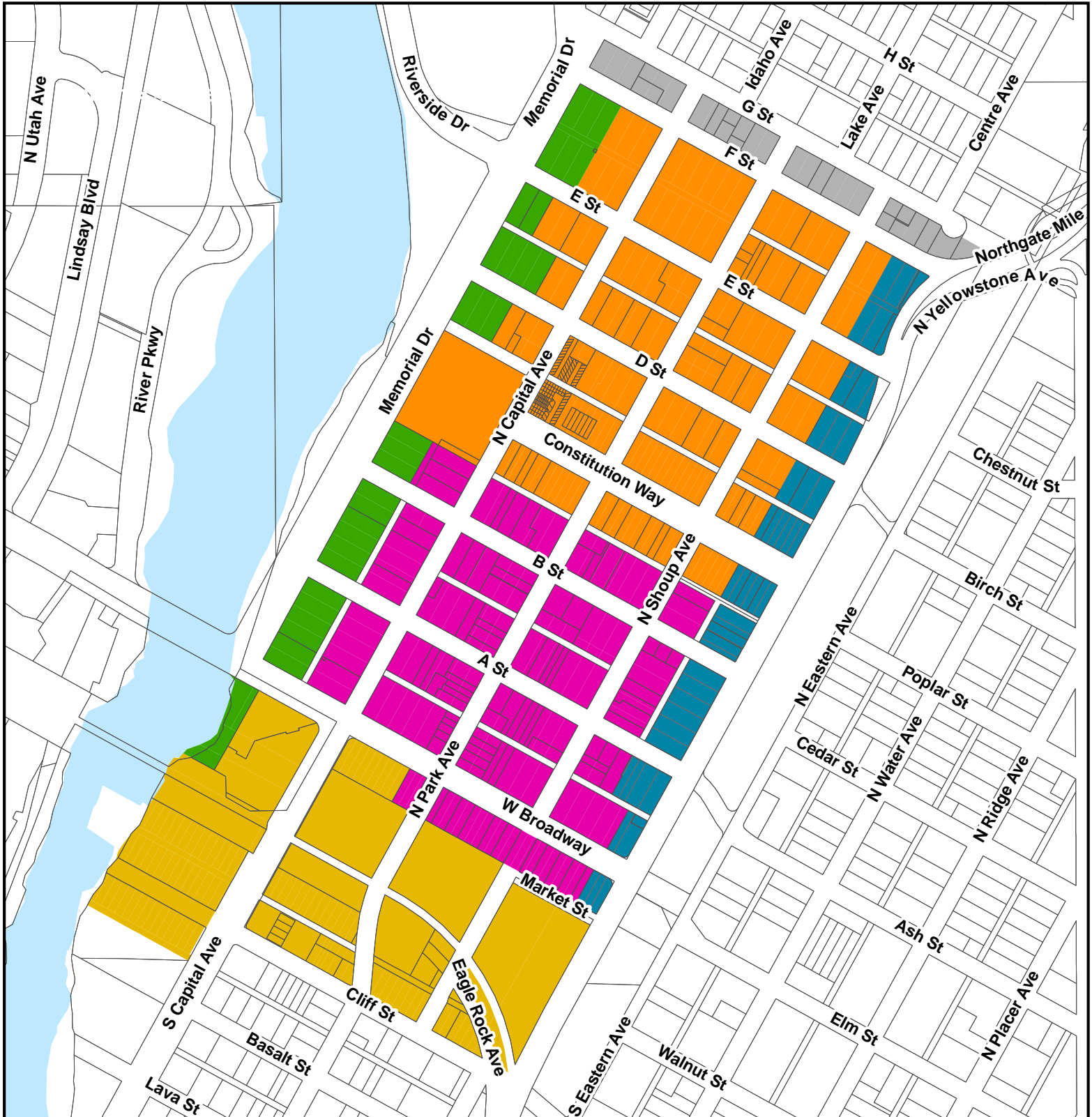
Dixon moved to recommend to the Mayor and City Council approval of the Revisions to the City of Idaho Falls Form Based Code as presented, Denney seconded the motion and it passed unanimously.

City of Idaho Falls Form Based Code May 2018 Edition



Subdistricts

- Core A: Mixed Use Development
- Historic Core
- General A: Multi-Purpose and Mixed-Use Redevelopment
- Edge A: Riverwalk Frontage Residential Focused
- Edge B: Highway Frontage Commercial Focused
- Edge C: Residential Buffer



5.0 Buildings

5.3 Storefront Building

1. Description and Intent

The Storefront Building is intended for use as a mixed use building located close to the front property line with parking typically in the rear or side of the lot.

The key facade element of this Building Type requires a ground floor front facade, with large amounts of glass and regularly spaced entrances. This Building Type is encouraged near intersections.

This Building Type is available in a variety of intensities, depending on the Subdistrict within which it is located. For example, minimum and maximum heights are highest in the Core A Subdistrict and lowest in the Edge A Subdistrict.

2. Regulations

Regulations for the Storefront Building Type are defined in the adjacent table.

Notes

¹ Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

² Above the second story, the upper stories of any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

³ If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

⁴ Additional setback distance is permitted at the discretion of the zoning administrator and his or her designee if utilized as public space, outdoor dining, and/or outdoor seating.

* Subject to review for compliance with line of sight requirements.



		Permitted Subdistricts				
		Core A	Historic Center	General A	Edge A	Edge B
Storefront Building Type Table						
1 Building Siting* Refer to Figure 5.3(1)						
	Multiple Principal Buildings	not permitted	not permitted	permitted	permitted	not permitted
a	Front Property Line Coverage	90%	90%	70% ¹	80%	70% ¹
	Occupation of Corner	required	required	permitted	permitted	permitted
b	Front Build-to Zone	0' to 5' ⁴	0' to 5' ⁴	0' to 10' ⁴	0' to 5' ⁴	0' to 15' ⁴
c	Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'	0' to 15'
d	Minimum Side Yard Setback	0'	0'	0'	0'	0'
e	Minimum Rear Yard Setback	5'	5'	10'	5'	5'
f	Minimum Lot Width	none	none	none	none	none
	Maximum Lot Width	none	none	none	none	none
	Maximum Impervious Coverage	90%	90%	75%	90%	75%
	Additional Semi-Pervious Coverage	10%	10%	25%	10%	20%
g	Parking and Loading Location	rear yard	rear yard	rear and side yard ¹	rear and side yard ¹	rear and side yard ¹
h	Vehicular Access	alley, lane, access lane: if none exists, 1 driveway is permitted per non-primary street, or as approved by the Zoning Administrator or designee				
2 Height Refer to Figure 5.3(2)						
i	Minimum Overall Height	2 story	2 story	2 story	2 story	2 story
j	Maximum Overall Height	5-6 stories	4 stories ²	5 stories ²	5 stories ²	5 stories ²
k	Ground Story: Minimum Height	11' ³	14' ³	14' ³	14' ³	14' ³
	Maximum Height	20' ³	18' ³	28' ³	20' ³	28' ³
l	Upper Stories: Minimum Height	9'	9'	9'	9'	9'
	Maximum Height	14'	14'	14'	14'	14'
3 Uses Refer to Figure 5.3(2). Refer to Chapter 4 Uses for permitted uses.						
m	Ground Story	retail, service, office				
n	Upper Story	any permitted use			residential, office, service	any permitted use
o	Parking within Building	permitted fully in any basement and in rear of all stories				
p	Required Occupiable Space	30' deep on all full stories from the front facade				
4 Street Facade Requirements Refer to Figure 5.3(3)						
q	Minimum Ground Story Transparency Transparency requirements apply to street frontages AND frontages to side parking	75%	75%	65% front and corner-side	75%	65% front and corner-side
r	Minimum Transparency per each Story	30%	25%	15%	30%	20%
	Blank Wall Limitations	required per story, refer to Section 5.2.4 (2)				
s	Front Facade Entrance Type	storefront, arcade				
t	Principal Entrance Location	front or corner facade				
	Required Number of Street Entrances	1 per each 75' of front facade	1 per each 75' of front facade	1 per each 100' of front facade	1 per each 75' of front facade	1 per each 75' of front facade
	Vertical Facade Divisions	every 30' of facade width	every 25' of facade width	every 50' of facade width	every 25' of facade width	every 25' of facade width
	Horizontal Facade Divisions	required within 3' of the top of the ground story				
5 Roof Type Requirements Refer to Figure 5.3(3)						
u	Permitted Roof Types	parapet, flat, pitched	parapet, flat	parapet, pitched, flat	parapet, pitched, flat	parapet, flat, pitched,
	Tower	permitted, excluded from maximum story				

5.0 Buildings

5.6 Townhome Building

1. Description and Intent

The Townhome Building Type is typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or rowhouses, or it could also incorporate live/work units where permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of living space is required on the front facade to ensure that the street facade is active.

2. Regulations

Regulations for the Townhome Building Type are defined in the adjacent table.

Notes:

¹ For the purposes of the Townhome Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

² Each building (or series of townhome units) shall meet the front property line coverage requirement, except one of every five townhome units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

³ When the storefront entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between two feet and eight feet above grade.

⁴ The storefront entrance type is permitted only on corners or buildings that are designated for live/work units.

⁵ For Live/Work units only, otherwise ground story shall be residential.

⁶ Three stories will be allowed only if it is located at least 100 feet from single story residential buildings. This will be measured from the property line of the single story building to the nearest wall of the three story building.

⁷ Subject to review for compliance with line of sight requirements.



		Permitted Subdistricts			
		Core A	General A	Edge A	Edge C
Townhome Building Type Table					
1 Building Siting* Refer to Figure 5.6 (1)					
Multiple Principal Buildings		permitted ¹	permitted ¹	permitted ¹	permitted ¹
a	Front Property Line Coverage	75% ²	65% ²	75% ²	75% ²
Occupation of Corner		required	required	required	required
b	Front Build-to Zone	5' to 10'	5' to 15' ⁴	5' to 10'	5' to 15' ⁴
c	Corner Build-to Zone	5' to 10'	5' to 15'	5' to 10'	5' to 15'
d	Minimum Side Yard Setback	0' per unit, 10' between buildings	0' per unit, 15' between buildings	0' per unit, 10' between buildings	0' per unit, 15' between buildings
e	Minimum Rear Yard Setback	5'	10'	5'	10'
f	Minimum Unit Width Maximum Building Width	18' per unit maximum of 10 units per building	22' per unit maximum of 12 units per building	18' per unit maximum of 10 units per building	18' per unit maximum of 10 units per building
Maximum Impervious Coverage Additional Semi-Pervious Coverage		90% 10%	80% 20%	90% 10%	70% 20%
g	Parking and Loading Location	rear yard	rear and side yard ¹	rear yard	rear yard
h	Vehicular Access	alley or one driveway per building per street frontage (not per unit)			
2 Height Refer to Figure 5.6 (2)					
i	Minimum Overall Height	2 stories	2 stories	2 stories	1.5 stories
j	Maximum Overall Height	3 stories	3 stories	3 stories	2 3 stories ⁶
k	All Stories: Minimum Height Maximum Height	9' 14'			
3 Uses Refer to Figure 5.6 (2). Refer to Chapter 4 Uses for permitted uses.					
m	Ground Story	residential, service, office, limited craftsman industrial ⁵	residential, service, office, limited craftsman industrial ⁵	residential	residential
n	Upper Story	residential only			
o	Parking within Building	permitted fully in any basement and in rear of first story			
p	Required Occupiable Space	30' deep on all full stories from the front facade			
4 Street Facade Requirements Refer to Figure 5.6 (3)					
q	Minimum Ground Story Transparency Transparency requirements apply to street frontages AND frontages for live/work parking.	75%	65% front and corner-side	75%	65% front and corner-side
r	Minimum Transparency per each Story	25%	20%	25%	25%
Blank Wall Limitations		required per story, refer to Section 5.2.4 (2)			
s	Front Facade Entrance Type	stoop, porch, arcade, storefront ^{3,4}			
t	Principal Entrance Location	front or corner facade			
Vertical Facade Divisions		equal to unit width			
Horizontal Facade Divisions		required within 3' of the top of the ground story			
5 Roof Type Requirements Refer to Figure 5.6 (3)					
u	Permitted Roof Types	parapet, pitched, flat			
Tower		not permitted			

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7 TO TITLE 10 OF THE IDAHO FALLS CITY CODE, ADOPTING THE APRIL 2018 EDITION OF THE IDAHO FALLS FORM BASED CODE; PROVIDING SEVERABILITY, CONDIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City adopted the adopted the December 2017 edition of the “Idaho Falls Form Based Code” (“Form Based Code”) which was prepared for the downtown area by creating standards to protect and enhance the unique and historic character of downtown; and

WHEREAS, the City desires for the standards, maps, and graphics of the code to be consistent and clear; and

WHEREAS, upon review of the code Planning Division staff has determined there are minor updates needed to improve the consistency and clarity of the code’s standards and Subdistrict map; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve the recommended changes on April 3, 2018.

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

SECTION 1: City Code Title 10, Chapter 7, Section 1, is hereby amended as follows:

10-7-1 THE IDAHO FALLS FORM BASED CODE ADOPTED:

- (A) The Idaho Falls Form Based Code, ~~2017 December~~ 2018 May Edition, is hereby adopted as an official Code of the City.
- (B) Code on File. One (a) copy of the Idaho Falls Form Based Code, ~~2017 December~~ 2018 May Edition, shall be retained by the City Clerk for use and examination by the public.

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 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 May, 2018.

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 AMENDING CHAPTER 7 TO TITLE 10 OF THE IDAHO FALLS CITY CODE, ADOPTING THE APRIL 2018 EDITION OF THE IDAHO FALLS FORM BASED CODE; PROVIDING SEVERABILITY, CONDIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk