



## NOTICE OF PUBLIC MEETING

Friday, January 19, 2018  
CITY COUNCIL CHAMBERS  
680 Park Avenue  
Idaho Falls, ID 83402  
3:00 p.m.

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

### **SPECIAL MEETING (Council Work Session)**

*Times listed in parentheses are only estimates.*

#### Call to Order and Roll Call

#### Mayor:

- Acceptance and/or Receipt of Minutes
- Calendar, Announcements and Reports (10)

#### Public Works:

- Water Rights Mitigation Update (45)

#### Human Resources:

- Pay for Performance Status Report (45)

#### Municipal Services:

- Quarterly Finance Presentation (45)

#### Idaho Falls Power:

- New Large Single Load Discussion and Consideration of Approval (30)

#### Training:

- Council Meetings, Liaison Reports, etc. (15)

DATED this 17<sup>th</sup> day of January, 2018

A handwritten signature in blue ink that reads "Kathy Hampton".

Kathy Hampton  
City Clerk



# MEMORANDUM

**TO:** Honorable Mayor and Council

**FROM:** Brad Cramer, Director

**DATE:** January 10, 2018

**RE:** January 9, 2018, Planning Commission Action

Planning Commission took the following action during the January 9, 2018 meeting.

1. **PLAT17-028 PRELIMINARY PLAT 1<sup>ST</sup> AMENDED BROOKSIDE DIV. 5 & 6:** Generally south of E. Sunnyside Rd., west of S. 25th E., north of E. 49th S. and east of S. 15th E. On 1/9/2018, the Planning and Zoning Commission approved to the preliminary plat for 1<sup>st</sup> Amended Brookside Div. 5 & 6 as presented.
2. **PLAT17-029 PRELIMINARY PLAT CARLYLE-ERMA SUBDIVISION REVISED PRELIMINARY:** Generally south of Lincoln Rd., west of N 25th E., north of E 1st St., and east of N Woodruff Ave. On 1/9/2018, the Planning and Zoning Commission approved the Carlyle-Erma revised preliminary plat.
3. **PLAT17-030 PARK PLACE REVISED PRELIMINARY:** Generally south of W 49th S extended, west of S 5th W., north of W 65th S and east of S 15th W. On 1/9/2018, the Planning and Zoning Commission approved the preliminary plat for Park Place with a condition to limit the access to Fox Run Drive to an emergency access easement only.
4. **PLAT17-031 FINAL PLAT JACKSON HOLE JUNCTION SUBDIVISION:** Generally south and west of Interstate 15, east of Pioneer Rd., and north of W Sunnyside Rd. On 1/9/2018 the Planning and Zoning Commission approved to the final plat for Jackson Hole Junction Subdivision as presented.
5. **PLAT17-032 FINAL PLAT 1<sup>ST</sup> AMENDED SPRING CREEK DIV. 3:** Generally south of E Sunnyside Rd., west of S 15th E, north of E 49th S and east of S Holmes Ave. On 1/9/2018, the Planning and Zoning Commission approved the final plat for the 1<sup>st</sup> Amended Spring Creek Div. 3 as presented.

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

PC Action 1/9/2018

IDAHO FALLS POLICE DEPARTMENT  
Traffic Safety Committee Meeting Minutes  
**Tuesday June 13 2017**

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**VOTING MEMBERS IN ATTENDANCE:**

Chairman Capt. Clements IFPD; Bruce Scholes Electric Department; Ralph Frost, School District 91; Bruce Lawrence, Engineering; Kent Fugal, Engineering; Rick McMullen Citizen Member at Large; Ben Burke Idaho Transportation Department. Of these voting members, the Chairman only votes to break a tie vote.

**NON-VOTING MEMBERS IN ATTENDANCE:**

Lori Posey- IFPD Quarter Master  
DaNiel Jose- Bonneville Metropolitan Planning Organization  
Jessica Zeller  
Tye Tomchah  
Sally Hennie  
Lance Lindley  
Jamie, Gracie, Ainsley, Emi, Astrid, Finn, and Jameson Braithwaite  
Nicole, Kori, Avery Tripp  
Marian Boag

**Old Business:**

March 14, 2017 minutes reviewed and approved with a unanimous motion.

**New Business:**

**Item #1:** Possible Crossing Guards and Traffic Control Measures at existing crosswalks near Sunnyside Elementary School.

Jamie Braithwaite and other concerned parents were in attendance with a presentation regarding the traffic near Sunnyside Elementary. Although this matter was listed to be at the end of the meeting the presentation was pushed to the top of the agenda and the presentation was allowed to commence.

The main focus of the presentation was regarding children in the area walking to school and the potential dangers they face due to no traffic signage. The challenges deal with young drivers dropping siblings off, driving too fast, and not being aware of the younger children trying to cross the streets.

The group, which is comprised of spokespeople of the various sub-divisions in the school area, are requesting the city look to establish an attended crosswalk near the various intersections affected by the high traffic. These areas include intersections at Stonebrook

and Cobblestone, Nathan and Cobblestone, Nathan and Woodhaven, Stone brook and Woodhaven

The proposed plan includes:

- Solar flashing stop signs (RRFB).
- Portable signs for blind curves.
- Working with the PD to create safe pick up zones.
- Work on better snow removal so large drifts aren't created.
- Certify and train uniformed crossing guards.
- Develop a safety awareness plan.

Open discussion regarding presentation and the amount of children coming and going at one time. The school principal was present and he said there are approximately 520-570 children leaving at one time. Approximately 540 children coming to school at one time. They have tried to get volunteers to be crossing guards but they are concerned about their personal liability if someone gets hurt. They want to have some sort of crossing guard training and develop a protocol. They have also written a grant that if awarded will be 25K. It can be used to fund some of the requested projects.

Kent from Public Works had already reviewed the request and they had already done an intersection count in the area around the school. Kent said there is a plan for traffic control zones that they try to follow for uniformity so drivers in the community know what to expect. All four corners that were brought up as trouble areas meet the criteria for a crosswalk. There are two reduced speed school zones already in place. Kent also pointed out that there was a traffic report done in 2008 of the entire area. The city has been trying to put the recommendations in place with the highest risk areas taking priority. At this time, not all the recommendations have been put in place. At this time the City is looking to:

1. Continue to evaluate the traffic count/gaps in traffic.
2. Determine where reduced speed school zones are correctly laid out.
3. Implement changes based on evaluations.

The city is aware that they may need to double the signage but they feel they need to study the area in more detail. They may be able to move the current signage rather than make a large investment in new signage.

Discussion regarding the funding crossing guards. The school district and the PD help fund the current crossing guards but the budgets are very small. Kent said that there needs to be some authority to enter traffic and stop drivers. Royce thought it would be possible to train volunteers and the criminal backgrounds checks are not expensive. It was also brought up that there are signs but the landscaping is blocking some of them. It was asked that the city gives the parents a timeline when they can expect some of these issues to be resolved. They will be finding out about the grant in August and if it's granted they want a plan to be in place. They asked for the city to have a plan by November. Kent agreed this would be possible.

Royce volunteered to check with legal into the liability with volunteers being crossing guards.

Kent said that we should look at moving the present signs. Bruce Scholes said that could be done very inexpensively depending on the power supply locations. The cost may be expensive if power was not close the desired locations. The board asked Kent and Bruce to prepare a plan and present it to the group. They agreed to table the discussion until this can be completed.

Another issue that was brought up was the amount of traffic around Skyline High School. Tye Tomchah said the city changed the speed limit on S. Skyline from 25 – 35 near the school. There is not a crosswalk and there are three schools in the area. Tomchah asked that this be put on the agenda sometime in the future to discuss the dangers of kids walking to the various schools in this area. There are three different schools in the area. Rhalp Frost explained that the elementary school boundaries in this area do not include the east side of Skyline. Unless they have a waiver no elementary students should be crossing Skyline in that area.

**Item #2:** Possible permanent speed limit change on Rollandet to 30 mph

Kent and Bruce did a speed study on Rollandet near the zoo. The speed limit goes from 25 – 35 – 25. They are finding that people are not slowing back down to 25. The speed data shows that 35 would probably work as a consistent speed limit. Royce said that the parking near the baseball fields is angled and that would make it difficult to get into the street if the cars are going 35. He suggested the parking be changed to parallel. Royce also thought 30 might be a good compromised speed limit. Kent thought 35 would still be the best and if the parking is changed to parallel it should work. The motion was made to change the parking to parallel and repost 35 mile per hour signs from 21<sup>st</sup> – Sunnyside. Approved with a Unanimous Motion.

**Item #3:** Trend of traffic accidents in the city- Letter from Paul Ziel

The city has received a letter from an attorney named Paul Ziel. The city attorney's office has drafted a response to come from Idaho Power. The response was read and it was recommended that a few changes be made prior to sending it.

Meeting adjourned June 13 2017

**DISTRIBUTION (via e-mail):**

**MEMBERS:**

**Voting Members:**

Chairman: Captain Royce Clements, I.F.P.D.  
Rick McMullen, Citizen Member at Large  
Ralph Frost, School District 91  
Ben Burke, ITD  
Bruce Lawrence, Engineering  
Kent Fugal, Engineering  
Bruce Scholes, Electric Department

**Non-voting Members:**

Council Member Ziel- Dingman  
DaNiel Jose, BMPO  
Nolan Taylor, INL Transportation Safety  
Greg Smith TRPTA

**COPY TO:**

Mayor Casper  
Kathy Hampton, City Clerk  
Jackie Flowers, I.F. Power  
Chris Fredericksen, Public Works

Approved Minutes

**PARKS & RECREATION COMMISSION MINUTES  
MONDAY NOVEMBER 6, 2017  
ACTIVITY CENTER  
12:00 NOON**

**Present:**

Greg A. Weitzel, Brent Martin, Ronnie Campbell, PJ Holm, David Pennock, Tim Reinke, Bill Combo, Jeff Forbes, Jim Hammon, Tom Hersh, Matt Hill, Kyler Hope, Wendy Johnson, John LoBuono, Tom Hally, Mayor Casper

**Absent:**

Kerry Martin, Kris Millgate, Dave Radford

**Guest Attendees:**

Lisa Jones, Craig Lords, Kenly Osterhout, Robert Nitsche, Jim Francis, Dan Beck

**APPROVAL OF MINUTES**

September and October Minutes – Tom Hersh motioned to accept as written. Kyler Hope Seconded. All in favor.

**PUBLIC COMMENT**

None

**GENERAL ELECTION CANDIDATE**

- Kenly Osterhout
- Rebecca Casper
- Craig Lords
- Dan Beck
- Jim Francis

**DEPARTMENT REPORTS**

**Golf – Tim Reinke**

- No Report

**Zoo – David Pennock**

- No Report

**Recreation – PJ Holm**

- No Report

**Parks/Cemeteries – Brent Martin/Ronnie Campbell**

- No Report

**MEETING ADJURNED AT 1:29 P.M.**

*Recorded by  
Lisa Jones  
Parks and Recreation Division*

November 7, 2017 - IFDDC Board Meeting held in the Syringa Networks board room (460 Park Avenue, Idaho Falls ID) 8:35am Greg Crockett called the meeting to order.

Those in attendance include: Greg Crockett, Kerry Buetler, Brett MClane, Derick Christensen, Lisa Farris, Kevin Josephson, Tasha Taylor, Jake Durtschi, Angie McCall, Chip Schwarze, Mike Allen, George Morrison, Shanon Taylor, Catherine Smith, Todd Thoulin, Brandi Newton, Kevin Cutler, Antonio Meza

Agenda amended: in compliance with the Idaho Open Meeting Laws, Greg motioned to amend agenda to include a discussion concerning Façade Grants. Shanon Taylor seconds. All vote in favor. Motion passes.

Minutes from October 3, 2017 IFDDC Board Meeting were presented and reviewed. Jake Durtschi moved to approve minutes. Antonio Meza seconds. All vote in favor. Motion passes.

Financial statements were reviewed. It was noted October is the first month of the new fiscal year. Shanon moved to accept the financials. Jake Durtschi seconds. All vote in favor. Motion passes.

Catherine reported Zombie Pub Crawl - October 28th - \$1,080 in sales of \$10 each coupon page. Online sales were handled by EventBrite. Coupons outlets were: BlackRock, Healing Hands, Shaddow Domain. There is interest in decorating the downtown with a Zombie theme next year. There is also interest for another Crawl event after the first of the year.

FallBrew was cancelled due to weather. The weather reports were predicting high winds of 40 mph. Tents cannot be installed with winds over 25mph. We do predict a \$2500-\$3000 loss in income. Board discussed the risk/reward on continuing the Brew events and of how folks spend their time downtown during and after the Brew events. Restaurants and bars benefit with increased business. Catherine suggested a committee form prior to WinterBrew to expand on the discussion.

IFDDC received a \$3900 grant from the Community Support Grant program from the City of Idaho Falls. Catherine presented two options and a vote was taken on the design for the top portion of the Yellowstone sign. The marquee box will also be replaced. A vote was executed and a design was agreed upon. Discussion of lighting the sign and Catherine will follow-up on costs. Discussed an electronic reader board replacing the sign for advertising purposes.

Information packets distributed: the current Bylaws, IRS Designation letter, Management Agreement, Parking Lot lease, and the BID Ordinance adopted in July 2017. Information is also available on the IFDDC website on the Board Members webpage. A draft document of Board Responsibilities was distributed for review with comments to be added and implemented at the next board meeting.

2018 Board Meeting dates approved for submission to the City Clerk. Board meetings will be the first Tuesday of every month, except when a holiday or special circumstance bumps it to the next week.  
2018 - Jan 9; Feb 6; March 6; April 3; May 1; June 5; July 10; Aug 7; Sept 4; Oct 2; Nov 6; Dec 4



Lisa Farris: \$79,275 - façade and sign improvements 2017. The historic post office project - paint and awnings repair. \$500 to Idaho Land Properties for a sign (2016 funds). The question has come up of capping applicants of the amount they can request for projects over the years and if roof repair should be included. Consensus was that roofs are not to be part of the façade program. Board agreed that an Ad Hoc Façade Improvement Committee will be formed to discuss the rules and review the criteria for the program. A recommendation will be made from the committee to the board in December.

Greg Crocket adjourned the meeting at 9:45

Our next board meeting will be held December 5, 2017.



December 5, 2017 - IFDDC Board Meeting held in the Syringa Networks board room (460 Park Avenue, Idaho Falls ID) 8:35am Antonio Meza called the meeting to order.

Those in attendance: Tom Judd, Brent McLane, Derek Christiansen, Lisa Farris, Kevin Josephson, Tasha Taylor, Steve Fischbach, Jill Hansen, Jake Durtschi, Chip Schwarze, Shanon Taylor, Catherine Smith, Brandi Newton, Kevin Cutler, Antonio Meza, Dana Briggs, Carla and Ashley from Vogue Beauty College & Salon and Mala Lyon.

Minutes from Nov 7, 2017 were reviewed. Motion by Brandi to approve the minutes ; Derek seconded – board approved.

Financial report reviewed. Motion by Shanon to approve; Kevin C. seconded – board approved

Catherine informed the board that the Façade committee met last Tuesday, Nov. 28<sup>th</sup>. Lisa reviewed that the committee discussed what criteria each application needs to meet, that the caps will be \$25,000 per project per side of a building, \$1500 for an awning project and \$500 for a sign project. Also Code corrections, roof and structural analysis can be covered. The committee recommends that no grant money be given for roof repair. The consensus is that a roof is a maintenance issue and the responsibility of the property owner, and is not a façade improvement. A decision needs to be made as soon as possible, as an application for roof repair has been submitted. It is suggested that if the roof problem is going to affect the façade in some real manner then it can be considered and then only enough to shore it up until the owner can pay to have repairs done. Antonio requested something in writing before a vote was made by the board. Façade improvements are eye level improvements to a building that improves the walking experience downtown. Brandi proposed that Catherine put together the proposal and it be sent out by email to the board and they will return their vote to her. Shanon seconded that motion and the board agreed. The committee will met again and create a specific criteria point system that will determine if a project qualifies.

Director Report – Catherine shared photos from the tree lighting and the Find Santa's Puppy events. We had great weather for both and estimate 400 to 500 people at the tree lighting. We gave out 350 free cups of hot chocolate. The special middle tree honors veterans from Idaho – we included a presentation of the colors by an honor guard and the singing of the National Anthem. A kids group sang and another danced. The Mayor and Santa arrived on the trolley and did a countdown to turn on the lights. We gave out 365 Find Santa's Puppy maps. MCS Advertising designed the maps and donated the map cards. The lines for the horse drawn trolley rides were very long both days. Some people didn't get a ride at the tree lighting as we had to stop and go pick up Santa and the Mayor. We are looking into providing a second trolley for those two days next year. If the lines are shorter the next 3 weeks the trolley will swing over to Cliff Street. Catherine also showed the latest design photos of the Broadway project. The 3 story

building will be closest to A Street with 49 underground parking spots and 24 surface spots. The courtyard will have about a 100 foot square of usable space. There will be electricity, speakers and lighting available for events.

The parking management process is still in the works. We will go ahead with the planned parking committee and are grateful to have Brent's expertise.

Social media – when Catherine started we had about 2,000 followers on face book and we now have 3,160. We need to have some guidelines and policies in place for our social media. Catherine will draft an outline of that and have it ready for the next board meeting.

The board was handed a board members responsibility document. No changes were received so it is ready as presented in our last meeting. Each board member is asked to read it and sign it and return it to Catherine.

Traffic Cabinets – Through the Historic Foundation we are planning to do vinyl art wraps around the 16 traffic cabinets. Art work from the Art Museum and photos from Kris Millgate have been offered to use. We have applied for a grant from the Air Show and should know in the next few weeks if we received that. It will cost \$10,000 to do all 16. We are also looking at asking for sponsorships that would include a small logo on the wrap. Brent said we would need to check the rules on that so it does not violate the signage laws.

Cliff Street – several of the businesses on Cliff Street have expressed interest in being part of the BID as class B members. We hope to install planter boxes and hanging flower baskets on Cliff Street, so that the feel of downtown is there also.

Continued discussion of who is our 'customer' and what do they value – the property owner, the merchant or the clientele that comes downtown. Brandi said it is always everyone, when you market an event you want all aspects to be a positive experience from parking, the event itself, to the visual appealing look of downtown, to the safety of when they leave after an event or shopping experience. Jake said we need the perspective of when the customer and the community experience grows, so does business. Catherine said we need strategic planning so we know the priorities so our marketing dollars are put to the best use. Brandi suggested that reports to businesses be done quarterly or annually to show the impact of things we do. We reach out to diverse demographics with the variety of events. Catherine pointed out that we have not had a baseline in the past to be able to say this many people came to an event last year and this year we had this many more. With tracking the metrics we can show the value of what we do and accomplish. Then when someone questions our value we can show them the facts. Jill recommended that we think of a bigger project, something property owner can see such as the talked about alley improvements. SnakeBite, Blackrock and the Villa are all still interested in using the alley spaces next to them.

Brent – the downtown plan has been approved and will go to vote before the city council next week. This will be a form based code rather than a zoning code. He offered to do a presentation next month at the board meeting to explain it. The area affected will be from E Street to Cliff and the river to Yellowstone.

Meeting was adjourned at 9:25. Our next board meeting will be held January 9, 2017 at 8:30am in the Syringa Networks board room.

Respectfully submitted by Kevin Josephson, IFDDC secretary and Mala Lyon





# Pay For Performance

Ryan Tew  
HR Director

# Today's Presentation

- ▶ Review City's current compensation plan
- ▶ Provide update on pay for performance project
- ▶ Receive direction from City Council

# Status Quo

- 1. Annual Pay Adjustment – tied to inflation
- 2. Step Program – longevity based
- 3. Additional longevity bonus

# Grade and Step Salary Chart 2017-2018

Effective 10-01-17

Salary Chart

Months before next step —	(12)	(12)	(12)	(18)	(18)	(24)	(24)	(36)	(36)	(48)	
Grade	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
2	12.05	12.49	13.02	13.62	14.19	14.64	14.73	15.13	15.52	15.82	16.09
3	12.92	13.47	14.04	14.68	15.23	15.66	15.97	16.34	16.69	17.06	17.41
4	13.78	14.38	15.11	15.72	16.46	16.77	17.23	17.71	17.95	18.40	18.81
5	14.98	15.67	16.36	17.21	17.90	18.35	18.68	19.13	19.50	20.03	20.44
6	16.34	17.06	17.88	18.58	19.49	19.99	20.44	20.85	21.38	21.90	22.30
7	17.82	18.57	19.48	20.42	21.29	21.81	22.27	22.84	23.37	23.87	24.32
8	19.40	20.24	21.23	22.22	23.26	23.83	24.43	24.96	25.58	26.18	26.71
9	21.21	22.13	23.19	24.36	25.58	26.18	26.70	27.34	27.98	28.66	29.24
10	23.19	24.36	25.58	26.70	27.98	28.66	29.43	30.07	30.79	31.61	32.24
11	25.58	26.70	27.98	29.43	30.79	31.61	32.33	33.06	33.89	34.76	35.43
12	27.98	29.43	30.79	32.33	33.89	34.76	35.64	36.54	37.58	38.49	39.31
13	30.79	32.33	33.89	35.64	37.58	38.49	39.37	40.34	41.30	42.33	43.18
14	33.89	35.64	37.58	39.37	41.30	42.33	43.35	44.50	45.55	46.56	47.49
15	37.58	39.37	41.30	43.35	45.55	46.56	47.74	48.96	50.13	51.25	52.28
16	41.30	43.35	45.55	47.74	50.13	51.25	52.51	53.74	55.18	56.49	57.58





# Longevity Compensation

Regular Employees, Excluding Sworn Police Officers	
Completed Years of Service	Compensation
3 years	\$ 351
5 years	\$ 747
7 years	\$1,230
9 years	\$1,577
11 years	\$1,843
13 years	\$2,060
20 years	\$2,240
25 years	\$2,372

# What is Pay for Performance?

- ➡ A system in which all or part of an employee's compensation is contingent on the quality and/or quantity of the work they do.

# What differences would it create for employees and the city?

- Provide more options for managers/supervisors
- Differentiate between employees
- Create risk – not a guaranteed raise
- De-emphasize longevity
- Require more oversight of the process
- Require effective management of employees
- Change in culture

# What have we accomplished so far?

- ▶ Year One – The Performance Management Piece
  - ▶ Consulting company
  - ▶ Task force
  - ▶ Core expectations
  - ▶ Specific job-related expectations
  - ▶ Performance levels
  - ▶ Structured evaluation and communication process

# Year Two – The Pay Piece

- Consultants and HR work with Council and Directors
- Develop salary range structure tied to the market
- Establish budget
- Develop merit matrix

# Merit Matrix

Performance Levels		Level of Present Salary within the Range		
		Hiring and Proficient Range	Market Range	Superior Performance Range
	Exceptional	Market Adjustment + 4 – 5%	Market Adjustment + 3 – 4%	Market Adjustment + 3 – 4% (not to exceed range max) or one-time lump sum increase not added to base
	Outstanding Performance	Market Adjustment + 3 – 4%	Market Adjustment + 2 – 3%	Market Adjustment + 1 – 2%
	Meets Expectations	Market Adjustment + 1 – 2%	Market Adjustment	Less than Market Adjustment
	Needs Improvement	Market Adjustment after sustained performance improvements	Market Adjustment after sustained performance improvements	No Market Adjustment
	Fails to Meet Expectations	No adjustment Action Plan required	No adjustment Action Plan required	No adjustment Action Plan required

# Issues to Consider

- ▶ Is it our highest priority?
- ▶ Is it the right time?
- ▶ Is it a cultural fit?
- ▶ Are our managers/supervisors adequately trained?

MEMORANDUM OF UNDERSTANDING BETWEEN  
IDAHO FALLS POWER AND BLOCK UNITED, LLC

(Relating to the service of data center type load under IFP's New Large Single Load Rate)

This MEMORANDUM OF UNDERSTANDING BETWEEN IDAHO FALLS POWER AND BLOCK UNITED, LLC, (Relating to the service of data center type load under IFP's New Large Single Load Rate) ("MOU") is entered into as of this \_\_\_\_\_ day of January, 2018 by and between Block United, LLC, ("CUSTOMER") whose address is 727 North 1550 East, Ste. 425, Orem, Utah 84097 and the City of Idaho Falls, Idaho, dba Idaho Falls Power ("IFP"), whose address is 140 S. Capital Ave., Idaho Falls, Idaho 83402.

WHEREAS, Block United, LLC, is a prospective new customer of IFP and is requesting large load interconnection and service; and

WHEREAS, IFP is an Idaho municipal electric utility which serves the corporate city limits of Idaho Falls, Idaho; and

WHEREAS, CUSTOMER will take service from IFP under a future Negotiated Rate Agreement ("NRA") which will include more detailed terms of service and is planned to follow this MOU prior to MOU's termination.

1. NATURE OF SERVICE

This MOU is for the commitment of service from IFP to CUSTOMER of up to twenty (20) Megawatts of interconnected load ("Service"). Such Service will be for high capacity factor, data center type load in which there is limited fluctuation in demand through different periods of time. Specific capacity factor requirements for the Service will be addressed in the NRA between the Parties.

2. COST OF SERVICE

The price for this Service shall be served under IFP's New Large Single Load rate which provides for a negotiated power sales agreement (NRA) that identifies the rate, length of service and any additional price terms under which the CUSTOMER will receive service. This MOU contemplates that the NRA price will be no greater than the current Large Industrial Rate of 3.9¢ per kWh, with a monthly demand of \$7.00 per KW on peak monthly measured demand.

3. LENGTH OF SERVICE

The minimum length of Service to be offered by IFP to CUSTOMER shall be five (5) years, commencing on the first day of energy deliveries to CUSTOMER. The Parties understand that the length of service may exceed five (5) years, if agreed to by the Parties.

4. LOCATION(S) OF SERVICE



IFP will identify all locations which have available capacity for Service to CUSTOMER. IFP shall not be responsible for any line extension or system upgrade costs to connect CUSTOMER beyond those that are normal and customary for typical commercial customers. IFP will identify and communicate to CUSTOMER the line extension costs for chosen locations of service. CUSTOMER shall be responsible to pay for any and all line extension costs prior to IFP's commencing of construction of facilities for CUSTOMER interconnection.

5. TERMINATION

This MOU shall terminate upon the occurrence of any of the following: (a) execution of a NRA between the parties; or (b) written notification by CUSTOMER to terminate this MOU; or (c) failure by either Party to execute a NRA on or before midnight local time May 31, 2018.

6. AMENDMENTS

No amendment of this MOU shall be of any force or effect unless set forth in a written instrument signed by authorized representatives of each Party.

7. GENERAL PROVISIONS

- (a) This MOU is for the sole and exclusive benefit of the Parties and shall not create a contractual relationship with, or cause of action in favor or benefit of, any third party.
- (b) Each Party shall be solely responsible for and shall pay its own costs and expenses incurred by it in connection with the negotiation of this MOU or other agreement(s).
- (c) Any notice required under this MOU shall be in writing, including by email, and shall be effective when received. Either Party may change the name or address for receipt of notice by providing notice of such change. The Parties shall deliver notices to the following persons and addresses:

If to Block United, LLC:  
Block United, LLC  
727 North 1550 East, Suite 425  
Orem, UT 84097  
Attention: Barry Dixon  
Phone: 801-404-6876

If to Idaho Falls Power:  
Idaho Falls Power  
140 S Capital Avenue  
Idaho Falls, ID 83402  
Attention: Bear Prairie  
Phone: 208-612-8429

- (d) Nothing contained in this MOU shall be construed as creating a partnership, association, joint venture or other entity involving the Parties, nor shall anything contained in this MOU be construed as creating or requiring any fiduciary relationship between the Parties. No Party shall be responsible hereunder for the acts or omissions of the other Party.

9. **WAIVER OF JURY TRIAL**  
NOTWITHSTANDING THE PARTIES' AGREEMENT AS TO THE NON-BINDING NATURE OF THIS MOU, TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS MOU. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST THE CONSOLIDATION OF, ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS SECTION WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS MOU.
10. **GOVERNING LAW**  
This MOU shall be governed by, construed and interpreted in accordance with the laws of the State of Idaho.
11. **MULTIPLE COUNTERPARTS**  
This MOU may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.
12. **NO ASSIGNMENT**  
No right, benefit, liability, or obligation under this MOU may be transferred or assigned to any third party.
13. **SIGNATURE**  
The Parties have caused this MOU to be executed as of the date both Parties have signed this MOU.

BLOCK UNITED, LLC

IDAHO FALLS POWER

By: \_\_\_\_\_

By: \_\_\_\_\_

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

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

(Print/Type)

(Print/Type)

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

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

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

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